

Snowy Valleys Council



**SNOWY VALLEYS COUNCIL MEETING
ATTACHMENTS
UNDER SEPARATE COVER
28 SEPTEMBER 2017**

Thursday 28 September 2017
Snowy Valleys Council Chambers
Bridge Street, Tumbarumba
2.00pm.

ATTACHMENTS

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Office of
Local Government

Mayoral Election Procedures

Office of Local Government
May 2017

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ABOUT THIS DOCUMENT

WHAT IS THE MAYORAL ELECTION PROCEDURES?

The Local Government (General) Regulation requires that when there is no chairperson present at a meeting of a council, the first business of the meeting must be the election of a chairperson to preside at the meeting.

This is the case after council elections. As the Mayor is the chair of council meetings this means the first order of business must be the election of a Mayor.

This must be undertaken in accordance with the requirements of the Local Government (General) Regulation 2005.

The purpose of these procedures are to assist councils in the conduct of the Mayoral election and, if required, the Deputy Mayoral election. The procedures are based upon the relevant legislation (which is also included). They are intended to be a practical guide and in some places include specific things to be said at the meeting.

HOW WERE THE PROCEDURES DEVELOPED?

The guidance has been developed based on current practice and provides councils with procedures to give councils a practical starting point.

WHO SHOULD USE THE MAYORAL ELECTION PROCEDURES?

The Mayoral Election Procedures should be used by all councils when electing a Mayor and a deputy Mayor.

For councils that currently have procedures in place for the election of Mayors and deputy Mayors the Mayoral Election Procedures is a useful comparison tool to check that the existing procedures cover off all areas and align with current practice.

HOW COULD COUNCIL USE THESE PROCEDURES?

Council may wish to provide these procedures to Councillors prior to the meeting to assist them in understanding the process for the election.

Council may also wish to create a summary of the key points of the procedure to assist those in the gallery or for inclusion on the website (if the meetings are webcast).

It is recommended that a practice run with staff be undertaken using the procedures to identify any issues and to agree on some of the practical aspects. This also assists in the smooth running of the election.

The election of the Mayor is a key moment in any Council and it is important that the process be smooth, open and easy to follow. It should not be too rushed or confusing. Where necessary, it is appropriate to stop and provide clarification for the benefit of Councillors, staff and the gallery.

FIRST COUNCIL MEETING

INTRODUCTION

In accordance with s236 of the Local Government (General) Regulation 2005, 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.

Administrators are appointed for the 'initial period' under the Proclamation. The 'initial period' commenced on the amalgamation day and ends immediately before the meeting of the new council held after the elections. Accordingly, the Administrator's role has ended before the first meeting of the council and there is no chairperson.

As the Mayor is the Chair of Council Meetings this means the first order of business must be the election of a Mayor (ie: Chair).

In accordance with Clause 394 of the local Government (General) Regulation 2005 the method of election of a Mayor by Councillors is conducted in accordance with Schedule 7.

Councils also need to be mindful of the requirements of s233A of the Local Government Act requiring that Councillors must take an oath of office at or before the first meeting and that this must be appropriately recorded.

PROCEDURES

The General Manager is the nominated Returning Officer for the election of Mayor and Deputy Mayor.

The Returning Officer invites nominations. Nomination forms should be available to all Councillors prior to and at the meeting.

As Returning Officer, I now invite nominations for the position of Mayor/Deputy Mayor for the September 2017 to September 2019 term.

I remind you that nominations must be in writing and that, in accordance with the Local Government Act – Regulations, 2 or more Councillors must nominate a Councillor for the position of Mayor/Deputy Mayor.

The Returning Officer checks the nomination forms collected by staff and writes nominee names on Candidates Sheet.

The Returning Officer then reads out the names of the Nominees. The Returning Officer seeks confirmation that the Nominee accepts the nomination.

If only one Councillor has been nominated for the position of Mayor/Deputy Mayor, the nominee is duly elected.

As there is only one nominee for the role of Mayor/Deputy Mayor, I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing two years.

If more than one Councillor has been nominated, Council must determine the method of voting, firstly for the position of Mayor and then for Deputy Mayor, such as:

- Open voting – i.e. by show of hands.
- Ordinary ballot – i.e. a secret ballot (place an “X” against the candidate of their choice);
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate;

Note: In the event of a tie, the Chair may use their casting vote. If there is a tie and no Chair, an election for the role of Chair should be conducted. Then the election for Mayor resumed.

OPEN VOTING – (SHOW OF HANDS)

Open voting is the most transparent method of voting at Council meetings. It allows the community to see and understand the voting that has occurred. It is also the least bureaucratic method and reflects normal Council voting methods.

The Returning Officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of Mayor/Deputy Mayor will be by show of hands.

I will now write each Candidate's name on a slip of paper and deposit it in a barrel, and the first name out of the barrel will be written first on the Tally sheet, with second name out being written second on the Tally sheet, etc.

The Returning Officer writes each Candidate's name on a slip of paper and deposits it in a barrel, and the first name out of the barrel is written first on the Tally sheet, with the second name drawn out being written second on the sheet, etc.

When all Candidate's names have been written on the Tally sheet, the Returning Officer announces the names of the Candidates and, commencing with the first Candidate;

Would those Councillors voting for Councillor please raise your hand.

The Returning Officer records the number of votes for each successive Candidate on the Tally Sheet and announces the number of votes received for each Candidate.

The Minute Taker records the vote of each Councillor.

The Returning Officer should check with the Minute Taker Public Officer that each Councillor has voted. If a Councillor has not voted it should be confirmed that they are abstaining (an informal vote).

4 MAYORAL ELECTION PROCEDURES

2 CANDIDATES

If there are only 2 Candidates for the position of Mayor/Deputy Mayor and the voting is higher for 1 Candidate over another (number of formal votes recorded on the Tally Sheet), the Returning Officer then announces the result.

Councillor has the higher number of formal votes and as a result I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing year.

In the event of a **tied vote**, the Returning Officer advises the meeting of the process.

In accordance with Regulation 12 of Schedule 7, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as Mayor/Deputy Mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing year.

The Returning Officer then draws out the remaining name and read it for the purpose of completeness. The second name should be shown to the meeting.

3 OR MORE CANDIDATES

The Candidate with the lowest number of votes for the position of Mayor/Deputy Mayor is excluded.

Councillor, having the lowest number of votes, is excluded.

The voting continues as above until there are only 2 Candidates remaining (see voting for **2 Candidates** above).

In the event that the **lowest number of votes are tied**, the Returning Officer advises the meeting of the process.

