



QPRC Code of Meeting Practice

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PART 1 - PRELIMINARY

1. Citation

- 1.1. This Code may be cited as the *Queanbeyan-Palerang Regional Council Code of Meeting Practice 2016*.

2. Definitions

- 2.1. In this Code:

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

2.1.2. chairperson:

2.1.2.1. in relation to a meeting of the Council - means the person presiding at the meeting as provided by section 369 of the Act; and

2.1.2.2. in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 44 of this Code

2.1.3. **committee** means a committee established under clause 41, or the Council when it has resolved itself into a committee of the whole

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

2.1.4.1. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;

2.1.4.2. the spouse or the de facto partner of the person or of a person referred to in paragraph 2.1.4.1

2.1.5. **the Act** means the *Local Government Act 1993*

2.1.6. **the Code** means the *Queanbeyan-Palerang Regional Council Code of Meeting Practice 2016*

2.1.7. **the Regulation** means the *Local Government (Meetings) Regulation 1999*.

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

3. Act and Regulation

- 3.1. This Code is made pursuant to section 360(2) of the Act.

- 3.2. It incorporates relevant provisions of the Regulation and the Act.

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- 3.3. In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

4. Notes to text

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

PART 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

5. Frequency, venue and timing of meetings of the Council

- 5.1. The Council is required to meet at least 10 times each year, each time in a different month.
- 5.2. The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.
- 5.3. In selecting a venue, Council should ensure that it:
 - is accessible for people with disabilities
 - is adequate in size
 - has adequate facilities for the convenience and comfort of Councillors, staff and members of the public
 - has suitable acoustic properties.
- 5.4. In selecting a time, Council's foremost consideration should be the convenience of Councillors and should take into account:
 - employment or business commitments
 - carer responsibilities
 - safety issues (e.g. long travel distances at night).
- 5.5. Notwithstanding Clause 5.4 above, there may be occasions when Council may set the time and place of a meeting to suit the location of particular items of business which have particular impact upon specific areas of the Queanbeyan-Palerang local government area.

6. Extraordinary meetings

- 6.1. At least two Councillors, one of whom may be the Mayor, and the General Manager can make a written request to the Mayor to hold an extraordinary council meeting.
- 6.2. The Mayor may not call extraordinary meetings by themselves without having a written request with another Councillor's signature.
- 6.3. The Mayor and the General Manager must call the extraordinary meeting which is to be held as soon as practical, but within 14 days after the request is made.
- 6.4. Extraordinary meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.

7. Public Notice of Meetings

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

8. Notice of meetings to Councillors

- 8.1. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager of the Council must send to each Councillor, at least three 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.
- 8.2. Notice of less than three days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given.
- 8.3. For the purpose of this clause, the sending of notice of meetings shall be either by postage to the last known address, hand delivery to the residential address, facsimile, email, other electronic means or by means as agreed to with individual Councillors.

9. Quorum

- 9.1. 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.

10. What happens when a quorum is not present

- 10.1. A meeting of the Council must be adjourned if a quorum is not present:
 - 10.1.1. within half an hour after the time designated for the holding of the meeting;
or
 - 10.1.2. at any time during the meeting.
- 10.2. In either case, the meeting must be adjourned to a time, date and place fixed:
 - 10.2.1. by the chairperson; or
 - 10.2.2. in his or her absence - by the majority of the Councillors present; or
 - 10.2.3. failing that, by the General Manager, or in the absence of the General Manager, an employee designated by the General Manager.

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- 10.3. The General Manager, or in the absence of the General Manager, an employee designated by 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.

11. Presence at Council meetings

- 11.1 Councillors who are unable to attend a meeting must seek leave from that meeting by submitting to the General Manager a request for leave of absence, preferably in writing, or by notice given at a preceding meeting, stating the date of the meeting for which leave of absence is requested and the reason for the absence.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

12. Chairperson of Council meetings

- 12.1. The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- 12.2. 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.
- 12.3. If no chairperson is present at a meeting of the 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.

Note: Section 369(2) of the Act provides for a Councillor to be elected to chair a meeting of a council when the Mayor and Deputy Mayor are absent.

- 12.4. The election must be conducted:
 - 12.4.1. by the General Manager, or in the absence of the General Manager, an employee designated by the General Manager to conduct the election; or
 - 12.4.2. 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.
- 12.5. When two or more candidates receive an equal highest number of votes at the election of Chairperson, the Chairperson is chosen by lot.
- 12.6. For the purposes of clause 12.5, the method of conducting the choosing by lot is described in Schedule 1 of this Code.

13. Chairperson to have precedence

- 13.1. When the Chairperson rises or speaks during a meeting of the Council:
 - 13.1.1. any Councillor or any other person then speaking or seeking to speak must immediately resume their seat; and
 - 13.1.2. every Councillor or any other person present must be silent to enable the Chairperson to be heard without interruption.

14. Chairperson's duty with respect to motions

- 14.1. It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

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- 14.2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 14.3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

15. Minutes

- 15.1. Council must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council.
- 15.2. In adopting the minutes of previous meetings, Council should confine its consideration of the minutes to the question of whether they accurately reflect the proceedings of that meeting.
- 15.3. The minutes must, when they have been confirmed at a subsequent meeting of Council, be signed by the Chairperson of that subsequent meeting. [section 375].
- 15.4. The General Manager must ensure that the minutes of Council meetings record:
 - 15.4.1. all successful and unsuccessful motions and resolutions (including the grounds on which a meeting is closed to the public);
 - 15.4.2. successful and unsuccessful amendments;
 - 15.4.3. attendance of Councillors;
 - 15.4.4. declarations of pecuniary interest and conflicts of interest by Councillors;
 - 15.4.5. votes on motions, amendments, contrary motions and divisions;
 - 15.4.6. circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present;
 - 15.4.7. the names of the mover and the seconder of a motion and/or amendment; the names of all Councillors who voted in favour or against a motion or an amendment;
 - 15.4.8. procedural matters during the meeting, such as moving in and out of committee;
 - 15.4.9. points of order raised and their rulings.
- 15.5. Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

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- 15.6. Any business arising from consideration of the minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.
- 15.7. On each sheet of the Council minute book there will be placed a footer setting out:
- 15.7.1. the nature of the meeting;
 - 15.7.2. the date of the meeting; and
 - 15.7.3. page number.

