



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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Business Paper

EXTRAORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

4:00PM, THURSDAY 21 SEPTEMBER, 2017

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The Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

Dear Councillors,

NOTICE OF MEETING

An Extraordinary Meeting of the Council will be held in the Council Chambers, Gundagai on:

Thursday, 21st September, 2017 at 4:00pm.

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

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4 COUNCILLOR OATH/AFFIRMATION OF OFFICE

Under Section 233A of the Local Government Act, 1993, Councillors must take an oath of office or make an affirmation of office at or before the first meeting of the Council after the election. Accordingly the oath/affirmation of office of the newly elected councillors is to be conducted at this meeting. The wording of the oath and affirmation are as follows:

Oath:

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cootamundra-Gundagai Region and the Cootamundra-Gundagai Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation:

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Cootamundra-Gundagai Region and the Cootamundra-Gundagai Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

5 GENERAL MANAGER'S REPORT

5.1.1 ELECTION OF MAYOR FOR THE 2017/19 TERM

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Nil
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	The election of a Mayor is required by Section 290 of the Local Government Act, 1993 with the election of the Mayor to be conducted in accordance with Schedule 7 of the Local Government (General) Regulation, 2005
POLICY IMPLICATIONS	There are no Policy implications associated with this report

RECOMMENDATION

- 1) Council determine the method of electing the Mayor with it being noted that in accordance with Schedule 7, of the Local Government (General) Regulation 2005, the method must be either:
 - (i) Preferential Ballot, or
 - (ii) Ordinary Ballot, or
 - (iii) Open Voting.
- 2) The election of the Mayor for the 2017/19 term proceed.
- 3) Council determine whether to elect a Deputy Mayor and. If so. What the tem will be ie one year or two years.

Introduction

Subsequent to the inaugural election of Councillors to Cootamundra-Gundagai Regional Council, the election of a Councillor to the office of Mayor for the 2017/19 term is required.

Discussion

1. Nomination papers for the election of Mayor for the 2017/19 term have been circulated to all Councillors.
2. In accordance with Clause 1 of Schedule 7, of the Local Government (General)

Regulation, 2005, the General Manager is the Returning Officer.

3. Nominations will be accepted by the Returning Officer, until the time the matter is before this Extraordinary Council Meeting and the Returning Officer declares nominations to have closed.
4. The election is to be conducted in accordance with the Local Government (General) Regulation 2005 (Clause 394 and Schedule 7). Clause 394 and Part 1 of Schedule 7 are reproduced below:

Clause 394

If a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7.

Schedule 7 Part 1

Returning Officer

- 1.** *The General Manager (or a person appointed by the General Manager) is the returning officer.*

Nomination

2.
 - 1) *A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
 - 2) *The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
 - 3) *The nomination is to be delivered or sent to the returning officer.*
 - 4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

Election

3.
 - 1) *If only one Councillor is nominated, that Councillor is elected.*
 - 2) *If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
 - 3) *The election is to be held at the Council meeting at which the Council resolves on the method of voting.*
 - 4) *In this clause:*
 - *ballot has its normal meaning of secret ballot;*
 - *open voting means voting by a show of hands or similar means.*

5.1.2 ELECTION OF THE DEPUTY MAYOR

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Nil
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	The election of a Deputy Mayor may be conducted pursuant to Section 231 of the Local Government Act, 1993. Such election is conducted in accordance with Schedule 7 of the Local Government (General) Regulation, 2005.
POLICY IMPLICATIONS	There are no Policy implications associated with this report

RECOMMENDATION

- 1) Council determine whether the Deputy Mayor is to be elected for a 1 or 2 year term and the method of electing the Deputy Mayor with it being noted that in accordance with Schedule 7 of the Local Government (General) Regulation 2005, the method must be either:
 - I. Preferential Ballot, or**
 - II. Ordinary Ballot, or**
 - III. Open Voting.****
- 2) The election of the Deputy Mayor for the 2017/18 or 2017/19 term proceed.**

Introduction

1. Section 231 of the Local Government Act, 1993, provides that Councillors may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor for the Mayoral term or a shorter term.
2. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Discussion

3. The provisions of the Local Government (General) Regulation 2005, Clause 394 and Schedule 7, apply to the election of the Deputy Mayor in the same manner as they apply to the election of the Mayor.

4. Nomination papers for the election of Deputy Mayor for the 2017/18 or 2017/19 term have been circulated to all Councillors.
5. In accordance with Clause 1 of Schedule 7 of the Local Government (General) Regulation 2005, the General Manager is the Returning Officer.
6. Nominations will be accepted by the Returning Officer, until the time the matter is before this Extraordinary Council meeting and the Returning Officer declares nominations to have closed.



5.1.3 DRAFT CODE OF MEETING PRACTICE

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Draft Code of Meeting Practice
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Adoption of the Code associated with this report will ensure compliance with the Local Government Act, 1993 and the Local Government (General) Regulation, 2005
POLICY IMPLICATIONS	Adoption of the Code associated with this report will provide Council with the required Policy.

RECOMMENDATION

- 1. The draft Code of Meeting Practice attached to the report be notified and exhibited in accordance with s361 of the Local Government Act, 1993.**
- 2. The draft Code and any submissions received in response to the exhibition be considered at a future Council Meeting.**
- 3. In the absence of any applicable Code of Meeting Practice, the draft Code attached to the report be applied to Council Meetings until such time as a new Code is formally adopted.**

Introduction

In conjunction with the proclamation of Cootamundra-Gundagai Regional Council, the Code of Meeting Practice of the former Cootamundra Shire Council was prescribed as the new Council's Code of Meeting Practice.

At its meeting on 15 August 2016, following public exhibition, Council adopted a subsequent Code of Meeting Practice. This Code was based on the existing Code, but modified to remove references to the Mayor and Councillors and to incorporate the role of the Administrator.

In view of the term of the Administrator concluding upon the election of 9 September 2017, a new Code of Meeting Practice is required.

Discussion

A new Code of Meeting Practice has been drafted and attached for the review of Council. This draft Code includes all of the relevant provisions of the Local Government Act 1993 and Regulation. It also incorporates key provisions of the existing Code and best practice elements highlighted by the Office of Local Government.

In order to adopt this new Draft Code of Meeting Practice it is necessary to comply with s.361 of the Local Government Act 1993, as follows:

361 Preparation, public notice and exhibition of draft code

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

Following review by Council, it is proposed that public notification and exhibition of the draft Plan occur in accordance with the legislation. The draft Code, and details of any submissions, would then be listed for consideration at a Council Meeting later in 2017.

In the interim, and in the absence of an applicable Code of Meeting Practice, it is also proposed that the draft Code of Meeting Practice be applied to meetings of Council (and Committees) until such time as the new Code is formally adopted by Council.



**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

Draft Code of Meeting Practice



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COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL CODE OF MEETING PRACTICE

PART 1 – PRELIMINARY

1.1 Citation

This Code has been developed in accordance with the Local Government Act, 1993 and the Local Government (General) Regulation 2005 and may be cited as the Code of Meeting Practice. Where there is any inconsistency between the Code and the Regulation or Act, the Regulation or Act prevails.