In accordance with Regulation 12 of Schedule 7, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows meeting.

I declare that Councillor is excluded.

The Returning Officer then draws out the remaining name and read it for the purpose of completeness. The second name should be shown to the meeting.

ORDINARY BALLOT – (SECRET BALLOT)

The Returning Officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of Mayor/Deputy Mayor will be by Ordinary Ballot, i.e. placing an "X" against the Candidate of the Councillor's choice.

The Returning Officer announces the names of the Candidates for Mayor/Deputy Mayor and writes each Candidate's name on a slip of paper and deposits it in a barrel.

The Returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the Ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The Returning Officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the Returning Officer who counts the votes and records them on the Tally sheet.

The Returning Officer announces the results.

Councillor, having the lowest number of votes, is excluded.

The Returning Officer writes the names on a further set of the ballot papers and initials the front of each ballot paper.

The staff member again distributes ballot papers listing the remaining Candidates and gives the completed ballot papers to

the Returning Officer who again counts the votes and records on the Tally Sheet and announces the results.

The process continues until 2 Candidates remain, where a final vote takes place.

Councillor has the higher number of votes and hence I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing two years.

In the event of a **tied vote**, the Returning Officer makes the following statement and announces the process.

The votes are tied between Councillor and Councillor having received ## votes each, and, in accordance with Regulation 12 of Schedule 7, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as Mayor/Deputy Mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing year.

The Returning Officer then draws out the remaining name and read it for the purpose of completeness. The second name should be shown to the meeting.

PREFERENTIAL BALLOT

The Returning Officer explains the process.

It has been resolved that the method for voting for the position of Mayor/Deputy Mayor will be by Preferential Ballot, i.e. placing an "1", "2" etc. against the Candidate of the Councillor's choice in order of preference.

The Returning Officer announces the names of the Candidates for Mayor/Deputy Mayor and writes each Candidate's name on a slip of paper and deposits it in a barrel.

The Returning officer requests that a staff member shake the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the Ballot papers and so on.

The Returning Officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives to the Returning Officer who counts the first preference votes and records on the Tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the Returning Officer declares the outcome.

Councillor, having an absolute majority of first preference votes, is elected as Mayor/Deputy Mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the Returning Officer excludes the candidate with the lowest number of first preference votes.

Councillor, having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the Returning Officer announces the result.

Councillor, having an absolute majority of votes, is elected as Mayor/Deputy Mayor for the ensuing year.

In the event of a **tied vote**, the Returning Officer explains the process.

The votes are tied between Councillor and Councillor having received ## votes each, and, in accordance with Regulation 12 of Schedule 7, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as Mayor/Deputy Mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that Councillor is elected as Mayor/Deputy Mayor for the ensuing year.

The Returning Officer then draws out the remaining name and read it for the purpose of completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied**, the Returning Officer advises the meeting of the process.

In accordance with Regulation 12 of Schedule 7, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The Returning Officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The Returning Officer then draws a name out of the barrel and shows the meeting.

I declare that Councillor is excluded and any votes cast for them will be distributed by preference.

The Returning Officer then draws out the remaining name and read it for the purpose of completeness. The second name should be shown to the meeting.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 – SCHEDULE 7

Schedule 7 – Election Of Mayor By Councillors (Clause 394)

PART 1 **Preliminary**

1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2 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). 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.

3 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 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

PART 2 **Ordinary ballot or open voting**

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 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 (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 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.

7 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 subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule 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 subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

PART 3

PREFERENTIAL BALLOT

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot - Papers and voting

- (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 against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 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 that is more than one-half of the number of unexhausted formal ballot-papers.

11 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.

PART 4 GENERAL

12 Choosing by lot

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.

13 Result

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 held by the returning officer, and
- (b) To be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 – REG 345 INFORMAL BALLOT-PAPERS

345 Informal ballot-papers

- (1) A ballot-paper of an elector at an election is informal if:
 - (a) The elector has failed to record a vote on it in the manner directed on it, or
 - (b) It has not been initialled on the front by an election official, or
 - (c) It contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.
- (2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares have been left blank. In such a case the tick or the cross is to be treated as a first preference.
- (3) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least the minimum number of preferences required by the directions.
- (4) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because it has not been initialled on the front by an election official, so long as it bears the mark referred to in clause 305 (2).
- (5) Despite subclause (1), 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.
- (6A) Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.
- (7) Nothing in subclause (2) authorises any person to encourage a voter to place a tick or a cross in a square on a ballot-paper.

Note: [Section 308C of the Act](#) makes provision concerning the formality of ballot-papers where the voter marks, crosses or ticks a group voting square, or where the ballot papers contain the name of a candidate whom a court has declared to be incapable of being elected.

Mayoral Election Procedures



NOMINATION FOR ELECTION AS MAYOR

We hereby nominate Councillor _____ for the position of Mayor of the Snowy Valleys Council commencing September 2017.

Nominated by

Councillor _____

Councillor _____

Date _____

Declaration by Nominee

I hereby consent to my nomination for the position of Mayor of the Snowy Valleys Council commencing September 2017.

Councillor _____

Date _____



NOMINATION FOR ELECTION AS DEPUTY MAYOR

We hereby nominate Councillor _____ for the position of Deputy Mayor of the Snowy Valleys Council commencing September 2017.

Nominated by

Councillor _____

Councillor _____

Date _____

Declaration by Nominee

I hereby consent to my nomination for the position of Deputy Mayor of the Snowy Valleys Council commencing September 2017.

Councillor _____

Date _____

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
Adelong Showground	This committee has been established to manage the Adelong Showground	1 Councillor		General Manager or delegate Community representatives	Two meetings annually	
Batlow Development League	<p>The objectives of the Committee is:</p> <ol style="list-style-type: none"> 1. To provide civic leadership to the Batlow community 2. To stimulate the ongoing economic community, social and cultural prosperity of the community of Batlow and its environs. <p>With sub- committees to run:</p> <ul style="list-style-type: none"> • Batlow Apple Blossom Festival Sub Committee • The Batlow Literacy Institute Management Sub Committee • A Youth Recreation (skate park) Sub Committee • A Batlow Youth Advancement League • Ciderfest Sub Committee • Other Sub Committees as from time to time approved by Council. 	1 Councillor		Community representatives	This committee meets monthly	
Camp Hudson Committee	<p>The purpose of the committee is to manage the Camp Hudson facility by;</p> <ul style="list-style-type: none"> • Ensuring Compliance with the terms and conditions of the Deed of Licence between Tumut Shire 	No delegate		Nine Community representatives	Six-monthly	