16. Order of business

- 16.1. At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with Schedule 2 of this Code.
- 16.2. The order of business fixed under clause 16.1 should be adhered to. It may only be altered in exceptional circumstances if a motion to that effect, which can be moved without notice, is carried.
- 16.3. Despite clause 30, only the mover of a motion referred to in clause 16.2 may speak to the motion before it is put.

17. Agenda for Council meetings

- 17.1. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager must ensure that the agenda for a meeting of the Council states:
- 17.1.1. all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - 17.1.2. if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson - any business that the Chairperson may decide to put before the meeting without notice; and
 - 17.1.3. any business of which due notice has been given.
- 17.2. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager must cause the agenda for a meeting of the Council prepared as soon as practicable before the meeting.
- 17.3. If, in the opinion of the General Manager, or in the absence of the General Manager, an employee designated by the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in section 10(a) of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an ordinary agenda.

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- 17.4. If a confidential agenda is prepared for a kind of business referred to in clause 61.2, the business must be referred to in the ordinary agenda prepared for the same meeting.
- 17.5. If notice has been given of an item of business on the agenda and subsequently needs to be removed or deferred, Council can only remove that item by way of resolution at the meeting to defer the business to another meeting or to not consider the business, depending on the circumstances.

18. Giving notice of business

- 18.1. The Council must not transact business at a meeting of the Council:
- 18.1.1. unless a Councillor has given notice of the business in writing by noon of the Wednesday one week immediately preceding the meeting; and
 - 18.1.2. unless notice of business has been sent to the Councillors at least by the Friday before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
- 18.2. Clause 18.1 does not apply to:
- 18.2.1. reports of committees of the Council;
 - 18.2.2. reports from officers which in the opinion of the Chairperson or the General Manager are urgent; and
 - 18.2.3. reports from officers placed on the business pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the committee.
 - 18.2.4. business that is already before (or directly relates to a matter that is already before) the Council.
 - 18.2.5. the election of a Chairperson.
 - 18.2.6. a Mayoral Minute.
- 18.3. Despite clause 18.1, business may be transacted at a meeting of the Council when due notice of the business has not been given to Councillors, but only if:
- 18.3.1. a motion is passed to have the business transacted at the meeting; and
 - 18.3.2. the motion is one that can be moved without notice where the chairperson rules it to be of great urgency;

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- 18.4. Despite clause 30, only the mover of a motion referred to in clause 18.3 can speak to the motion before it is put.

19. Agenda for extraordinary meeting

- 19.1. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.

- 19.2. Despite clause 19.1, business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However this can happen only if:

19.2.1. a motion is passed to have the business transacted at the meeting, and

19.2.2. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

- 19.3. Despite clause 30, only the mover of a motion referred to in clause 19.2 can speak to the motion before it is put.

20. Mayoral Minute

- 20.1. If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

- 20.2. Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.

- 20.3. A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

21. Report of a departmental representative to be tabled at Council meeting

21.1. When a report of a departmental representative has been presented to a meeting of Council in accordance with section 433 of the Act, the Council must ensure that the report:

21.1.1. is laid on the table at that meeting, and

21.1.2. is subsequently available for the information of Councillors at all reasonable times.

22. Notice of motion - absence of mover

22.1. In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

22.1.1. any other Councillor may move the motion at the meeting; or

22.1.2. the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

23. Motions to be seconded

23.1. A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 20.2 and 30.5.

23.2. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

23.3. The Chairperson may allow questions to be asked on the subject matter before accepting a motion and in the case of the adoption of committee minutes, questions will be taken on any recommendation prior to a motion.

23.4. Motions to accept committee minutes may be modified by individual members requesting specific recommendations to be withdrawn if the member intends to move a motion which is different from the recommendation from the committee.

24. How subsequent amendments may be moved

24.1. If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

24.2. It is permissible to debate the motion and an amendment concurrently.

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- 24.3. It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- 24.4. An intention by a Councillor to substantially alter the purpose of a motion on the table may be foreshadowed during debate as a contrary motion, and shall only be formally moved as a motion and considered if the original motion or an amendment to it is lost.

25. Motions of dissent

- 25.1. 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.
- 25.2. 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 agenda and proceed with it in due course.
- 25.3. Despite clause 30, 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.

26. Notices of censure

- 26.1. Council may by resolution at a meeting formally censure a Councillor for misbehaviour.
- 26.2. A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under s.360 of the *Local Government Act 1993*.

27. Petitions presented to the Council

- 27.1. Letters, submissions or petitions must not be presented to Councillors at the meeting if they relate to items on that meeting's business which require a decision to be made.
- 27.2. Letters, submissions or petitions may be presented to Councillors at the meeting if they relate to items that are not on that meeting's business.

28. Councillors' questions

- 28.1. At all ordinary Council meetings, each Councillor may ask questions for the next Council meeting under the section of the business paper designated for that purpose.
- 28.2. There is no limit to the number of questions that may be placed on notice by a Councillor at a meeting.