This Code governs the conduct of meetings of Council and its Committees.

1.2 Definitions

In this Code:

Administrator: means an administrator of a Council appointed under the Local Government Act 1993 other than an administrator appointed under section 66

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

Note: An amendment is an endeavour to change a motion by a Councillor who is not content to vote for or against it in the form in which it was originally moved. It must be relevant to the motion. The amendment may propose that some words be omitted from the original motion or that some words be added but it must not contradict the original motion. It would be unacceptable that the word "not" be inserted or omitted.

Chairperson:

- (a) in relation to a meeting of a Council — means the person presiding at the meeting as provided by section 369 of the Act or the Administrator; and
- (b) in relation to a meeting of a Committee of a Council — means the person presiding at the meeting as provided by clause 267 of the Regulation;

Committee: in relation to a Council, means a Committee established under clause 260 of the Regulation or the Council when it has resolved itself into a Committee of the Whole;

Council: means Cootamundra-Gundagai Regional Council and where there is an Administrator, the Administrator;

Councillor: means a person elected to civic office and includes the Mayor.

Deputy Mayor: means the Deputy Mayor of Cootamundra-Gundagai Regional Council.

Note: Under section 231 (3) of the Act the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Employee: means an employee of Cootamundra-Gundagai Regional Council.

General Manager: means the General Manager of Cootamundra-Gundagai Regional Council or, in the absence of that person, the employee designated to act for the General Manager of Cootamundra-Gundagai Regional Council.

Mayor: means the Mayor of Cootamundra-Gundagai Regional Council

Motion: means a proposed resolution before it is adopted (ie passed or carried) by voting of the meeting.

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 a Council or of a Committee of a Council;

Resolution: means a formal determination of a motion at a meeting. A resolution is made by a decision of Council.

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

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

- a. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner;
- b. the spouse or de facto partner of the person or of a person referred to in paragraph (a). [LGA Act Dictionary]

Tabled: means a document or material physically presented to a meeting for it to be added to the records of the Council and for it to be accessible to the Councillors, press and public.

The Act: means the Local Government Act 1993.

"The Code" or "This Code" means the Code of Meeting Practice of Cootamundra-Gundagai Regional Council.

1.3 Notes in the Text

Notes in the text of the Code of Meeting Practice are explanatory notes and do not form part of the Code. They are provided to assist understanding.

PART 2 – BEFORE THE MEETING

2.1 Frequency of Meetings of the Council

1. The Council is required to meet at least 10 times each year, each time in a different month. [S.365]
2. The Council shall, generally, meet at (time) on the (day/week) of each month, alternating between the Stephen Ward Rooms (adjacent to the Cootamundra Library), Wallendoon Street, Cootamundra and the Council Chambers, Sheridan Street, Gundagai, subject to the following:
 - i. In each month in which there are five (days), the Council meeting shall be held on the (week) of that month
 - ii. Where a Council meeting falls on a (day) that is a public holiday, the Council meeting shall be held on the (day) following that day or on a date formally agreed to by Council.
3. If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. [S.366]
4. The Mayor may also call an Extraordinary Meeting on his/her own determination in an emergency.
5. The General Manager may call an Extraordinary Meeting for any specific purpose.

2.2 Notice of Meetings

Notice to Councillors

1. The General Manager of the Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
2. Notice of less than 3 days may be given of an Extraordinary Meeting called in an emergency.
3. A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and the business paper in that form. [S.367]

Notice to the Public

4. A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
 - (a) A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
 - (b) The notice must specify the time and place of the meeting.
 - (c) Notice of more than one meeting may be given in the same notice.
 - (d) This clause does not apply to an Extraordinary Meeting of the Council or Committee.
 - (e) Public notice must be given of the time and place of Extraordinary Council and Committee meetings, but this does not have to be by publication in a local newspaper [S.9, Clause 232]. Public notice of an Extraordinary Meeting is to be given on Council's website

2.3 Agendas and Business Papers for Council Meetings

1. The General Manager must ensure that the agenda for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - (b) if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson — any matter or topic that the Chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
 - (c) subject to Subclause (2), any other business of which due notice has been given.
2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
3. The General Manager must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
4. The General Manager must ensure that the details of any item of business to which Section 9 (2A) of the Act applies (matters likely to be considered in closed session) are included in a business paper for the meeting concerned.
5. Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulation (Clause 3.9 of this Code) [Clause 240].

2.4 Agenda and Business Paper for Extraordinary Meeting

1. The General Manager must ensure that the business paper for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.
2. Despite subclause (1), business may be transacted at an Extraordinary Meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

3. Despite clause 250 of the Regulation (Clause 3.10 of this Code), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. [Clause 242]

2.5 Order of Business

1. At a meeting of Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulation) as fixed by this Code of Meeting Practice.
2. The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

3. Despite clause 250 of the Regulation [Clause 3.10 of this Code], only the mover of a motion referred to in subclause (2) may speak to the motion before it is put. [Clause 239]
4. The Order of Business for meetings of the Council shall be:
 - i. Acknowledgement of Country
 - ii. Apologies
 - iii. Disclosures of Interest
 - iv. Adjourn for Open Forum (refer Clause 3.8 for Open Forum Guidelines)
 - v. Confirmation of Minutes of Previous Meeting(s)
 - vi. Mayoral Minute
 - vii. Reports from Committees
 - viii. General Manager's Report
 - ix. Motions of which Notice has been Given
 - x. Consideration of Business in Closed Session (Confidential Matters)

2.6 Notices of Motion

1. Any Councillor may give notice of any motion for consideration by the Council by providing the proposed motion in writing to the General Manager by 3pm on the Tuesday immediately preceding the meeting.
2. When a Councillor gives notice that they intend to move a motion, they may ask that a short precis of their argument be included for publication in the business paper to give Councillors and the public some background to the argument prior to the debate occurring.

2.7 Public Access to Agendas and Business Papers

1. Council and each Committee of which all members are Councillors must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
2. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of clause (1) with respect to the availability of business papers do not apply to the business papers for that item of business.
3. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
4. The copies are to be available free of charge.
5. A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form. [S.9]

PART 3 – AT THE MEETING

3.1 Who is Entitled to Attend Meetings?

1. Except as provided by this Part (Chapter 4, Part 1 of the Act):
 - (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) 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 Committee if expelled from the meeting. [S.10]

3.2 Attendance of General Manager at Meetings

1. The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
2. The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
3. However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. [S.376]

3.3 Mode of Address

1. Councillors shall, at all times, address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.
2. A Councillor shall address all remarks or questions, either through or to the Chairperson.

3.4 Chairperson of Council Meetings

1. The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.
2. If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
3. If no Chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting. [S.369]
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 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]

3.5 Chairperson to Have Precedence

1. When the Chairperson rises (or speaks) during a meeting of the Council:
 - (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption. [Clause 237]

3.6 Chairperson's Duty with Respect to Motions

1. It is the duty of the Chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected. [Clause 238]

3.7 Giving Notice of Business

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 within such time before the meeting as is fixed by the Council's Code of Meeting Practice; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act. In the event of an Extraordinary Meeting, notice of less than 3 days may be given. [S367, Clause 241]
2. Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the Council; or
 - (b) is the election of a Chairperson to preside at the meeting as provided by clause 236(1) of the Regulation (Clause 3.4 of this Code); or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 243 of the Regulation (Clause 3.9 of this Code); or
 - (d) is a motion for the adoption of recommendations of a Committee of the Council.

3. Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice.
4. Despite Clause 250 of the Regulation (Clause 3.10 of this Code), only the mover of a motion referred to in subclause (3) can speak to the motion before it is put. [Clause 241]

3.8 Open Forum

1. Open forums shall be held under the following guidelines:
 - i. Open Forums shall be held at each ordinary Council meeting.
 - ii. Members of the public are invited to address Council on any local government issue.
 - iii. Persons interested in addressing Council are to be in the meeting room 15 minutes prior to the commencement of the meeting and must convey to the General Manager their wish to address Council, and on what particular issue.
 - iv. Addresses are to be a maximum of 3 minutes in length with the total time allowed for the open forum session being 30 minutes.
 - v. Should there be more than 1 person wishing to address Council on an issue, then those persons are to nominate 1 person to represent the group.
 - vi. The Chairperson may ask staff to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required.
 - vii. No motions or resolutions are to be moved during open forum time.
 - viii. The Chairperson only shall respond, however staff may be requested by the Chairperson to respond on his/her behalf.
 - ix. No written material is to be submitted during the open forum session.

3.9 Mayoral Reports

1. If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's 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 the Council, a resolution of the Council. [Clause 243]
4. Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision. [OLG Meetings Practice Note 2.7.1]

3.10 Limitation as to Number of Speeches

1. A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
3. A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding
4. Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
5. The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (5). 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. [Clause 250]

3.11 Questions may be put to Councillors and Council Employees

1. A Councillor:
 - (a) may, through the Chairperson, put a question to another Councillor; and
 - (b) may, through (the 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.
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. [Clause 249]

3.12 Voting at Council Meetings

1. Each Councillor is entitled to one vote.

2. However, the Chairperson presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. [S.370]
3. A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
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:
 - (a) in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - (b) 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. When a planning decision is determined by Council, the Chairperson must ensure that the Planning Decision Voting Record 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 and the Planning Decision Voting Record Register.
8. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot. [Clause 251]

3.13 Recommittal for Discussion

1. If one or more Councillors wish to re-consider a resolution passed earlier in the meeting, the Chairperson may recommit the matter for further discussion for a fixed period.
2. If, after discussion, the original resolution is no longer supported then a Notice of Motion must be put to either rescind, replace or alter it.

3.14 Length of Meeting

1. Meetings of the Council, or a Committee of the Council, shall not continue beyond 11:00 p.m. without the approval of the majority of Councillors present. A new time limit must be established before taking a vote to extend the meeting.

3.15 Webcasting of Meetings

1. The proceedings, including all debate, of all ordinary and extraordinary meetings held in the council chamber excluding those parts of the meeting which are held in confidential session or those parts of the meeting closed to the public as provided by section 10(A) of the Local Government Act 1993, shall be recorded and webcast. Council is not responsible for defamatory statements made by members of the public at a Council or Committee meeting, whether published by the Council or not.
2. Reproductions of these proceedings shall be available via Council's website up until confirmation of the minutes at a subsequent meeting.

3. Written transcriptions of such proceedings shall not be made available.

3.16 Recording of Meeting of the Council Prohibited without Permission

1. A person may use a tape recorder to record the proceedings of a meeting of a Council or a Committee of a Council only with the authority of the Council or Committee.
2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
4. In this clause, tape recorder includes a video camera and any electronic device* capable of recording speech, whether a magnetic tape is used to record or not. [Clause 273]

* Note. The phrase "electronic device" in this Clause also includes audio, video and still camera equipment or mobile phone.

3.17 Petitions and Correspondence may be Presented to the Council

1. A Councillor may present a petition and/or correspondence to a Council or Committee Meeting.
2. The Chairperson must not permit discussion on the petition or correspondence, unless it relates to an item on the business paper.
3. Any correspondence or other documentation proposed to be tabled by a member of the public must be presented to the Chairperson who is to be responsible for deciding whether the material is to be distributed at the meeting.

3.18 Report of a Departmental Representative to be Tabled at Council Meeting

1. When a report of a Departmental representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:
 - (a) is tabled at that meeting; and
 - (b) is subsequently available for the information of Councillors and members of the public at all reasonable times. [Clause 244]

PART 4 - CONFLICTS OF INTEREST

4.1 Pecuniary Interest

1. For the purposes of this Part (Chapter 14 of the Act), a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
2. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448. [S.442]

4.2 Non-Pecuniary Interest

1. Non-pecuniary interests are private or personal interests a Councillor has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
2. Non-pecuniary conflicts of interests must be disclosed and managed in accordance with the relevant provisions of this Code.
3. Where a non-pecuniary interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillor to be:
 - (a) significant, the Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
 - (b) less than significant and not requiring further action, the Councillor should provide an explanation of why he/ she believes the conflict requires no further action in the circumstances. The Councillor is therefore not required to leave the meeting and may participate in discussions and voting on the item.

4.3 Political Donations

1. If a Councillor or a Councillor's official agent has received political contributions or donations within the meaning of the Election Funding Act (1981) which directly benefit their campaign from a political or campaign donor or related entity in the previous four years and where the political or campaign donor or related entity has a matter before Council; must disclose the interest accordingly (refer Clauses 4.20 – 4.24 of the Code of Conduct and Election Funding Act 1981 s86).

4.4 Persons Who Have a Pecuniary Interest

1. For the purposes of this Part (Chapter 14 of the Act), a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person; or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body which the person, or a nominee, partner or employer of the person, is a member.
2. However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1)(b) or (c):

- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
 - (b) just because the person is a member of, or is employed by, a Council or a statutory body or is employed by the Crown; or
 - (c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body. [S.443]
3. It is the responsibility of each individual to determine whether or not he or she has a pecuniary interest and if necessary to obtain legal advice. It is not the role of the Chairperson or the General Manager to rule on any question of pecuniary interest.