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
	Council and the Camp Hudson Management Committee. • Assist Tumut Shire Council to comply with the terms and conditions of the Licence between the National Parks and Wildlife Services and Tumut Shire Council.					
Christmas in Tumut Committee	The Christmas in Tumut Committee is a committee of Council responsive to community needs. The effectiveness of the committee depends on community support. The committee aims to: • Raise the profile of Christmas within the Shire; • To decorate the streets of Tumut in celebration of Christmas; • To work with businesses and organisations to make the Shire more festive.	No delegate		Five Community representatives who will liaise with Community Development staff	Quarterly	
Tumut Community Transport Service	This service provides transport for people in our Communities, who are <i>frail aged</i> , people who have a <i>disability</i> , and for their <i>carers</i>	No delegate		Community representatives		A proposal would this committee be for this committee to be consolidated with the Tumbarumba Welfare committee and the Third Age committee to form SVC Welfare committee
Festival of the Falling Leaf	The purpose of the Working Party is to: • Plan, organise and deliver a quality annual festival event within an approved budget for the whole	No delegate		Six Community representatives	Fortnightly	

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
	of the Tumut Shire that provides a high value festival experience for both the community and visitors to the region.					
Glenroy Heritage Reserve Committee	This Committee has the responsibility for the care, control and management of the Glenroy Heritage Reserve, including letting, cleaning, maintenance and operations and the purchase of furniture and furnishings. Management of the Pioneer Women's Hut – Sub Committee of Glenroy Heritage Reserve Committee	1 Councillor		Community representatives	The Committee meets quarterly	
Khancoban Community Committee with Sub Committees: Khancoban Op Shop Committee and Hall Committee KUVA	Management of Khancoban Community Hall. Maintain management of hiring, bookings, key allocation, collection of money and supervisory cleaning after an event. To manage Community Hall and Bus. To fundraise from operations of an Opportunity shop in Khancoban for community benefit and Artisans Gallery By allowing the group to be a S.355 committee, Council will help to support: <ul style="list-style-type: none"> • Participation in the community by residents • A more vibrant Khancoban town centre A tourist attraction for visitors to the town.	1 Councillor		Community representatives	Three times per year.	

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
Montreal Theatre Committee Inc.	To control and conduct operations of staging drama, motion pictures other events of entertainment & community activities					
Mountain Landcare Committee - Tumbarumba	<p>The group sees their core business, as:</p> <ul style="list-style-type: none"> • Conservation of existing high value areas; such as the Police Paddock • Rehabilitation of damaged high conservation value areas; • Weed Management; • Rubbish/litter removal and prevention, reuse and recycling; <p>To provide education about environmental issues, threats to beautiful natural environment; Energy and Waste management</p>	1 Councillor		<p>Director of Strategy Community and Development</p> <p>Community representatives</p>	Annually	
Rosewood Community Shed Committee	To manage the facility known as the "old fire shed" for the community of Rosewood. This building is leased by the Council and committee to assist with payment of ongoing costs	No delegate		Community representatives	Quarterly	
Talbingo Progress & Ratepayers Association	<p>The objectives of the Committee is:</p> <ol style="list-style-type: none"> 1. To provide civic leadership to the Adelong community 2. To stimulate the ongoing economic community, social and cultural prosperity of the community of Adelong and its environs 	No delegate		Community representatives	This Committee meets monthly	

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
Tooma Recreation Reserve Committee	Management of Tooma Reserve and Tooma Gymkhana	1 Councillor		Community representatives	Annually	
Tumbafest Committee	The role of the Tumbafest Section 355 Committee is to deliver a successful festival.	1 Councillor		Tumbafest Coordinator and Tourism Promotions Officer	This committee meets monthly	The Tourism Promotions Officer is currently contracted as the TumbaFest Coordinator. It is proposed that the Coordinator Events & Tourism also attends this meeting as Councils representative
Tumbarumba Airfield Committee	This Committee manages the operation of the Tumbarumba Authorised Landing Area.	1 Councillor		Community representatives Director of Assets and Infrastructure	This committee meets on an as needs basis	
Tumbarumba Friends of the Library	To assist and encourage enhancement of the Tumbarumba Library and to raise funds to assist in the development of resources within the library.	1 Councillor		Community representatives/ Division Manager Community Services (or delegate)	Monthly	
Tumbarumba Historical Society	The Society's aim is to preserve Tumbarumba and district's history and the management and running of the Tumbarumba Museum	1 Councillor		Community representatives	This committee meets on an as needs basis	
Tumbarumba Men's Shed	To manage the facility known as the Tumbarumba Men's Shed	1 Councillor		Community representatives	Monthly	

Section 355 Committees	Committee Function	Council Delegate	Alternative Delegate	Other Delegate/ Members	Meeting Frequency	Notes
Tumbarumba RSL Memorial Hall Management Committee	Management of the RSL community Hall and facilities	1 Councillor		Division Manager Assets (or delegate)	Meetings may be held as often as necessary but must be held at least quarterly	
TumbaTrek Committee	<p>Tumbatrek was originally initiated in 1985 by the then Deputy Prime Minister and Member for Farrer, Tim Fischer.</p> <p>It went into recess in 2007 and was revived by the Member for Riverina, Michael McCormack MP in 2012.</p> <p>Politicians, members of organisations and community members are invited each year to take part in the Trek.</p> <p>Tumbatrek involves a gentle day's trekking in some of the most scenic parts of the former Tumbarumba Shire LGA with outstanding vistas close to some magnificent Upper Murray streams.</p> <p>The aim is to highlight the tourism aspect and provide an opportunity for informal discussion about issues that are important to rural people.</p>	3 Councillors		General Manager and delegate	Meetings as required leading up to Tumbatrek event	The purpose of this committee can be endorsed in its current form, reviewed to allow for the event to cover the whole of the Snowy Valleys Council area or the committee can be disbanded.
Tumbarumba Musicians and Dramatic Arts Group – Includes Tumbarumba Youth Choir, Tumbarumba Pipes and Drums	Umbrella committee for arts and dramatic groups including Tumbarumba Youth Choir and Tumbarumba Pipes and Drums	1 Councillor		Community Representatives	Every three Months.	