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- 28.3. Councillors may not make statements in the item of business known as "Councillors' questions".
- 28.4. Questions for the next meeting should relate to questions concerning items not on the business paper of the meeting where the question is raised.
- 28.5. While questions asked in accordance with Clause 28.1 are done so on the understanding that the answers will be provided at the following meeting, the Mayor or Chairperson may permit an answer, but no debate, being given straight away, if it makes sense to do so.
- 28.6. Councillors' question for the next meeting and responses shall be included in the next meeting's business paper, or if this is not possible, the one following the next, or an explanation given as to the reasons for delay and anticipated time of final response.
- 28.7. These questions and subsequent reports responding to the questions are not subject to discussion, debate or public address at the meeting asked and/or answered.
- 28.8. This clause does not apply to an extraordinary meeting of Council.
- 28.9. Nothing in this clause affects questions being asked, with the leave of the Mayor or Chairperson, relevant to any matter under discussion at a meeting.

29. Mode of address

- 29.1. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be.
- 29.2. When addressing a meeting of Council, a councillor must, unless the chairperson states otherwise, direct their address through the chairperson.

30. Limitation as to number of speeches

- 30.1. A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 30.2. 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.
- 30.3. A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five 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 five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 30.4. Despite clauses 30.1 and 30.2, a Councillor may move that a motion or an amendment be now put if:
 - 30.4.1. the mover of the motion or amendment has spoken in favour of it and no other Councillor expresses an intention to speak against it, or

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- 30.4.2. at least two Councillors have spoken in favour of a motion or amendment and at least two Councillors have spoken against it.
- 30.5. The Chairperson must immediately put to the vote, without debate, a motion moved under subclause 30.4. A seconder is not required for such a motion.
- 30.6. 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 motion has exercised their right of reply under clause 30.1.
- 30.7. If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the original motion or amendment to be resumed.

31. Motions put without debate

- 31.1. Any motion or recommendation before the Council may be put to the vote if the mover of a motion or amendment has spoken in favour and no Councillor indicates a wish to speak against.

32. Voting at Council meetings

- 32.1. Each Councillor is entitled to one vote.
- 32.2. The Chairperson has, in the event of an equality of votes, a second or casting vote.
- 32.3. A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

Note: *This subclause does not apply to a Councillor who does not vote because they have declared a pecuniary interest in the subject matter of the motion.*

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- 32.4. The decision of the Chairperson as to the result of a vote is final, unless:
- 32.4.1. in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands, or
 - 32.4.2. the decision is immediately challenged and not fewer than two Councillors demand a division.
- 32.5. When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager, or in the absence of the General Manager, an employee designated by 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.
- 32.6. Voting at a Council meeting, including voting in any 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.

33. Resolutions passed at closed meetings to be made public

- 33.1. If Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting is ended [Clause 253 of the *Local Government (General) Regulation 2005*].

34. Decisions of the Council

- 34.1. 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.

35. Rescinding or altering resolutions

- 35.1. A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 17.
- 35.2. If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- 35.3. If a notice of motion to rescind or alter a resolution is given:
- 35.3.1. at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or
 - 35.3.2. at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.

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- 35.4. In the case of a motion of alteration, clause 35.3 applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 35.5. If a motion has been negatived by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clause 17.
- 35.6. 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 negatived by the Council, must be signed by at least three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- 35.7. If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- 35.8. A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- 35.9. The provisions of this clause concerning negatived motions do not apply to motions of adjournment.
- 35.10. Notices of motions of rescission are to be dealt with prior to notices of motion at all meetings of Council.

36. Motions of adjournment

- 36.1. Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 36.2. If a motion for adjournment is negatived, 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 negatived.
- 36.3. 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.

PART 4 - KEEPING ORDER AT MEETINGS

37. Questions of order

- 37.1. 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.
- 37.2. 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.
- 37.3. 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.
- 37.4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

38. Acts of disorder

- 38.1. A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - 38.1.1. contravenes the Act, any regulation in force under the Act or this Code; or
 - 38.1.2. assaults or threatens to assault another Councillor or person present at the meeting; or
 - 38.1.3. 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
 - 38.1.4. insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - 38.1.5. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt; or
 - 38.1.6. reads at length from any correspondence, report or other document, without the leave of the Council.
- 38.2. The Chairperson may require a Councillor:
 - 38.2.1. to apologise without reservation for an act of disorder referred to in clause 38.1.1 or 38.1.2 or

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- 38.2.2. to withdraw a motion or an amendment referred to in clause 38.1.3 and, where appropriate, to apologise without reservation; or
 - 38.2.3. to retract and apologise without reservation for an act of disorder referred to in clause 38.1.4 or 38.1.5.
- 38.3. 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 made under clause 37.2. The expulsion of a Councillor under this subclause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

39. How disorder at a meeting may be dealt with

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

40. Power to remove persons from a meeting

- 40.1. If a meeting of the Council or committee of the Council resolves to expel from the meeting a Councillor for failing to comply with a requirement made under clause 37 or a member of the public for disorderly conduct and the Councillor or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer, or any person authorised by the Council or committee for the purpose, may remove the person from the meeting and, if necessary, restrain the person from re- entering the place where the meeting is being held.

PART 5 - COUNCIL COMMITTEES

41. Committee of the whole

- 41.1. The Council may resolve itself into a committee of the whole to consider any matter before the Council.
- 41.2. All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a committee of the whole, except the provision of limiting the number and duration of speeches.
- 41.3. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager is responsible for reporting to the Council proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 41.4. The Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.
- 41.5. If a recommendation from Committee of the Whole is moved, seconded and carried in committee, it should be immediately adopted by resolution of council without further debate, upon return to the ordinary or extraordinary meeting.