4.5 Interests that Do Not Have to be Disclosed

1. The following interests do not have to be disclosed for the purposes of this Part (Chapter 14 of the Act):
- (a) an interest as an elector,
 - (b) an interest as a ratepayer or a person liable to pay a charge,
 - (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
 - (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
 - (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee
 - (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - i. land in which the person or a person, company or body referred to in Section 443(1)(b) or (c) with whom the person is associated has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option, or contract, or otherwise), or
 - ii. land adjoining, adjacent to, or in proximity to land referred to in subparagraph (i), if the person or the person's company or body referred to in Section 443(1)(b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
 - (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
 - (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership,
 - (j) an interest of a person arising from the making by the Council of a contract or agreement

with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- i) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation,
 - ii) security for damage to footpaths or roads,
 - iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract,
- (k) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee,
- (p) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate. (S.448)

4.6 Disclosure and Presence in Meetings

1. A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
2. The Councillor or member must not be present at, or in the sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
3. For the removal of doubt, a Councillor or a member of a Council Committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or member has an interest in the matter of a kind referred to in section 448.
4. Subsections (1) and (2) do not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:
 - (a) the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant part of the Council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and
 - (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's

principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and

- (c) the Councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.
5. The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and must:
 - (a) be in the form prescribed by the regulations, and
 - (b) contain the information required by the regulations. [S.451]
 6. A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. [S.457]
 7. Section 458 of the Act provides that the Minister may, in certain circumstances allow a Councillor or a member of a Council Committee who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter.
 8. Disclosures made at the meeting should be stated and acted upon as follows:

Disclosure	What to say	Action to take
Pecuniary Interest	I declare a pecuniary interest in Item XX, due to (detail reason of the conflict)	<i>Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter (section 451) Code of Meeting Practice Cl 3.5(2)</i>
Significant, non-pecuniary interest	I declare a significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict)	<i>Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter Code of Meeting Practice Cl 3.2(3)(a)</i>
Less than significant non-pecuniary interest	I declare a less than significant, non-pecuniary interest in Item XX due to (detail reason of the conflict and explanation of why the conflict requires no further action)	<i>No action needed, Councillor can remain at the meeting, partake in discussions and vote on the matter. Code of Meeting Practice Cl 3.2(3)(b)</i>

4.7 Disclosures to be Recorded

1. A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting. [S.453]

4.8 General Disclosures

1. A General notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:
 - (a) a member, or in the employment, of a specified company or other body; or
 - (b) a partner, or in the employment, of a specified person,

is, unless, and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.[S454]

4.9 Disclosure by Adviser

1. A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
2. The person is not required to disclose the person's interest as an adviser. (S.456)

PART 5 – QUORUM AND ATTENDANCE

5.1 Presence at Council Meetings

1. A Councillor cannot participate in a meeting of a Council unless personally present at the meeting. [Clause 235]

5.2 Quorum

1. The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. [S.368]
2. Where apologies have been received for a majority of Councillors, the meeting will immediately be adjourned to a date and time to be specified by the Chairperson.
3. 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.
4. 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.
5. 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. [Clause 233]

PART 6 – MOTIONS AND AMENDMENTS

6.1 Notice of Motion - Absence of Mover

1. In the absence of a Councillor who has placed a Notice of Motion on the business paper for a meeting of a Council:
 - (a) any other Councillor may move the motion at the meeting; or
 - (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered. [Clause 245]

6.2 Motions to be Seconded

1. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5) of the Regulation (Clauses 3.9 and 3.10 of this Code respectively) [Clause 246]
2. Providing there is no objection from any Councillor present, any motion may be put to the vote without discussion or debate.

6.3 How Subsequent Amendments may be Moved

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. [Clause 247]
2. If, during discussion, one motion and one amendment are already before the Council, any further amendments can only be foreshadowed and cannot be considered by the Council until the amendment before the Council has been determined.
3. When the vote on the amendment has been taken, debate is resumed on the motion either in the original form (if the amendment was rejected) or in the amended form (if the amendment was carried).

6.4 Procedural Motions

1. A procedural motion is a motion that refers to the conduct of a meeting and has precedence over substantive motions.
2. In general, a procedural motion requires a seconder and there is no debate on the item, unless specified in this Code.
3. Examples of procedural motions under the Act and Regulation are shown on the following table:-

Motion	Moved without Notice	Requires Secunder	Speakers/ Debate Permitted	Right of Reply
(i) Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii) Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No
(iii) Dissent from Chairperson's ruling on Point of Order	Yes	Yes	Mover & Chairperson only may speak.	No

(iv) Adjournment of Meeting	Yes	Yes	No debate permitted	No
(v) Limitation to number of speakers (questions be now put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
(vi) Deferment of a Matter	Yes	Yes	Yes	Yes

6.5 Motions of Adjournment

1. Debate shall not be permitted on any motion of adjournment of a meeting of the Council.
2. If a motion for adjournment is lost, 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 lost.
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.
4. If the meeting is adjourned to another day any decisions of Council prior to the adjournment of the meeting are to be acted upon by Council officers. The outstanding matters are to be resubmitted to the adjourned meeting for determination. Any new business brought to an adjourned meeting is not to be considered until the matters from the adjourned meeting are dealt with.

PART 7 – RESCISSION MOTIONS

7.1 Rescinding or Altering Resolutions

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 of the Act and this Code.
2. If it is proposed to move a further motion in the event that a rescission motion is carried the required notice also should be given of the proposed further motion.
3. If Notice of Motion to rescind a resolution is given:
 - (a) 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; or
 - (b) at any time after the close of the meeting at which the resolution is carried, no further action to carry the resolution into effect is to be taken after receipt of the notice of motion to rescind until that motion of rescission has been dealt with.
4. If the resolution has already been put into effect, the Rescission Motion must be rejected by the General Manager, unless it is a resolution capable of rescission. Where a notice of rescission is rejected by the General Manager, this will be reported to the next Council meeting.
5. If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
6. A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
7. 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 subsection may not be evaded by substituting a motion differently worded, but in principle the same.
8. A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the Council. [S.372]
9. The provisions of this section concerning negated motions do not apply to motions of adjournment.
10. A Notice of Motion to alter or rescind a resolution can be dealt with at the meeting at which it was received but only in accordance with clause 3.7 of this Code.

Note:

The existing resolution should first be formally rescinded. If, however, due to the passage of time or other reason, an inconsistent resolution is passed, the original resolution becomes void to the extent of the inconsistency. This is called rescission by implication or rescission by inference.

Section 372 of the Local Government Act contains two time restrictions on the lodging of rescission motions. The first, in Section 372(1), requires notice of a rescission motion to be duly given in accordance with the Council's Code of Meeting Practice. The Second restriction, in Section 372(5), prohibits a similar motion being brought forward within three months after a rescission motion has been negated.

In regard to the rescission of building and development approvals, there are provisions in both the Local Government Act and the Environmental Planning and Assessment Act to indicate that approvals have effect from the date of the written notification. It would be possible for a Council to rescind a resolution giving an approval if the applicant for the approval has not been formally advised of the approval. Once the applicant has been formally advised, the appropriate action (instead of rescission) would be to consider revocation or modification of the approval. If this occurs, there may be an entitlement to compensation from the Council.

A motion to recommit an agenda item previously considered during a Council or Committee meeting will not require a rescission motion.

PART 8 – CLOSED MEETINGS

8.1 Which Parts of a Meeting can be Closed to the Public?

1. A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
2. The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than Councillors);
 - (b) the personal hardship of any resident or ratepayer;
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) Alleged contraventions of any code of conduct requirements applicable under section 440.
3. A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
4. A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. [S.10A]

8.2 Further Limitations to Closure of Parts of Meetings

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

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

Note: The provisions of sections 10A and 10B of the Act are summarised as follows.