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
Aboriginal Liaison Committee	The purpose of the committee is to: Provide a forum for discussion between Council and the Aboriginal Community of the Tumut Shire on key issues.	1 Councillor delegate – Appointed as Chairperson	1 Councillor	General Manager or nominated delegate	The Aboriginal Liaison Committee meets on an as needs basis	
Adelong Falls Gold Mill Ruins Committee	Conservation and management of the Adelong Falls Reserve so as to retain its important heritage significance for current and future generations. The specific aspects of significance of the site relate to its history, archaeological resources, its landscape, visual qualities and importance to the community.	1 Councillor delegate – To be Chairperson	1 Councillor	General Manager or delegate Community representatives	The Adelong Falls Gold Mill Ruins Committee meets on an as needs basis	
Australia Day Committee	The role of the committee is to organise Australia Day celebrations within the Shire and to select recipients of the Awards and places of celebration.	1 Councillor		General Manager or delegate	This Committee meets as required between November and January each year.	Number of delegate to be decided for new ToR to be developed.
Friends of Tumut Wetlands Committee	Assist Council in planning and implementing the Riverglade Wetland Management Plan 2003. To understand and respect the cultural heritage values of the site. To rehabilitate the degraded Tumut Wetlands and in doing so: Improve water quality and establish an appropriate hydrological regime. Increase the quantity and improve the quality of native vegetation in the area of the wetlands, and to whatever extent that is possible, over the whole site. Improve habitat for native animals, especially birds including migratory birds. Provide a distinctive recreational	1 Councillor		Manager of Infrastructure Works or delegate and community representative	The Friends of Tumut Wetlands Committee meets at 4pm on the third Tuesday quarterly	

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
	asset for the community which is consistent with the listed aims. Provide interpretive information on these values, including information on progress of the rehabilitation project.					
SVC Internal Audit Committee	<p>Oversee Internal Audit matters as determined by the constitution of this Committee</p> <p>The objective of the Audit Committee (Committee) is to provide independent assurance and assistance to the Snowy Valleys Council on risk management, control, governance and external accountability responsibilities.</p>	2 Councillors	Independent plus chairperson Dave Maxwell and independent	The Committee will consist of: Members (voting):- Council delegate, Independent external member (not a member of the Council), Alyson Forsyth, Independent external member (an independent to be the chairperson) Dave Maxwell. Attendee (non-voting) General Manager, Director of Internal Services and Other Officers as required.	Quarterly	External committee members were appointed by the Administrator until 31.12.2017. New members will need to be appointed from the elected council to replace Glenyce Francis and Sue Fletcher
Local Environmental Plan Steering Committee	Purpose of this committee is to review proposed amendments to the Local Environmental Plan	2 Councillors	1 Councillor	Director of Planning, Strategy and Place, Senior Town Planner	The LEP Steering Committee meets on an as needs basis	Check with Gus to see if this committee is still required.

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
				and other staff as needed		
Third Age Committee	The aim of the Committee is to provide a forum for consultation between Council and the senior citizens of Snowy Valleys Shire to achieve – Promotion of a positive profile of third ager, Active involvement in determining and attracting appropriate services and facilities to Snowy Valley Shire for third agers including health services, retirement housing and aged accommodation. Active involvement in increasing the level and variety of entertainment and recreation for the third agers. Provision of a forum where third agers can express their views and those views will be heard and respected. Improved two-way communication lines between third agers and the rest of the community. To act as a resource for third agers involved in advocacy issues. To encourage third agers to preserve their health, serve their communities and maintain an active lifestyle. To advise Council on policy matter as they affect third agers in our shire.	1 Councillor		General Manager or nominated delegate	Bi-monthly or as needs basis	This was initially be for a four year period running concurrently with the term of Council. This term has now concluded. Should this committee be continued for this term of Council, or merged with the Welfare Committee, or disbanded?
Tumut Aerodrome Committee	The Tumut Aerodrome Committee is an advisory committee to Council on all aspects of Tumut Aerodrome. More specifically, the committee will: Recommend to Council a Capital Improvement Program. Recommend to Council management issues including master-planning for future use of the	1 Councillor	1 Councillor delegate	Design Engineer	The Aerodrome Committee meets at 5.30pm on the second Tuesday of each quarter	

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
	facility, and means of raising additional income to support the operation and maintenance of the aerodrome. Monitor income and expenditure.					
Tumut Railway Station Precinct Committee	<p>The purpose of the Committee is to;</p> <ul style="list-style-type: none"> • Manage the railway precinct area of 4.703 hectares located between the Adelong Road and Yarra Road, Tumut. • To ensure compliance with all relevant leases, Acts and regulations. 	1 Councillor as Chairperson		Director Internal Services or delegate plus community representatives	Bi-monthly	The ToR do not show any other council representatives other than the one councillor
Tumut Region Sports Committee	<p>Roles of the Sports Committee. Provide appropriate advice and recommendations on matters relevant to sport and recreation in the Shire;</p> <p>Provide appropriate advice and recommendations on matters relevant to sport and recreation in the Shire;</p> <p>Provide a forum for discussion of sport and recreation issues; To advise Council on the level of service preferred regarding the maintenance of sporting facilities; To recommend to Council the allocation of Snowy Valleys Council Sports Capital Projects Grants and Athletes Assistance program; To assist new or struggling clubs to survive and grow if deemed appropriate; To promote sport and recreation in our Shire</p>	1 Councillor		General Manager or delegate	The Sports Committee meets at 5.30pm on the first Tuesday of the month	Should this committee become a shire wide committee??
Tumut Saleyards Committee	<p>The aims of the committee are to:</p> <p>Recommend to Council a Capital Improvement Program. Recommend to Council management issues e.g. quality assurance, on-line selling, etc. Monitor income and expenditure. Council own the facilities and land on which the saleyards are located with the exception</p>	1 Councillor		General Manager or delegate	The Saleyards Committee meets at 5.30pm on the second Monday of every 4 months or as required	

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
	of the weigh bridge, weigh bridge building and two pens located at either end of the weigh bridge. These facilities were installed in the 1970's by the then agents and subsequently purchased and now maintained by the Tumut Associated Agents.					
Youth Council – Tumut and Tumbarumba	The aim of the Snowy Valleys Youth Councils is to provide a forum for consultation between Council and the youth of the local area to achieve: - Promotion of a positive profile of young people. Active involvement in increasing the level and variety of entertainment and recreation for young people. Provision of a forum where young people can express their views and those views will be heard and respected. Improved two-way communication lines between young people and the rest of the community. There are separate Tumbarumba and Tumut Youth Councils which occasionally meet together.	1 Councillor		Community Youth Representatives	The Youth Council Committee - Tumut meets at 4.30pm on the first Wednesday of each month Tumbarumba - Monthly	Snowy Valleys Council currently runs two Youth Council's, one in Tumut and one in Tumbarumba. An options is for both committees to continue to function separately or function as sub committees under the umbrella of a parent Snowy Valleys Youth Council committee.
General Manager Review Committee	The objectives of this Committee are to conduct the performance review of the General Manager and to recommend to Council any changes to the General Manager's salary package. The Committee also provides advice to the General Manager on issues relating to staff matters. Council must take into account the Minister's Guidelines for management of GMs when appointing members of the Staff Review Committee which state "Performance review panels should	Mayor, Deputy Mayor, 3 Councillor Delegate.			This Committee meets as required – called by the Mayor and meet at least once annually to conduct the performance review of the General Manager.	