42. Council may establish committees

- 42.1. Council may, by resolution, establish such committees as it considers necessary.
- 42.2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 42.3. The quorum for a meeting of a committee is to be:
 - 42.3.1. such number of members as the Council decides, or
 - 42.3.2. if the Council has not decided a number - a majority of the members of the committee.

43. Functions of committees

- 43.1. 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.

44. Notice of committee meetings to be given

- 44.1. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager of the Council must send to each Councillor, at least three days before each meeting of the committee, a notice specifying:

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- 44.1.1. the time and place at which and the date on which the meeting is to be held; and
- 44.1.2. the business proposed to be transacted at the meeting.
- 44.2. However, notice of less than three days may be given of a committee meeting called in an emergency.
- 44.3. The provisions of clause 17.2 to 17.4 apply to the agenda of committee meetings in the same manner as they apply to the agenda of meetings of the Council.

45. Non-members entitled to attend committee meetings

- 45.1. A Councillor who is not a member of a committee of the Council is entitled to attend and speak at a meeting of the committee.
- 45.2. However, the Councillor is not entitled to:
 - 45.2.1. give notice of business for inclusion in the agenda for the meeting, or
 - 45.2.2. move or second a motion at the meeting, or
 - 45.2.3. vote at the meeting.

46. Procedure in committees

- 46.1. Subject to clause 46.3, each committee of the Council may regulate its own functions.
- 46.2. Without limiting clause 46.1, a committee of the Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- 46.3. Voting at a committee meeting is to be by open hands means (such as on the voices or by show of hands).

47. Committees to keep minutes

- 47.1. Each committee of Council must ensure that full and accurate minutes of the proceedings of its meetings are kept.
- 47.2. The General Manager, or in the absence of the General Manager, an employee designated by the General Manager must ensure that the following matters are recorded in the committee's minutes:
 - 47.2.1. Details of each motion moved at a committee meeting and of any amendments moved to it;
 - 47.2.2. The names of the mover and seconder of the motion or amendment;

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47.2.3. Whether the motion or amendment is passed or lost.

47.3. 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.

48. Chairperson and deputy chairperson of committees

48.1. The Chairperson of each committee of the Council, must be:

48.1.1. the Mayor; or

48.1.2. if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or

48.1.3. if the Council does not elect such a member - a member of the committee elected by the committee.

48.2. The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

48.3. If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

48.4. The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

49. Absence from committee meetings

49.1. A member ceases to be a member of a committee if the member (other than the Mayor):

49.1.1. has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or

49.1.2. 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.

49.2. Clause 49.1 does not apply if all members of the Council are members of the committee.

Note: The term "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

50. Reports of committees

50.1. If, in a report of a committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

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- 50.2. The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- 50.3. If a committee of Council passes a resolution, or makes a recommendation, during a meeting, or part of a meeting, that is closed to the public, the Chairperson must:
- 50.3.1. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - 50.3.2. report the resolution or recommendation to the next meeting of council.

51. Disorder in committee meetings

- 51.1. The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

52. Committee may expel certain persons from its meetings

- 52.1. If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with clause 61, the committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor.

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

PART 6 - PECUNIARY INTERESTS

53. Pecuniary interest

- 53.1. For the purposes of this Part, 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 or another person with whom the person is associated as provided in clause 54.
- 53.2. 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 a matter or if the interest is of a kind specified in clause 55.

54. Persons who have a pecuniary interest

- 54.1. For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- 54.1.1. the person; or
 - 54.1.2. another person with whom the person is associated.
- 54.2. A person is taken to have a pecuniary interest in a matter if:
- 54.2.1. the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
 - 54.2.2. the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- 54.3. However, a person is not taken to have a pecuniary interest in a matter as referred to in clause 54.2:
- 54.3.1. if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - 54.3.2. just because the person is a member of, or employed by, Council or a statutory body, or is employed by the Crown; or
 - 54.3.3. just because the person is a member of, or a delegate of 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.

55. Interests that need not be declared

- 55.1. The following interests do not need to be disclosed for the purposes of this Part:
- 55.1.1. an interest as an elector
 - 55.1.2. an interest as a ratepayer or a person liable to pay a charge
 - 55.1.3. 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 or a

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section of the public that includes persons who are not subject to this Part

- 55.1.4. An interest in any matter relating to the terms on which the provisions 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
- 55.1.5. an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not)
- 55.1.6. 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
- 55.1.7. 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) [see clauses 54.3.2 and 54.3.3] has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i)
- if the person or the person, company or body referred to in section 443(1)(b) or (c) [see clauses 54.3.2 and 54.3.3] would by reason of the proprietary interest have a pecuniary interest in the proposal
- 55.1.8. 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
- 55.1.9. 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

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- 55.1.10. 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 and 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
- 55.1.11. an interest relating to the payment of fees to Councillors (including the mayor and deputy mayor)
- 55.1.12. 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 s.252 of the Local Government Act 1993
- 55.1.13. 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
- 55.1.14. 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
- 55.1.15. 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
- 55.1.16. 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.

56. Disclosure and participation in meetings

- 56.1 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 at the commencement of the meeting. [section 451(1)]
- 56.2 The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
- 56.2.1.1 at any time during which the matter is being considered or discussed by the Council or committee, or
 - 56.2.1.2 at any time during which the Council or committee is voting on any question in relation to the matter. [section 451(2)]

- 56.3 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 s.448.