Matter - Section 10A	Restrictions - Section 10B
(2)(a) personnel matters concerning particular individuals	
(2)(b) personal hardship of any resident or ratepayer	
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(d) commercial information of a confidential nature that would, if disclosed: <ul style="list-style-type: none"> (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 	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets)
(2)(e) information that would, if disclosed, prejudice the maintenance of law	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(f) matters affecting the security of the Council, Councillors, Council staff or Council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (2) advice must concern legal matters that: <ul style="list-style-type: none"> (a) are substantial issues relating to a matter in which the Council is involved

Matter - Section 10A	Restrictions - Section 10B
	(b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(3) so much of its meeting as comprises a motion to close another part of the meeting	(3) must not include any consideration of the matter or information to be discussed

8.3 Grounds for Closing Part of a Meeting to be Specified

1. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
2. The grounds must specify the following:
 - (a) the relevant provision of section 10A(2) of the Act
 - (b) the matter that is to be discussed during the closed part of the meeting
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. [S.10D]

8.4 Notice of Likelihood of Closure Not Required in Urgent Cases

1. Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2) of the Act, and
 - (b) the Council or Committee, after considering any representations made under section 10A(4) of the Act, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public. [S.10C]

8.5 Representations by Members of the Public – Closure of Part of Meeting

1. A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. [Clause 252]
2. The fixed period shall be the period between when the "closure motion" is moved and seconded and when the Chairperson declares the result of the voting on the motion.

8.6 Resolutions Passed at Closed Meetings to be Made Public

1. 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]

PART 9 – ORDER AT MEETINGS

9.1 Acts of Disorder

1. A Councillor or member of the public commits an act of disorder if, at a meeting of a Council or a Committee of a Council, he or she:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another 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 person, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
2. The Chairperson may require a person:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
3. A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned. [Clause 256]
4. A Councillor expelled from a meeting in accordance with Clause 256(3) of the Regulation shall leave the Chamber for the duration of the meeting.
5. The expulsion of a Councillor shall be recorded in the minutes of the meeting.

Note. The Chairperson may issue warnings to Councillors and the Public for Acts of Disorder. The Chairperson may warn any Councillor who:

- (a) interrupts a speaker except upon a point of order;
- (b) interrupts the Chairperson except on a point of dissent;
- (c) refuses to accept a ruling from the Chairperson.

These warnings will be recorded in the Minutes of the meeting. Any Councillor who is warned by the Chairperson three times in one meeting for disorder and fails to apologise for the disorder if requested to by the Chairperson may be expelled from the meeting for the evening by resolution of Council in accordance with clauses 255 and 256 of the Regulation.

9.2 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, by raising a 'point of order'.
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. Any ruling of the Chairperson on a point of order will be recorded in the minutes of the meeting.

9.3 How Disorder at a Meeting may be Dealt With

1. If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting. [Clause 257]

9.4 Power to Remove Persons from Meeting After Expulsion Resolution

1. 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]

9.5 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 carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.
3. Despite Clause 250, (Clause 3.10 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. [Clause 248]

PART 10 – COUNCIL COMMITTEES

10.1 Committee of the Whole

1. The Council may resolve itself into a Committee to consider any matter before the Council. [S.373]
2. All the provisions of this Code and Regulation relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions:
 - (a) limiting the number and duration of speeches
 - (b) requiring Councillors to stand when speaking.
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 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 (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed. [Clause 259]

10.2 Council May Establish Committees

1. The Council may, by resolution, establish such Committees as it considers necessary.
2. The Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council
3. The quorum for a meeting of a Committee is to be:
 - (a) such number of members as the Council decides, or
 - (b) if the Council has not decided a number — a majority of the members of the Committee. [Clause 260]

10.3 Functions of Committees

1. The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions. [Clause 261]

10.4 Notice of Committee Meetings to be Given

1. The General Manager of the Council must send to each Councillor, at least 3 days before each meeting of the Committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
2. However, notice of less than 3 days may be given of a Committee meeting called in an emergency. [Clause 262]

10.5 Non-Members Entitled to Attend Committee Meetings

1. A Councillor who is not a member of a Committee of a Council is entitled to attend, and to speak at, a meeting of the Committee.
2. However, the Councillor is not entitled:
 - (a) to give notice of business for inclusion in the business paper for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting. [Clause 263]
 - (d) to take points of Order

10.6 Committee Members other than Councillors

Reference to 'Councillors' in this part is deemed to include members of a Committee who are not Councillors.

10.7 Representations by Members of the Public – Closure of Part of Committee Meeting

1. A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. [Clause 252]
2. The fixed period shall be the period between when the "closure motion" is moved and seconded and when the Chairperson declares the result of the voting on the motion

10.8 Procedure in Committees

1. Subject to subclause (3), each Committee of a Council may regulate its own procedure.
2. Without limiting subclause (1), a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.
3. Voting at a Committee is to be by open means (such as on the voices or by show of hands). [Clause 265]
4. In the absence of specific procedures for any Committee being adopted, the general provisions of this Code apply to meetings of the Committee.

10.9 Committee Interviews

1. Any person with an interest in a matter before a Committee will be given the opportunity to make a presentation to the Committee.
2. All requests should be referred to the Committee Secretary who will liaise with the Chairperson and the applicant and make the necessary arrangements prior to the meeting.
3. The Chairperson will allow opposing views on the same issue to be put to the Committee without interruption.
4. As far as possible individuals with the same view should be encouraged to appoint a spokesperson to speak on their behalf.
5. All presenters are expected to answer questions put to them by Committee Members and the

Chairperson will not permit parties with opposing views to question each other.

10.10 Committees to Keep Minutes

1. Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes.
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost
2. Where a motion has been carried on the casting vote of the Chairperson, the Minutes will indicate accordingly.
3. 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. [Clause 266]

10.11 Chairperson and Deputy Chairperson of Committees

1. The Chairperson of each Committee of the Council, must be:
 - (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of a Committee — a member of the Committee elected by the Council; or
 - (c) if the Council does not elect such a member — a member of the Committee elected by the Committee.
2. A Council may elect a member of a Committee of the Council as deputy Chairperson of the Committee. If the Council does not elect a deputy Chairperson of such a Committee, the Committee may elect a deputy Chairperson.
3. If neither the Chairperson nor the deputy Chairperson of a Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.
4. The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting. [Clause 267]

10.12 Absence from Committee Meetings

1. A member (other than the Mayor) ceases to be a member of a Committee if the member:
 - (a) has been absent from 3 consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
 - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

2. Subclause (1) does not apply if all of the members of the Council are members of the Committee. [Clause 268]

Note: The expression year means the period beginning 1 July and ending the following 30 June.

10.13 Reports of Committees

1. Reports are to be kept and presented to Council for all meetings of Committees. Divisions are not recorded (in Committee reports other than for items relating to development matters and Committees of the Whole) but Councillors may request that their names be recorded as opposing the motion. See also clause 3.12 for recording of other divisions.
2. If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
3. The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
4. If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson 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]

10.14 Disorder in Committee Meetings

1. The provisions of the Act and of the Regulation relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council. [Clause 270]

10.15 Certain Persons May Be Expelled from Council Committee Meetings

1. If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 10(A) of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
2. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place. [Clause 271]

PART 11 – AFTER THE MEETING

11.1 Decisions of the Council

1. 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.