Internal Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
	comprise the mayor, the deputy mayor, another Councillor nominated by Council and a Councillor nominated by the general manager. The Council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of General Managers."					

Working Groups (currently active)	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
Interagency Forum	Forum for welfare agencies to share information	2 Councillors		Community Representatives and Community Services staff		
Tumut Community Strengthening Grants Assessment Panel	Should this be part of the grants committee	2 Councillors		General Manager		
Local Heritage Grants Panel	To review and allocate Heritage grants	2 Councillors		General Manager		
Tumut Public Arts Grant Assessment Panel	To review and allocate Public Arts Grants	2 Councillors		General Manager		

Advisory Committees	Committee Function	Council Delegate	Alternative Delegate	Delegate	Meeting Frequency	Notes
Tumbarumba Community Welfare Committee	The Committee oversees the management of the Multi-Service Outlet, Rotary Place units, and general community welfare/health issues.	1 Councillor	1 Councillor	Division Manager Community Services	Every three Months	An option for this committee would be to be consolidated with the Community Transport committee and the Third Age committee to form SVC Welfare committee
Tumbarumba Showground Planning Working Group	Liaise with various users of the facility and to develop a master plan that addresses current and future needs.	1 Councillor		Director of Assets and Infrastructure or delegate		

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
Alliance of Councils and Shires of the Upper Murray (ACSUM)	Joint Council and Shire meetings convened by The Alliance of the Councils and Shires of the Upper Murray (ACSUM).	1 Councillor	1 Councillor	General Manager	Meetings Held Six Monthly	
ANZAC Centenary Committee - Tumut		1 Councillor		General Manager, Community Development Team Leader, community representatives		
Community Grants Committee – Tumbarumba Region (Hyne Trust / Bendigo Bank / Snowy Valleys Council)	In August 2015 Council agreed to be a part of a Shire-wide grants program to combine the funds of the Hyne Community Trust, the Bendigo Bank, and Council's annual grants program. Whilst this Committee is yet to be formed, it is envisaged that it will comprise two representatives of each group.	The Mayor and 1 Councillor				
Joint Regional Planning Panels	The Planning Panels: determine 'regionally significant' development applications (DAs) and certain other DAs and modification applications act as the relevant planning authority (RPA) when directed undertake rezoning reviews provide advice on other planning and development matters when requested	1 Councillor		General Manager or delegate		Council has the option to appoint two delegates to this panel. At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.
Local Emergency Management Committee	This Committee is established under State Rescue Sub Committee and is to review emergency management	1 Councillor	1 Councillor	General Manager: Chairperson.	Committee Meets approximately	

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
	arrangements on a regular basis to keep them current and to provide coordination between emergency response units.			Director - Infrastructure and Works LEMO. Deputy LEMO as Alternate	three to four times a year.	
Mannus Correctional Centre Community Consultative Committee	This is a community committee formed by the Mannus Centre to assist them with public consultation and planning for activities involving inmates at Mannus and to encourage the involvement of the local community in correctional programs.	2 Councillors		General Manager or delegate	Meetings are held every 3 months (quarterly)	
Murray Darling Association – Region 1 & 9	The Association's objective is to maintain and improve the economic and sustainable development of the Murray Darling. Council has a delegate to Region 1 (there are five regions within the Murray Darling Association).	1 Councillor	1 Councillor	General Manager or Alternate	Meetings are held every 3 months.(quarterly)	
REROC Code of Conduct Reviewers	The Code of Conduct panel is responsible for making enquiries into allegations of breaches of the code of conduct by Councillors	REROC Panel		General Manager		
Softwoods Working Group	To see improved road and bridge infrastructure provided throughout Snowy Valleys Council Shire Council area and the region in general	1 Councillor	Director of Assets and Infrastructure	General Manager	Quarterly	
Riverina Eastern Organisation of Councils (REROC)	The objectives of this Committee are to foster cooperation between Councils to achieve financial and community benefits. To provide a cohesive forum for the co-operation of Councils with the aim of enhancing the quality of life in the region.	Mayor and General Manager	Deputy Mayor as alternate	General Manager	Meetings are held bimonthly.	

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
Riverina Highlands Zone Bush Fire Management Committee	This Committee is a Statutory Committee under the Rural Fires Act.	1 Councillor	1 Councillor	Interim General Manager or Director of Internal Services	Meetings are held at least 4 times per year	
Riverina Highlands Zone Rural Fire Service Liaison Committee	The objectives are to oversee policies and procedures relating to the Rural Fire Service and attend to requirements of the Rural Fire Service volunteers.	1 Councillor	1 Councillor	Director of Internal Services	Meets approximately 4 times per year	
Riverina Regional Library Service Committee	Appointed to advise the Councils on matters of library, information management networks and research, records management and archiving policy, including the preparation of policy statements and Management Plans and strategies for the overall development of library and information services for the RRL and within the areas of the Councils for adoption by the Councils. July 2013 M169	1 Councillor	1 Councillor	General Manager or Director of Strategy, Community and Development.	Meetings are held twice per year.	
Riverina / Murray Regional Weeds Committee	The former Tumut and Tumbarumba Shire Councils were respective members of the Riverina and Murray Regional Weed Action Committees. These committees are now under the management of NSW Local Land Services as sub-committees'.	1 Councillor				<p>Weed management is now articulated through a number of documents which include national arrangements such as Weeds of National Significance, and various state documents. For the purposes of Regional Weed Action Plans (WAP), the documents pertaining to weed management in NSW are:</p> <ul style="list-style-type: none"> • NSW <i>Biosecurity Act 2015</i> (replaces 14

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
						<p>separate acts including the Noxious Weeds Act).</p> <ul style="list-style-type: none"> • NSW Biosecurity Strategy 2013-21. • NSW Invasive Species Plan 2016-23 (in process). • State Weed Plans. • Regional Strategic Weed Management Plans. • Regional and Local Weed Management Plans. <p>The WAP is no longer a collective regional grant application based program. It is now a contract-based procurement program. The NSW Government will purchase WAP outcomes from external providers using regional sub-program Delivery Contracts (contracts). External providers are primarily Local Land Services (LLS) and Local Control Authorities (LCA) although each sub-program may have other partners.</p>