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

57. Disclosures to be recorded

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

PART 7 - PRESS AND PUBLIC

58. Public notice of meetings

- 58.1 The Council must give notice to the media and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors.
- 58.2 The Council and each such committee must have available for the media and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda for the meeting. This requirement does not apply to an agenda for a matter that, in the opinion of the General Manager, or in the absence of the General Manager, an employee designated by the General Manager, is likely to be considered when the meeting is closed to the media and public.
- 58.3 The copies of the agenda are to be available to the media and public as follows:
- 58.3.1 for inspection, as nearly as possible to the time they are available to Councillors
- 58.3.2 for taking away, at the meeting of Council or such committee.
- 58.4 The copies of the agenda are to be available free of charge.
- 58.5 Copies of the agenda will be available on Council's website.

59 Attendance at meetings of the Council

- 59.1 The media and public are entitled to attend a meeting of the Council and those of its committees of which all its members are Councillors, except as provided by this clause.
- 59.2 Council or a committee of Council may close part or all of its meetings as comprises the receipt or discussion of one or more of the following:
- 59.2.1 personnel matters concerning particular individuals (other than Councillors)
- 59.2.2 the personal hardship of any resident or ratepayer
- 59.2.3 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- 59.2.4 commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council, or
 - (ii) reveal a trade secret
- 59.2.5 information that would, if disclosed, prejudice the maintenance of law
- 59.2.6 matters affecting the security of the Council, Councillors, Council

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staff or Council property

59.2.7 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

59.2.8 information concerning the nature and location of a place or an item of Aboriginal significance on community land

59.2.9 alleged contraventions of the Council's Code of Conduct.

Note: See section 10A(2)

59.3 In order to close a meeting to the public, Council or a Committee must be satisfied that the matter or information being discussed or received falls within at least one of the above grounds.

59.4 The existence of any of these grounds does not place any obligation on Council to close its meeting to consider a matter or information.

59.5 Council, or a committee of 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.

59.6 Council, or a committee of 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.

60 When can a Council meeting be closed

60.1 A Council or a Committee of Councillors can close its meeting to the public without further discussion to consider three types of matters:

60.1.1 personnel matters concerning particular individuals

60.1.2 matters involving the personal hardship of a resident or ratepayer

60.1.3 matters that would disclose a trade secret.

60.2 However, in the case of the other grounds listed in Clause 59.2 above, the existence of these grounds on their own is not enough to allow the closure of a meeting. In such cases, the Council or Committee must also be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: See Section 10B(1)(b).

61 What matters should not be considered when determining the public interest

61.1 When determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

61.1.1 a person may misinterpret or misunderstand the discussion, or

61.1.2 the discussion of the matter may:

61.1.2.1 cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council

61.1.2.2 cause a loss of confidence in the Council or Committee.

Note: See Section 10(B)(4).

62 Closing a meeting to consider legal advice

62.1 A meeting is not to be closed for the receipt and consideration of information or advice concerning litigation or the subject of legal professional privilege unless the advice concerns legal matters that:

62.1.1 are substantial issues relating to a matter in which the Council or Committee is involved, **and**

62.1.2 are clearly identified in the advice, **and**

62.1.3 are fully discussed in that advice.

Note: See Section 10B(2).

63 Closing a meeting to consider a conduct reviewer's report

63.1 A meeting of Council can be closed to the public to consider alleged contraventions of the Council's Code of Conduct.

Note: See Section 10A(2)(i)

63.2 A meeting of Council is to be closed to public when considering a final investigation report where it is permitted to do so under s.10(A) of the Act and Clause 59(2) above. However, in closing a meeting to consider a conduct reviewer's report, Council is still required to apply the public interest test under s.10(b)(1)(b) of the Act.

64 Public participation in Council meetings

- 64.1 Council will hold a segment known as Presentations from the Gallery” during its ordinary meetings and may hold this segment in extraordinary meetings.
- 64.2 The Chairperson will provide an opportunity for members of the gallery to make presentations relating to a specific item listed in the business paper for that meeting.
- 64.3 The people who so nominate will be given an opportunity to address Council in the ‘Presentations from the Gallery’ segment as set out the Order of Business at Ordinary Meetings (See Schedule 2).
- 64.4 Each member of the gallery must register with the Clerk of the Chamber prior to the commencement of the meeting, state their name when commencing their presentation and outlining which item on the agenda they are speaking to. Each speaker will be given five minutes to address Council. The Clerk of the Chamber will organise speakers in line with the order of business at the meeting.
- 64.5 That each speaker be given 5 minutes to address Council. Council may by resolution extend this time limit for any speaker.
- 64.6 Where there are multiple speakers putting forward the same or similar arguments about an item, the Chairperson may limit the number of speakers.
- 64.7 The address must relate to the business before the meeting and the mayor or chairperson will call to order any member of the public who fails to comply with this requirement. If the member of the public addressing the meeting fails to comply with the mayor or chairperson’s call to order, the mayor or chairperson may withdraw that person’s right to address the meeting.
- 64.8 Councillors and staff must not enter into debate with speakers from the gallery.

65 Public access to correspondence and reports

- 65.1 The Council and a committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 65.2 This clause does not apply if the correspondence or reports:
- 65.2.1 relate to a matter that was received or discussed; or
 - 65.2.2 were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- 65.3 A report of a departmental representative tabled at a Council meeting must be available for the information of the Councillors as well as the public.

PART 8 - MISCELLANEOUS

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

- 66.1 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with clause 61.2, a person must not, without the authority of the Council or the committee, disclose, otherwise than to the Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.
- 66.2 This clause does not apply:
- 66.2.1 to the report of a committee of the Council when presented to the Council; or
 - 66.2.2 to the disclosure of information referred to in clause 63.1 by a Councillor or employee of the Council in the course of the Councillor's or employee's duties or by providing such information to enable the Minister or the department to properly exercise their functions under the Act.