11.2 Public Access to Correspondence and Reports

1. A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled 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 tabled at, or submitted to, the meeting,when the meeting was closed to the public.
3. This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2) of the Act are to be treated as confidential. [S.11]

11.3 Certain Circumstances Do Not Invalidate Council Decisions

1. Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:
 - (a) a vacancy in a civic office; or
 - (b) a failure to give notice of the meeting to any Councillor or Committee Member; or
 - (c) any defect in the election or appointment of a Councillor or Committee Member; or
 - (d) a failure of a Councillor or a Committee Member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter at a Council or Committee meeting in accordance with Section 451; or
 - (e) a failure to comply with the Code of Meeting Practice. [S.374]

PART 12 – MINUTES

12.1 Minutes of the Meeting

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council and its Committees.
2. The minutes must, when they have been confirmed at a subsequent meeting of the Council or Committees of Council, be signed by the person presiding at the subsequent meeting. [S.375]
3. Recording full and accurate minutes of the proceedings of Council includes recording the mover and seconder of motions.

12.2 Confirmation of Minutes

1. The minutes of a meeting are “unconfirmed” until they are submitted for confirmation at a subsequent meeting. The minutes can be amended in terms of their accuracy by Council resolution at the meeting prior to their confirmation.

12.3 Inspection of the Minutes of a Council or Committee

1. An inspection of the minutes of a Council or Committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervisor 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]

Note: Government Information (Public Access) legislation and regulations confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

PART 13 – CODE OF MEETING PRACTICE

13.1 Amendment of this Code

1. This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Act.
2. Changes that are made to Act and Regulation will automatically be incorporated into this Code and such changes will not be advertised or reported to Council unless they are significant. Revised copies will be distributed to Councillors and placed on the website whenever changes are made.



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Draft CGRC Code of Meeting Practice September 2017

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5.1.4 DRAFT MEDIA POLICY

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Draft Media Policy
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report.
POLICY IMPLICATIONS	The draft policy is proposed as Council's inaugural Media Policy

RECOMMENDATION

The Media Policy attached to the report be adopted.

Introduction

It is a fundamental role of Council to keep the community well informed about its activities. Effective communication of Council's affairs through the various media channels is one of the key mechanisms available to achieve this obligation. In view of this role and related expectations, a draft Media Policy has been prepared for the consideration of Council.

Discussion

The objectives of the draft Media Policy are as follows:

- To ensure consistency by Councillors and staff in dealing with the media
- To promote open exchange of information between Council and the media
- To limit the publication of inaccurate information which promotes conflict or embarrassment for staff and Councillors
- To limit the possibility of miscommunication and reputation risk
- To promote positive media relationships
- To clearly indicate Council's authorised spokespersons
- To ensure appropriate authorisation and responsibility for information provided

The draft Policy details parameters regarding the range of dealings with the media specific to the roles and responsibilities of the Mayor, Councillors and staff at various levels. Adherence to these parameters is critical in ensuring the information provided to the media is both accurate and appropriate.

The draft Media Policy, designed to achieve these aims, is attached for the consideration of Council.



Draft Media Policy

Purpose

Cootamundra-Gundagai Regional Council is committed to keeping its local and wider community well informed about its activities. To achieve this outcome Council recognises that a good working relationship with the media is essential. This policy provides guidelines for effective communication of Council affairs to the community via the media.

Scope

This policy applies the Mayor, Councillors and staff of Cootamundra-Gundagai Regional Council. Reference to staff in this policy also includes Council delegates, volunteers, and contractors and service providers engaged by Council.

Policy Statement

Council's Media Policy seeks to:

- Ensure consistency by Councillors and staff in dealing with the media
- Promote open exchange of information between Council and the media
- Limit the publication of inaccurate information which promotes conflict or embarrassment for staff and Councillors
- Limit the possibility of miscommunication and reputation risk
- Promote positive media relationships
- Clearly indicate Council's authorised spokespersons
- Ensure appropriate authorisation and responsibility for information provided.

Procedures

Roles And Responsibilities

1. The Mayor and the General Manager are Council's official spokespersons on all matters.
2. The General Manager may nominate other staff to act as spokespeople for the Council.

3. The Mayor may nominate another Councillor to speak on a particular matter.
4. The Public Relations Officer is responsible for co-ordinating media liaison and issuing press releases and is authorised to respond to media enquiries on behalf of Council.
5. No staff member, other than those authorised by the General Manager are to handle an enquiry from the media without prior approval of the General Manager.
6. Information given to the media of a controversial, legal or ethical nature requires the prior approval of the General Manager and/or the Mayor.

Authorised Officer	Roles and Responsibilities
Mayor	Council's Official Spokesperson on all policy matters.
Deputy Mayor	Act as the Mayor's delegated spokesperson if the Mayor is not available.
Councillors	Speaks "for the Council" when delegated by the Mayor. Otherwise, may provide the media with comment, identifying that it is provided as their own personal opinion and not representing the official position of Council.
General Manager	To make statements on behalf of Council to the media. Council's Official Spokesperson on all policy, operations and administration issues.
Directors	To make statements on behalf of Council to the media provided there has been prior consultation with the General Manager and statements are made in conformity with any directions given by the General Manager.
Public Relations Officer	Responsible for coordinating responses and providing information to the media on behalf of Council. Responsible for distributing all written media comment to media organisations.
Staff	No media role unless requested by a Group Manager or General Manager to provide information or comment.

Note: Reference to staff in this policy also includes Council delegates, volunteers, and contractors and service providers engaged by Council.

Contact Between The Media, Council Administration And Staff

1. All media enquiries should be directed to the Public Relations Officer.
2. Council staff must not speak to the media about matters related to Council unless authorised to do so.
3. Council staff may not provide any comment or information to the media with the intention of contesting or undermining Council policy or portraying Council, Councillors or Council staff in a negative light.
4. Council staff may speak to the media or write Letters to the Editor as private individuals with the following restrictions:
 - a) They do not comment on Council business or policy;
 - b) They are not identified as Council staff;
 - c) Their comments are not perceived as representing official Council position or policy.

5. In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council staff should be issued via the relevant union.

6. When appropriate a member of Council staff may become the sole spokesperson on a specific issue, event or initiative within their operational portfolio, to ensure consistency of message.

7. Council staff should treat all media outlets equally and should avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.

8. When a media organisation or representative requests information on a specific topic, the response must be provided exclusively to that organisation or representative.

9. Council staff should avoid providing information “off the record” during media interviews. It is best to assume that everything said to any media representative may appear in a news story.

10. Contractors or service providers employed by Council must refer all media enquiries relating to Council to the Public Relations Officer.

Councillor Contact With The Media

1. Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council’s official position, but Councillors must carefully identify the role in which they speak or write.

2. Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, and not for Council, unless they are supporting a Council position.

3. When Councillors speak "for the Council" when delegated by the Mayor, they must express and support Council’s entire policy on the issue at hand.

Media Releases

1. Staff may prepare draft media releases but they must be forwarded to the Public Relations Officer for editing, formatting and distribution to ensure they maintain Council style and look.

2. Cootamundra-Gundagai Regional Council media releases should never be issued without the Public Relations Officer’s knowledge and the prior approval of the General Manager, the Mayor or delegated authority.