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
RMS Consultative Committee	This Committee is to liaise with other Councils in the region to determine distribution of Roads and Traffic Authority funding.	1 Councillor	1 Councillor	Director of Assets & Infrastructure	Committee meets once or twice per year.	
South West Regional Waste Management Group	Committee of shires to manage the Bald Hill Waste dumping facility.	1 Councillor		Director Strategy, Community and Development or delegate		
Traffic Committee	This Committee is a statutory requirement and its objectives are to consider proposals for changes in traffic arrangements, review existing traffic arrangements and seek to implement safer road usage for the public within the Snowy Valleys Council. All recommendations must be referred to Council for adoption.	2 Councillors		Director of Assets & Infrastructure Police and Roads & Maritime Services representatives.	This Committee meets approximately twice a year or as required.	
Visy Community Consultative Committee	Committees functions is to:- a. Monitor compliance with the conditions of development consent. b. Monitor the environmental, social and economic impacts of the mill. c. Act as an interface between the local community and Visy. d. Review complaints. e. Comment on any development proposals by Visy. f. Appoint community representatives to the VCCC.	The Mayor		Senior Staff member – Director of Strategy, Community and Development		
Hyne Community Trust Board	The Trust will receive an amount of \$40,000 annually indexed from Hyne and Son to be distributed among community works and services and projects throughout Snowy Valleys Council in accordance with the	1 Councillor representative Tumbarumba based				

External Committees with Council Representation	Committee functions	Councillor Delegate	Alternative Delegate	Delegate	Meeting frequency	Notes
	determinations of the appointed Trust Directors.					
Floodplain Risk Management Committee – Adelong	<p>The purpose of the committee is to initially:</p> <ul style="list-style-type: none"> • Provide a forum for discussion of issues (technical, social, environmental and cultural) relevant to the development and implementation of a Floodplain Risk Management Plan for Adelong. • Provide advice and recommendations on matters relevant to the development and implementation of a Floodplain Risk Management Plan for Adelong 	1 Councillor		Director of Assets & Infrastructure, Director of Strategy, Community & Development and Community Member (Chris Piper Adelong Flood affected Land owner)	As required	
Tumut Region Visitors Centre Advisory Committee	The role of the committee is to advise NPWS and Council on the management of the Tumut Region Visitors Centre	2 Councillors	1 Councillors	Director of Internal Services	Three times per year	As per MOU between Tumut Region Visitors Centre Advisory Committee and Council.



DRAFT Payment of Expenses and the Provision of Facilities to Mayors and Councillors Policy

Policy Number: SVC-CLR-PO-002-02

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1. Aim

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. This policy will also ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable and appropriate to community expectations.

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under section 439 of the Local Government Act and reinforced in the Model Code of Conduct made under section 440.

2. Objective

The objectives of this policy are to:

- Ensure that the details and range of benefits provided to the Mayor and Councillors by the Council is clearly stated and fully transparent and acceptable to the local community;
- Provide for the fair and equitable reimbursement of expenses that are legitimately and reasonable incurred by the Mayor and Councillors in discharging the functions of civic office;
- Establish clear guidelines for the provision of adequate facilities for use by the Mayor and Councillors to enable them to discharge the functions of civic office; and
- Provide a framework for the Mayor and Councillors to attend conferences to represent Council and any training sessions deemed appropriate for the education of each Councillor

3. Scope

This policy will apply to the Mayor and Councillors of the Snowy Valleys Council.

4. Legislation

Local Government Act, 1993 and associated regulations.

5. Definitions

Accompanying person – is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

Act – shall mean the Local Government Act 1993 (as amended)

Authorised Conference/Function – means any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session, or event, related to the industry of local government and in accordance with point 8, and held within Australia. Overseas travel will be the subject of a specific report to Council.

Authorised Person - for the purposes of this policy an authorised person shall be a Councillor, a delegate who may or may not be a Councillor, or other person authorised by Council, the Mayor or the General Manager.

Expenses - Payments made by the council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council's policy and may be either reimbursed to a Councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities - Equipment and services that are provided by councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions - Functions that Councillors are required to undertake to fulfill their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

Policy – shall mean the “This policy and associated documents”

Regulation – shall mean the Local Government (General) Regulations 2005

6. Making and Adoption of the Policy

This policy is made and adopted in accordance with the requirements of the Local Government Act, Chapter 9, Part 2, Division 5, Sections 252 – 254 and the Local Government (General) Regulation 2005.

7. Payment of Expenses

7.1 Payment of expenses generally

All payments made to Councillors will be by direct deposit into their nominated bank account. Payments will be made on a monthly basis. It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred, therefore all claim for expenses must be reconciled on the appropriate form.

The minimum and maximum annual fees payable to Councillors and the Mayor are set by legislation and are subject to review by the Office of Local Government Remuneration Tribunal before the 1 May each year. The fees are applicable for the period 1 July to June 30. Accordingly, the annual fees paid by Council shall be determined at the June Council meeting following consideration of the recommendations from the tribunal, to apply from 1 July to 30 June each year.

Council will report separately on the total cost of expenses and the provision of facilities for the Mayor and all Councillors, as well as individual expenses detailed in the Office of Local Government Guidelines issued October 2009 and as amended from time to time.

Councillors must make a claim for reimbursement of expenses in accordance with this policy within one month following the incurrence of the expense.

7.2 Claim Forms

The General Manager will authorise all claims for travelling and expenses that are in accordance with this policy. Claims must be made in writing in on the approved form. All reimbursements are subject to the provision of receipts.

7.3 Payments in advance

Councillors may request a payment in advance in special circumstances in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. This request must be in writing and be considered by the General Manager under the guidelines of this policy. Councillors may also request an advance payment for the cost of any other service or facility covered by this policy.

Councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the date of the advance. Failure to produce

reconciliation within the time frame will see adjustments made to the next councillor monthly payment.

7.4 Establishment of Monetary Limits and Standards

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where councillors incur costs that are unforeseen or considered unreasonable by other councillors and the public.

Where practical and appropriate this policy sets out the monetary limits for all the expense provisions available to Councillors and establishes the standards for the provision of facilities and equipment to be provided to Councillors.