67 Inspection of the minutes of the Council or a committee

- 67.1 An inspection of the minutes of the Council or committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- 67.2 The General Manager, or in the absence of the General Manager, an employee designated by 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.

Note: See Cl.272 Local Government Regulation 2005

68 Recording of Council meetings and workshops

- 68.1 Council will live stream its ordinary, extraordinary and committee of the whole meetings.
- 68.2 Members of the public may, but only with the permission of the Council, use a Council-authorized recorder (including a still or video camera and any electronic device capable of recording speech) to record the proceedings of ordinary, extraordinary and committee meetings.
- 68.3 In deciding whether to permit members of the public to record proceedings, Council will have regard to section 18 of the *Privacy and Personal Information Protection Act 1998*, which refers to the use of personal information.

69 Certain circumstances do not invalidate Council decisions

- 69.1 Proceedings at a meeting of the Council or a Council committee are not invalidated because of:
- 69.1.1 a vacancy in a civic office; or

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- 69.1.2 a failure to give notice of the meeting to any Councillor or a committee member; or
- 69.1.3 any defect in the election or appointment of a Councillor or a committee member; or
- 69.1.4 a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- 69.1.5 a failure to comply with this Code.

70 Use of Council's seal

- 70.1 The Council Seal can be affixed to a document only after a resolution has been carried at a Council meeting authorising that the seal be affixed. The resolution must specifically refer to the document and the document must relate to Council business.
- 70.2 The seal of the Council may be affixed to a document only in the presence of:
 - the mayor and the general manager, or
 - at least one councillor (other than the mayor) and the general manager, or
 - the mayor and at least one other councillor, or
 - at least 2 councillors other than the mayor.
- 70.3 The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- 70.4 Resolutions to use Council's seal must be in the following form:
"That Council authorises the Mayor and the General Manager to have the Council seal affixed to [insert specific description of document(s)] in their presence."
- 70.5 Council's seal will be used only for documents that relate to the business of Council, and without limiting the use of the seal, will normally only include specifically:
 - the exercise by Council of its functions in relation to the purchase, exchange, leasing, disposal of, and otherwise
 - dealing with, real property, or
 - executing a contract of employment for the General Manager, or
 - completing agreements or contracts from state or federal government departments where they have requested the agreements or contracts be under seal, or
 - entering into planning agreements.
- 70.6 The General Manager will not witness the affixing of Council's seal to the contract of employment for the General Manager.
- 70.7 The Council Seal may not be affixed to references or certificates of service to employees or congratulatory letters to organisations or members of the community.

- 70.8 References or certificates of service to employees or congratulatory letters to organisations or members of the public may be provided on letterhead or enhanced format without the Council Seal.

71 Councillor Workshops

- 71.1 Council will hold Councillor Workshop Sessions as required for the purpose of providing background information on issues before the Council.
- 71.2 The role of Workshops is to provide participants with information and the opportunity for questions which will help with the development of Council's formal decision-making process. The Workshop is not a decision-making forum. **Anything said at a Workshop does not constitute an official Council position.**
- 71.3 These information sessions are not open to the public.
- 71.4 All Councillors, senior executive management team and invited participants are entitled to attend these workshops, however attendance is optional.
- 71.5 The sessions will be convened and chaired by the General Manager or their delegate.
- 71.6 Briefing papers prepared for the workshop are to be made available for any Councillor who does not attend, and may be made available for public inspection by request under the *Government Information (Public Access) Act 2009*.
- 71.7 Briefing papers must not contain recommendations about any issue.
- 71.8 No decisions, recommendations or agreements about any issues raised are to be made at the sessions.
- 71.9 Details relating to the operation of workshops are set out in Council's *Protocol for the operation of Council Workshops*. (See Schedule 3)

72 Election of the Mayor

72.1 Election of mayor by councillors

(1) The mayor is a person elected to the office of mayor by:

- (a) the councillors from among their number, unless there is a decision in force under Chapter 9 of the Local Government Act which provides for the election of the mayor by the electors.
- (b) the electors, if such a decision is in force.

[section 227]

72.2 For what period is the mayor elected

- (1) A mayor elected by the councillors holds the office of mayor for the period as specified in the Act.
- (2) A mayor elected by the electors holds the office of mayor for 4 years, subject to the Act.
- (3) The office of mayor:
 - (a) commences on the day the person elected to the office is declared to be so elected, and
 - (b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.
- (4) A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.

[section 230]

*Note: A mayor holds office until a new mayor is elected. In the case of an election, the mayor holds office until their successor is appointed even if the existing mayor is not re-elected as a councillor. Details relating to the process of electing a mayor are set out in **Schedule 4**.*

73 Amendment of Code

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

SCHEDULE 1

Method of conducting choosing by lot

1. For the purposes of clause 12.4 of this code, the person conducting the election must:
 - a. state what purpose the draw fulfills in terms of the issue to be decided;
 - b. ensure that identically-sized slips of paper for each person in the draw are prepared, each of which has on it the name of the individual candidates;
 - c. all completed slips to be used are shown to those present;
 - d. each slip is placed in an identical container and an identical cover is placed on each container and then all containers are placed in a suitable box which is fastened or locked;
 - e. the returning officer then shakes and rotates the box, inviting any other person present to do the same;
 - f. the returning officer then opens the box and with eyes averted, removes one container, opens and shows the name inside to those present and announces that this is the Councillor who fulfills the purpose of the draw as stated at the beginning of the procedure;
 - g. if requested, the remaining containers are opened and the names shown to those present.