3. A media release should never be issued quoting a Councillor or member of staff without that person’s prior knowledge.

4. Staff with specialist knowledge may be quoted in media releases with the permission of the relevant delegated authority.

5. Media releases must be approved by the General Manager or the delegated authority before posting on the Council website.

6. All new staff are to be given Council’s Media Policy as a part of the induction process.

Legislative Framework

Related Legislation:

Local Government Act 1993

Review Period

This document is to be reviewed every three (3) years to ensure that it remains relevant and meets legislative requirements.



5.2 GOVERNANCE AND BUSINESS SYSTEMS

5.2.1 FEES FOR COUNCILLORS

REPORTING OFFICER	Kate Monaghan Director Corporate Services
ATTACHMENTS	May, 2017 Council Meeting excerpt follows this report.
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	The maximum Mayoral and Councillor fees have been allowed for in the Operational Plan.
LEGISLATIVE IMPLICATIONS	The statutory provisions contained in Division 5 of the Local Government Act, 1993 require the Council to fix the annual fee for the Councillors and for the Mayor in accordance with the determination of the Remuneration Tribunal. Section 249 (5) provides that: <i>A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee</i>
POLICY IMPLICATIONS	There are no policy implications

Introduction

At its meeting on 29th May, 2017 Council considered the attached report and resolved:

- 1. That Council adopt the Councillor annual fee of \$11,570; and the Mayoral (additional) annual fee of \$25,250.**
- 2. That the Deputy Mayor receive a pro-rata payment of the Mayor's additional fee for such time as the Deputy Mayor acts in the office of the Mayor, for a minimum of one week, with the amount of the fee being deducted from the Mayor's annual fee.**
- 3. That the new Council, when elected, may review the Councillor, Mayor and Deputy Mayor fees.**

Discussion

In accordance with Part 3 of the resolution of 29th May, 2017 above, the matter is resubmitted for consideration of the new Council.

RECOMMENDATION

The Councillor, Mayor and Deputy Mayor fees be reviewed.

REPORT FROM ORDINARY COUNCIL MEETING OF 29TH MAY, 2017

FEES FOR COUNCILLORS

Introduction

The Local Government Remuneration Tribunal has reviewed Councillor and Mayoral fees effective from 1 July 2017 and awarded an annual fee increase of 2.5%.

Council elections will be held in September 2017, and the Council is required to adopt a fee structure to remunerate the elected Councillors and Mayor.

Discussion

Pursuant to section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the maximum and minimum amount of fees to be paid to mayors and councillors for the period 1 July 2016 to 30 June 2016. The report of the Tribunal forms **TABLED DOCUMENT 8 MAY 2017 (pages 8-32)**. Cootamundra-Gundagai Regional Council has been included in the 'Rural' category.

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

The Tribunal is required to have regard to the Government's wages policy when determining the increase. The public sector wages policy currently provides a cap on increases of 2.5%. The Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Prince Index, and found that the full increase of 2.5% is warranted.

The Tribunal made a decision to adopt the above categorisation structure, including a definition for the *Rural* category, that applies to this Council.

Councils categorised as Rural will typically have a population below 20,000. Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre.*
- a limited range of services, facilities and employment opportunities compared to
Regional Rural councils.*
- local economies based on agricultural/resource industries.*

The Statutory Provisions contained in Division 5 of the *Local Government Act 1993* require the Council to fix the annual fee for the councillors and for the mayor in accordance with the determination of the Remuneration Tribunal. In addition, the Council may resolve a fee for the deputy mayor for such time as they act in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

The maximum Mayoral and Councillor fees have been allowed for in the Draft Operational Plan for the 2016-2017 financial year.

RECOMMENDATION

- 1. That Council adopt the Councillor annual fee of \$11,570; and the Mayoral (additional) annual fee of \$25,250.**
- 2. That the Deputy Mayor receive a pro-rata payment of the Mayor's additional fee for such time as the Deputy Mayor acts in the office of the Mayor, for a minimum of one week, with the amount of the fee being deducted from the Mayor's annual fee.**

5.2.2 COUNCILLOR TRAINING AND INDUCTION

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Circular to Council and Hit the Ground Running follow this report
To be included from July, 2018 following adoption of new CSP	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Nominal costs associated with the transportation of Councillors to the workshop at Gundagai
LEGISLATIVE IMPLICATIONS	There are no legislative implications for this report
POLICY IMPLICATIONS	There are no policy implications

Reason For Report

Councillors (both new and previous) are required to undertake training early in the term.

RECOMMENDATION

Council participate in the Hit the Ground Running Workshops scheduled in Gundagai on Wednesday, 1st November, 2017.

Introduction

The Office of Local Government is conducting Councillor Workshops titled 'Hit the Ground Running'. One of these workshops is being conducted at Gundagai on Wednesday, 1st November, 2017.

Discussion

Some preliminary exploration had been undertaken in regard to a private facilitator (Glen Inglis) undertaking an intensive training session for Councillors and staff in mid-October. It was suggested that it would be beneficial to conduct such a training exercise on a Saturday/Sunday basis whilst training.

The cost of such an exercise would be in the order of \$20,000.00, however, and, at the time of negotiating such an exercise it was not known the Office of Local Government was planning these workshops with one being held at Gundagai.



Circular Details	Circular No 17-26/ Date 14 September 2017 / A552177
Previous Circular	17-20
Who should read this	Councillors/General Managers
Contact	Development Team / 02 4428 4100 / oss@fitforthefuture.nsw.gov.au
Action required	Response to OLG

2017 “Hit the Ground Running” Councillor Workshops for councils with elections in September 2017 – promotional flyer and online registrations

What's new or changing

- A promotional flyer has been produced to provide information to general managers and councillors about the upcoming “Hit the Ground Running” councillor workshops.
- The promotional flyer is attached to this Circular.
- Online registrations opened on Monday 11 September 2017 for general managers to enrol themselves and their councillors to attend one of the workshops.

What this will mean for your council

General managers are asked to:

- widely promote the workshops and strongly encourage attendance, including by putting relevant workshop dates/locations in the council calendar, including an item on the agenda of a Council meeting and providing information about the workshops (using the promotional flyer);
- co-ordinate the registration of councillors to attend a workshop; and
- attend one of the workshops to ensure awareness of the latest information provided to councillors by the Office of Local Government (OLG).

Key points

- Being a councillor is an important role that carries with it significant responsibilities to the community. Councillors owe it to their communities to take personal responsibility for their learning and to equip themselves with the skills and knowledge necessary to perform their role effectively.
- On-line registrations for the workshops will be accessible through the *Fit for the Future* secure council portal. If you don't have a personal login, please apply for one [here](#).
- To ensure that councillors do not miss out, general managers are asked to co-ordinate and register attendance as early as possible using the *Fit for the Future* login details.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

Where to go for further information

- The promotional flyer is also available on the OLG's website: www.olg.nsw.gov.au.
- Any queries about the workshops can be directed to your Relationship Manager via the One Stop Shop email address: onestopshop@fitforthefuture.nsw.gov.au.