7.5 Accompanying person's expenses

- a) **Council sponsored dinners, receptions or similar organised official functions** - Council will meet the actual cost of meals and refreshments of authorised persons and the cost of accompanying person/s, (as described in the definitions)
- b) **Local Government Shires Association Annual conference** – Council will meet the actual costs for the authorised person/s for registration in attending the annual conference and for the official person and accompanying person for the official dinner. Where Council has authorised the attendance of an accompanying person at an official function, the travel expenses, additional accommodation expenses and any optional personal tours for the accompanying person shall be the personal responsibility of the Councillor.

7.6 Specific expenses for Mayors and Councillors

- a) Where it is necessary and approved by Council, the Mayor, or General Manager, for an authorised person to stay overnight, Council will provide overnight accommodation and breakfast.
- b) In the event of a Council meeting concluding at such time that the Councillor is unable to travel to his /her normal place of residence, being greater than 40kms from the meeting place, in daylight hours, or the Councillors is required to attend another authorised function in the same area on the following day, then Council will pay for overnight motel accommodation and breakfast. Reimbursement for accommodation expenses where paid by a councillor are to be claimed on the approved claim form.
- c) If an elected member who is not an elected delegate of a committee chooses to attend a Committee meeting to gain background information on a matter then this elected member should be able to claim travel expenses as otherwise provided in the policy (as though they were a delegate)
- (d) Where meals are not included as part of the accommodation, function, or registration fee, the authorised person shall be responsible for the cost of meals and be entitled to reimbursement of actual costs up to the limits prescribed in the attached monetary upper limits table.
- (e) Out of pocket expenses – Expenses in this category may include but are not limited to:
 - Reasonable telephone, facsimile or internet usage
 - Tolls
 - Parking fees

The following expenses will not be reimbursed and are the responsibility of the individual councillors.

- Alcohol other than alcohol consumed with a meal.

- Cigarettes

8. Attendance at seminars and conferences

Requests for attending conferences should generally be in writing outlining the benefits to Council. On the return from any seminar or conference a councillor or a member of staff accompanying the councillor should provide a written report to Council on the relevant aspects of the conference. No written report is required for the annual conferences of the Local Government and Shire Association.

All approvals for discretionary trips and attendances at conferences made under this policy shall be made by resolutions of the Council or jointly by the Mayor, and the General Manager. If the Mayor requires approval it should be given by the deputy mayor, or another Councillor and the General Manager.

All attendances approved by Mayor, and the General Manager must be notified to Council in a Mayoral Minute at the next Council meeting for confirmation.

The conferences to which this policy applies shall be confined to:-

- Local Government & Shires Association of NSW
- Australian Local Government Association (ALGA) and special one-off conferences called or sponsored by any one of these associations.
- Annual LGMA forum held in conjunction with the Local Government & Shires Association Conference.
- Regional Organisations of Councils conferences and meetings
- Conferences, meetings and sessions which further the training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Conferences or meetings of organisations or bodies to which a Councillor has been elected, or appointed as a delegate or member of the Council.
- Where an Elected member of Council, or a member of the public is appointed by a Minister of the Crown, Council, will upon request consider the level of assistance to be provided to the individual.

9. Training and development expenses

Training offered which relates to the professional development of the Councillor and approved by Council will have the expenses be met by Council. Expenses will be confined to registration fees and the provision of travel and expenses as outlined within this policy and monetary table.

Council encourages Councillors to attend Councillor Development (training) courses and other accredited training programs. Council's Delivery program states that each councillor is required to attend at least one development program annually and provision is made in the Council's budget for training and educational expenses incurred by Councillors. These expenses support and encourage an active learning process and skills development in addition to attending seminars and conferences related to Council functions.

10. Local travel arrangements and expenses (within LGA area)

All travel by Councillors should be undertaken by taking the most direct route, the most practicable and economical mode of transport subject to any medical considerations while having regard to availability, time and cost effectiveness.

Council will reimburse the payment of travelling costs for authorised persons whilst travelling in a private vehicle from their place of residence to a place of meeting

within Snowy Valleys area to a maximum of the rate specified from time to time in the for the current Local Government State Award.

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location either before or after Council business, will require the prior approval of the Mayor (or the Deputy Mayor in the case of a claim by the Mayor) and General Manager. In such instances Councillors should recognise that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including accommodation, are not considered to be reimbursable expenses.

11. Travel outside the LGA area including interstate travel

All travel by Councillors should be undertaken by taking the most direct route, the most practicable and economical mode of transport subject to any medical considerations while having regard to availability, time and cost effectiveness.

- (a) A Council car will be provided where practical for meetings or delegations outside Snowy Valleys Council area. The driver will be responsible for any parking or traffic fines.
- (b) Where a Council car is not available, or it is not economical to use a Council car, Council will reimburse the actual cost of fares, fuel, oil etc. to a maximum of the equivalent kilometre rate specified for the use of private vehicles as specified in the Local Government State Award, or its successor.
- (c) If a meeting finishes such that the councillors is unable to travel home in daylight hours then overnight accommodation is suitably authorised.
- (d) If more than 8 hours driving is involved then an overnight stay is considered reasonable.
- (e) Where appropriate, travel may be provided by air (economy class). All travel should occur by the most economical and productive means and route possible (subject to any medical requirements/conditions).
- (f) Costs of vehicle hire, taxi fares, public transport, road tolls or parking costs which are reasonably incurred while attending Council businesses will be reimbursed by Council subject to the monetary table limits.
- (g) Council is not responsible for the cost of any breakdowns or damage to a Councillors vehicle as a result of such travel. Such costs are the Councillors responsibility. Council will not pay any claim for accidental damage to a Councillors private vehicle.

12. Overseas Travel

Council will not approve international visits unless direct and tangible benefits can be established for the council and the local community. A detailed proposal for overseas travel should be developed, including nomination of the Councillor(s) undertaking the trip, the purpose, expected benefits, duration and the approximate total cost including any contributions to be funded by the Councillors or employees.

Overseas travel must be approved at a full Council meeting through a report prior to a Councillor undertaking the trip. Travel proposals providing the above details will be included in Council Agenda Papers.

Council will not allow the retrospective re-imbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

After returning from overseas, Councillors, or an accompanying member of council staff, will provide a detailed written report to a Council meeting within 2 months on the aspects of the trip relevant to council business and/or the local community.

If an overseas trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures shall be followed.

Details of overseas travel will also be included in Council's Annual Report as required by the Regulation.

13. Limitations:

Payment of travelling expenses will not be made where: -

- (a) The person making the claim is not responsible for meeting the cost of travel.
- (b) For travel in excess of the distance from the normal place of residence and return.
- (c) Travelling to meetings, other than meetings of the Council and Council standing committees at which the authorised person is not a delegate of the Council or acting delegate when delegate is not available, unless attending to Council's official business duly authorised by Council, the Mayor, or General Manager.