SCHEDULE 2

General Order of Business at Ordinary Meetings

1. Opening
2. Apologies
3. Disclosures of pecuniary interest
4. Confirmation of minutes
5. Presentation by Departmental or other representatives
6. Business arising from the minutes
7. Presentations from the gallery relating to listed items on the agenda:
8. Mayoral report
9. Mayoral minute
10. Notices of motions of rescission
11. Notices of motions
12. Items for determination
13. Items for information
14. Committee reports and recommendations
15. Delegates' reports
16. Responses to Councillors' questions
17. Matters of which notice has not been given but ruled by the Chair to be considered
18. Councillors' questions for next meeting
19. Consideration of business in closed committee
20. Closure

SCHEDULE 3

Protocol for the operation of Council Workshops

1. Introduction

Council regularly runs Council Workshops as part of its meeting program. The aim of a Workshop is to brief Councillors and senior staff on key initiatives/policies Council is proposing. These Workshops provide an informal environment in which to ask questions and seek clarification on matters before a more formal report is submitted to either a Council Committee or Full Council for final decision/recommendation. This Protocol has been developed to assist Councillors in understanding how Workshops operate and how they feed into Council's formal decision-making process.

2. The Role of Workshops

The role of Workshops is to provide participants with information and the opportunity for questions which will help with the development of Council's formal decision-making process. The Workshop is not a decision-making forum. **Anything said at a Workshop does not constitute an official Council position.** This can only occur at a formal meeting of a Council.

The OLG Meetings Practice Note No.16, notes:

A council can hold a workshop (sometimes called a briefing session) under its general powers as a body politic. Workshops are informal gatherings and can provide useful background information to councillors on issues. A workshop may involve councillors, council staff and invited participants.

Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting. Workshops are merely a means which enable councillors to bring an informed mind to the appropriate decision-making forum. (13.1.1 p.66 Meetings Practice Note No.16, August 2009)

Accordingly, the Office of Local Government recognises the value of workshops or information sessions in developing councillor knowledge and expertise, and in assisting their role as public officials. However, where workshops are held in relation to development applications or business enterprises, Councillors need to remember obligations and responsibilities under the Model Code of Conduct, and community perceptions in terms of unfair advantage and transparency of process. **The Office therefore advises that it would be prudent for Councils to develop protocols for workshops which could sit alongside or inside a Council's Code of Meeting Practice.**

3. Who can attend Workshops

As workshops **are not meetings of the Council or such committees**, the attendance entitlements of councillors and the public therefore do not apply as set out under the Local Government Act and Regulation. However, every councillor should be invited to workshops because under the provisions of the Model Code of Conduct it states that *members of staff who provide any information to a particular councillor in the performance of their civic duties*

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must also make it available to any other councillor who requests it. Therefore in the interests of equity of access to information **all councillors are entitled to attend workshops.** However, there is no obligation on councillors to attend workshops.

Council may invite third parties to present or provide advice to workshops. Those parties can only remain in those meetings for the purpose of that presentation or advice, and not for the discussion.

4. Meeting procedures for Workshops

The meeting procedures in the Local Government Act and Regulation apply only to meetings of a council and its committees made up of councillors only. As workshops are not meetings of a Council or its committees, the meeting procedures in the Act and the Regulation do not apply. The Meetings Practice Note No.16 notes that *'meeting procedures for council workshops is a decision for the council or, failing that, the workshop convenor.'* (13.3.1 p.67)

A copy of presentation material will be made available to councillors in hard copy at the workshops, or later on the HUB.

The Convenor of the Workshop is responsible for setting out the Order of Business for a Workshop. The Convenor should outline this order of business to be discussed at the commencement of the Workshop noting approximate times which will be taken to discuss each item. The Order of Business is published on the Workshop Notice issued in advance from the Office of the General Manager.

The Mayor (or Deputy in his/her absence) may manage proceedings of the workshop.

5. Behaviour at Workshops

As Workshops are an informal mechanism for discussion some **basic rules of behaviour need to apply** consisting of:

- **Respect** that participants may have **different views**,
- **Allow each person to express their view** without interruption, and
- **Respect the** role of the **Convenor and Chair**

6. Respecting Confidentiality

Workshops provide a forum for Councillors to informally discuss matters prior to formal decisions being made by the body politic. Accordingly material may be discussed at a Workshop which could be of a sensitive or confidential nature. **The material should be treated as confidential until the public interest test is applied to it** as set out in Section 10A of the Local Government Act, and reported appropriately at a Council or Committee meeting.

The non-disclosure provisions of sections 664(1) and 664(2) of the Local Government Act should also apply. These provisions place an obligation on a public official not to disclose information obtained in connection with the administration and execution of the Act and to respect confidentiality.

Workshop participants should be cognisant of Conflict of Interest and Confidentiality requirements as set out in Council's Code of Conduct.

SCHEDULE 4

Election of the Mayor and Deputy Mayor

1. When is an election of a mayor by councillors to be held?

- (1) The election of the mayor by the councillors is to be held:
 - (a) if it is the first election after an ordinary election of councillors, within three weeks of the ordinary election; or
 - (b) if it is not that first election or an election to fill a casual vacancy, during the month of September.
- (2) If the councillors fail to elect a mayor as required by the Act, the governor may appoint one of the councillors as the mayor.

[section 290]

2. Casual vacancies in the office of mayor elected by councillors

- (1) If a casual vacancy occurs in the office of a mayor elected by councillors, the vacancy is to be filled in the meeting of Council to be held within 14 days after the occurrence of a vacancy.
- (2) If the councillors fail to elect a mayor as required by clause 1.1 and 1.2 of this Schedule, the Governor may appoint one of the councillors as the mayor.