Tim Hurst
Acting Chief Executive

HIT THE GROUND RUNNING



Office of
Local Government

THE KEY WORKSHOP FOR
NEW AND RETURNING
COUNCILLORS



Extraordinary meeting of Cootamundra-Gundagai Regional Council
to be held on 21st September, 2017

Page 61

Being a councillor provides an exciting opportunity to make a difference in your local community

WITH THIS OPPORTUNITY COMES RESPONSIBILITY.

This workshop will help you understand your responsibilities as a councillor, so you can hit the ground running.

Being a councillor is an important role that carries with it significant responsibilities to the community. Councillors owe it to their community to take personal responsibility for their learning and to equip themselves with the skills and knowledge necessary to perform their role effectively.

Whether you're a new or returning councillor, the workshop will help you develop and update your skills and knowledge. New councillors will also benefit from the learnings shared by those with experience.

The workshops are free of charge. The cost of any travel or accommodation is the responsibility of attendees and their council.

WHY SHOULD I ATTEND?

- » Understand your roles and responsibilities, and council processes
- » Learn how to manage limited resources to achieve the best for your community
- » Meet other councillors and strengthen your networks
- » Update your knowledge and share your experiences with new councillors.

HOW CAN I BOOK?

The general manager at your council will coordinate workshop registrations. You simply need to advise the general manager which workshop you'd like to attend and whether you have any dietary requirements or special access needs.

Once your registration has been processed, you'll receive a confirmation email and further workshop details.

WHAT CAN I EXPECT ON THE DAY?

- » Presentations on must-know topics
- » Opportunities to ask questions
- » Interactive sessions where you can share experiences with, or learn from, other councillors
- » Networking opportunities with other councillors, OLG staff and general managers.

The workshops are free of charge.





These workshops are a valuable opportunity for councillors to build networks and share their experiences."

Tim Hurst,

Acting Chief Executive of the Office of Local Government

Workshop Schedule

LOCATION	DATE	VENUE
Shellharbour	Wed 11 October 2017	Shellharbour Council Chambers, Lamerton House Lamerton Crescent, Shellharbour
Queanbeyan	Thu 12 October 2017	Queanbeyan-Palerang Regional Council Chambers, 253 Crawford Street, Queanbeyan
Armidale	Tue 17 October 2017	Activities Room, Kent House 139 Faulkner Street, Armidale
Strathfield	Wed 18 October 2017	Ironbark Room, Strathfield Library 65-67 Rochester Street, Homebush
Thornton	Wed 18 October 2017	Training Room 1, Local Government Training Institute 4 Sandringham Avenue, Thornton
Sydney CBD 1	Thu 19 October 2017	Portside Room, The Portside Centre Level 5, 207 Kent Street, Sydney
Parramatta	Thu 19 October 2017	Linden Room, Parramatta RSL Club Cnr O'Connell & Macquarie Streets, Parramatta
Bankstown	Wed 25 October 2017	Community Room 1, Bryan Brown Function Centre Cnr Rickard & Chapel Roads, Bankstown
Jerilderie	Tue 31 October 2017	Ian Gilbert Room, Jerilderie Civic Hall 33 Jerilderie Street, Jerilderie
Gundagai	Wed 1 November 2017	Function Room 1, Gundagai District Services Club 254 Sheridan Street, Gundagai
Blayney	Thu 2 November 2017	Blayney Community Centre 41 Church Street, Blayney
Sydney CBD 2	Sat 4 November 2017	Portside Room, The Portside Centre Level 5, 207 Kent Street, Sydney

Note

It may be necessary for reasons beyond the control of the Office of Local Government to change the content, timing or venue of your chosen workshop. We will make every effort to notify you of any change as soon as possible. However, the Office of Local Government cannot be held responsible for any travel or accommodation costs incurred should the workshop need to be postponed or cancelled.



Circular Details	Circular No 17-20 / 18 July 2017 / Doc ID A546764
Previous Circular	N/A
Who should read this	General Managers
Contact	Development Team on (02) 4428 4100 Email: onestopshop@fitforthefuture.nsw.gov.au
Action required	Information

2017 Local Government elections - Hit the Ground Running workshops

What's new or changing

- OLG will again be providing support to councils and councillors to help them in their roles by conducting *Hit the Ground Running* councillor workshops following local government elections on Saturday 9 September, 2017.
- The workshop dates and locations are as follows:

	LOCATION	DATE
1.	Shellharbour	Wednesday 11 October 2017
2.	Armidale	Tuesday 17 October 2017
3.	Strathfield	Wednesday 18 October 2017
4.	Raymond Terrace	Wednesday 18 October 2017
5.	Parramatta	Thursday 19 October 2017
6.	Sydney CBD	Thursday 19 October 2017
7.	Blayney	Tuesday 24 October 2017
8.	Bankstown	Wednesday 25 October 2017
9.	Jerilderie	Tuesday 31 October 2017
10.	Gundagai	Wednesday 1 November 2017
11.	Sydney CBD	Saturday 4 November 2017

What this will mean for your council

- The one-day workshops will be based on the '5 Key Things' all Councillors need to know in order for them to be effective in their roles, with an update on the local government reform program and the Local Government Act review process.
- An online registration system will be made available (via email) for General Managers to register councillor attendance in mid-September 2017.
- General Managers are asked to coordinate the registration of Councillors once details about the online registration system are provided.

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Key points

- The workshops are designed to help all councillors hit the ground running following the September 2017 elections. The workshops provide essential information to support councillors in serving their community and fulfilling their responsibilities. All councillors are strongly encouraged to attend.
- The 2017 program has been updated to include information on how local government reform affects each council, particularly following recent amendments to the *Local Government Act 1993*.
- The updated workshop material will also include crucial information for all councillors on the Model Code of Conduct, Integrated Planning and Reporting framework and the support available to them during their term in relation to mandatory learning and professional development.
- General managers are asked to widely promote the workshops and strongly encourage attendance. This could be achieved by providing relevant workshop dates/locations in the council calendar and including the workshops on the agenda for the first council meeting.

Where to go for further information

- A promotional flyer with further details will be available shortly.
- Any queries about the Workshops can be directed to Council's Relationship Manager by email to onestopshop@fitforthefuture.nsw.gov.au.



Tim Hurst
Acting Chief Executive

5.2.3 FIXING OF ORDINARY COUNCIL MEETING DAYS, LOCATION AND COMMENCEMENT TIMES

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	If applicable
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Nil
LEGISLATIVE IMPLICATIONS	Detail relationship to any relevant legislation and any legal implications
POLICY IMPLICATIONS	There are no Policy implications in this report

Reason for Report

Council needs to determine the dates and locations together with commencement times for its ordinary monthly meetings.

RECOMMENDATION

Council fix its ordinary monthly meeting days for the third Thursday of each month commencing at 4:00pm alternating the venue between Gundagai and Cootamundra. Consideration should also be given to holding a meeting in all villages where appropriate, at least once in the term.

Discussion

It is preferable to not hold ordinary monthly meetings early in the month to facilitate financial transactions and other monthly deadlines. Traveling needs to be considered from a safety aspect together with regular work commitments of Councillors. The recommendation is a suggestion only and the subject should be determined by the Council to suit the majority..