[section 295]

3. Election of deputy mayor

- (1) Councillors may elect a person from among their number to be the deputy mayor. The person may be elected for a 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 the mayor.
- (3) Councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under the Act, or if no deputy mayor has been elected.

[section 231]

4. Procedure for Election of Mayor by Councillors

4.1 Nomination

- (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) and 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.

[Schedule 7 of the Regulation]

4.2 Election

- (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 Council resolves on the method of voting.
- (4) In this clause “ballot” has its normal meaning of secret ballot and “open voting” means voting by a show of hands or similar means.

[Schedule 7 of the Regulation]

4.3 Returning Officer

- (1) The general manager (or a person appointed by the general manager) is the Returning Officer.

[Schedule 7 of the Regulation]

5. Election Process using Ordinary Ballot or Open Voting

5.1 Marking of ballot papers

- (1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- (2) The formality of a ballot paper under this Part must be determined in accordance with clause 345(1)(b) and (c) and (5) of the Local Government (General) Regulation as if it were a ballot paper referred to in that clause.
- (3) Clause 345(1)(b) of the Regulation states that:

A ballot paper of an elector at an election is informal if it has not been initialled on the back by the Returning Officer or an electoral official.

- (4) Clause 345(c) of the Regulation states as follows:

A ballot paper of an elector at an election is informal if it contains a mark or

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writing which, in the Returning Officer's opinion would enable the elector to be identified.

- (5) Clause 345(5) of the Regulation states as follows:

Despite clause 5.1(2) of this Schedule, a ballot paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot paper if, in the opinion of the Returning Officer, the elector's intention is clearly indicated on the ballot paper.

- (6) An informal ballot paper must be rejected at the count.
[Schedule 7 of the Regulation]

5.2 Count 2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
[Schedule 7 of the Regulation]

5.3 Count 3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in clause 5.3 (1) of this Schedule is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 5.2(1) of this Code then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under clause 5.3 of this Schedule, 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.
[Schedule 7 of the Regulation]

6. Election Process Using Preferential Ballot

6.1 Marking of ballot papers

- (1) The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on

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against the various names so as to indicate the order of their preference for the candidates.

- (2) The formality of a ballot paper is to be determined in accordance with clause 345(1)(b) and (c) and 5 of the Regulation as if it were a ballot paper referred to in that clause.

Clause 345(1)(b) states as follows:

A ballot paper of an elector at an election is informal if it has not been initialled on the back by the Returning Officer or an electoral official.

Clause 345(1)(c) states as follows:

A ballot paper of an elector at an election is informal if it contains a mark or writing which, in the Returning Officer's opinion, would enable the elector to be identified.

Clause 345(5) states as follows:

Despite clause 73.1 of this Code, a ballot paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot paper if, in the opinion of the Returning Officer, the elector's intention is clearly indicated on the ballot paper.

An informal ballot paper must be rejected at the count.

[Schedule 7 of the Regulation]

6.2 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause "absolute majority" in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot papers.

[Schedule 7 of the Regulation]

6.3 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in the election and the numbers of votes cast for the 2 candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

[Schedule 7 of the Regulation]

6.4 Choosing by lot

- (1) To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

[Schedule 7 of the Regulation]

6.5 Result

- (1) The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:
- (a) to be declared to the councillors at the Council meeting at which the election is being held by the Returning Officer; and
 - (b) to be delivered or sent to the Chief Executive of the Office of Local Government and to the Secretary of the Local Government NSW

[Schedule 7 of the Regulation]

Appendix – Terms of Reference – Planning and Strategy Committee of the Whole



PLANNING AND STRATEGY COMMITTEE

TERMS of REFERENCE

Membership

The Planning and Strategy Committee is formed as a committee of the whole comprising all councillors and chaired by the Mayor.

Purpose

The Committee's purpose is to determine matters and adopt or amend policies or strategic plans primarily related to development, planning, environment and strategic landuse in the Queanbeyan-Palerang Local Government Area.

Delegations

1. The Planning and Strategy Committee has delegated authority in accordance with Section 377 of the *Local Government Act 1993* to determine matters pursuant to the:
 - *Environmental Planning and Assessment Act 1979*
 - *Local Government Act 1993*
 - *Swimming Pools Act 1992*.
 - *Roads Act 1993*
 - *Public Health Act 2010*
 - *Heritage Act 1977*
 - *Protection of the Environment Operations Act 1997*
2. The delegation excludes:
 - The decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the Local Government Area.
 - The review of a determination made by Council and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the *Environmental Planning and Assessment Act 1979*.

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- Decisions relating to Development Applications carried out on Community Land except where:
 - the development involves the erection, rebuilding or replacement of a building; or
 - it involves extension to an existing building that would occupy more than 10 per cent of its existing area, or
 - the development involves intensification, by more than 10 per cent, of the use of the land
 - the location of the development has not been specified in the plan of management applying to the land
 - However, the following buildings are exempt from these requirements and can be dealt with under delegation:
 - toilet facilities,
 - small refreshment kiosks,
 - shelters for persons from the sun and weather,
 - picnic facilities,
 - structures (other than accommodations for spectators) required for the playing of games or sports,
 - playground structures,
 - work sheds or storage sheds,
 - buildings of a kind prescribed by the regulations,
 - adoption of street names.
 - Any function specified in Section 377(1) of the *Local Government Act 1993* which is specifically listed in subclause (a) to (u) of that section.
3. The Committee may conduct site inspections.
 4. The Committee may nominate representatives to planning and statutory committees and panels.
 5. Committee meetings will be live streamed via Council's webcast system.