14. Additional Mayoral expenses and facilities

The Mayor will be entitled to receive the benefit of the following:-

Telephone costs and expenses

The Mayor will be issued a Council owned mobile phone, and will receive rental and call subsidy and is permitted to use the telephone for private calls under the provisions of Council policy.

Council vehicle – a vehicle will be made available for use of by councillors for Council business within the guidelines of Council's Motor vehicle policy.

Council will supply a printer/scanner to the Mayor if requested.

Supply of equipment to the Mayor will be subject to the following conditions:

The Council shall:

- Meet the capital cost of acquisition of the equipment.
- Meet the cost of any maintenance/servicing of the equipment including any service call charge.
- The Mayor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to Council.

All equipment provided to the Mayor under this policy shall remain the property of the Council and be returned in good condition to the Council upon the Mayor ceasing to hold office.

Council will also supply adequate clerical support to assist the Mayor in carrying out his/her civic duty.

15. Insurance expenses and obligations

The Mayor and Councillors will receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:-

Personal Accident - Personal accident and sickness whilst the insured person is engaged in or on any activity directly or indirectly connected with or on behalf of the

Council including whilst travelling directly to and from such activity. Personal accident insurance also provides specified benefits for lost income arising from total disablement, and partial disablement. The Policy also provides limited cover for a Councillor's accompanying partner/spouse. The cover does not include medical expenses.

Councillors' and Officers' Liability - (Including Employment Practices Liability) Applies to cover expenses incurred by Councillors in respect of claims made against them for any alleged wrongful acts arising out of their official capacities (but excludes cover for statutory penalties (see below).

Statutory Liability - Applies to cover penalty and defence costs payable by Councillors to any regulatory authority pursuant to any Act for a (not deliberate) wrongful statutory breach, whilst acting within the scope of their duty.

Industrial Special Risk - Personal Effects - Council Premises - Councillors are covered for limited loss or damage of personal effects stored on Council's premises, subject to the terms and exclusions of the Council's Industrial Special Risks Policy and an excess to be paid by Council.

Commercial Motor Vehicles Policy – Personal Property; Travelling - Councillors are provided with limited cover for personal property and private baggage, whilst travelling on authorised Council business. A number of restrictions and sub-limits apply.

Indemnity of each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but **excluding fines and penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any **wrongful act** wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

16. Care and other related expenses

Reasonable Carer's expenses incurred by Councillors while attending a Council or committee meeting will be reimbursed by Council. Councillors seeking to use an approved child care or respite care facility should notify the General Manager in writing prior to the making of any arrangements. Claims must be accompanied by a receipt from the accredited care provider showing the time care was provided and details of the reason care was needed on such an occasion.

17. Legal expenses and obligation

Legal Assistance for the Mayor and Councillors is subject to a written application and Council resolution. Legal assistance may be provided to the Mayor and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor, providing that the councillor is defending an action arising from the performance in good faith of a function under the Local Government Act (section 731) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the councillor. Legal assistance may be provided to the Mayor and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor by:

- The Independent Commission against Corruption;

- The Office of the Ombudsman;
- Office of Local Government;
- The Police;
- The Director of Public Prosecutions; or
- The Local Government Pecuniary Interest Tribunal and Disciplinary Tribunal
- Council's Conduct Review Committee/Reviewer.

Any such legal assistance will be provided to the Mayor and Councillors in respect of legal proceedings being taken against them, arising out of or in connection with the Mayor and Councillor's performance of their civic duties or exercise of their functions as a Mayor or Councillor.

The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis.

In accordance with Circular No. 05/08 issued by the Office of Local Government:

In the particular circumstances outlined below, Council will indemnify or reimburse the reasonable legal expenses of:

- (a) *a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or*
- (b) *a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or*
- (c) *a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.*

Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff in any circumstances.

Council will not meet the costs of a councillor or council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

18. Superannuation Contributions

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

19. Provision of Facilities

19.1 Provision of Facilities Generally

Councillors are entitled to receive the benefit of the following facilities generally:-

- Each Councillor will be provided with appropriate stationery to carry out their civic duties
- Each councillor will be issued with a name badge bearing the Council logo
- Business Cards

Other reasonable provision of facilities, equipment and services may be:
Protective clothing and equipment – refer Council Policy.

Reasonable refreshments associated with Council and Council Committee meetings, and meetings of the Mayor or Councillors with Parliamentary representatives, visiting dignitaries and other delegations.

Council will provide food and beverage at Council and Committee meetings as determined by the Mayor or General Manager. Council will provide food and beverage, as necessary, when hosting meetings, civic receptions, citizenship ceremonies and other appropriate conference meals and civic events.

Where not otherwise indicated all other expenses (e.g. postage and telephone etc.) or facilities not specifically mentioned in the policy are not provided by Council as they are not considered to be reasonable and appropriate by Snowy Valleys Council.

19.2 Private Use of Equipment and Facilities

Councillors should not generally obtain private benefit from the provision of equipment, general allowance, services and facilities. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Where substantial private use has occurred, section 252 of the Act provides for payments to be made by Councillors to cover the level of private use. Councillors are required to report to the General Manager any significant private use of Council facilities immediately. The amount of reimbursement to Council by the Councillor will be considered in accordance with the extent of personal use and the value of the benefit, on a case-by-case basis.

Councillors should be mindful of the provisions in the Code of Conduct about Council Resources to ensure that councillor expenses and facilities are not used inappropriately.

19.3 No Use of Council Resources for Political Purposes

Council facilities, equipment and services, such as printers are not to be used to produce election material or for any other political purpose. A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests.

20. Gifts and Benefits

In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with the Snowy Valleys Council Gifts and Benefits policy and procedure SVC-EXE-PO-009-01.

21. Technology

Council will provide Councillors with a Council specified standard tablet or iPad with internet access.

- The Councillors may be provided with an electronic tablet with specification and configuration necessary to access and utilise appropriate Council systems
- Councillors will be provided with an appropriate induction in the use of the provided equipment
- Internet access
- Usage of all Council provided technology requires compliance with Council's Use of Communication devices Policy. Councillors will be required to endorse

a copy of the policy indicating that they have read the contents and agree to comply with the policy. Any alleged breach will be referred to the General Manager for appropriate action.

- Council will provide support services during the hours of 8.30am to 5pm, to assist Councillors in resolving operational issues. Such support will only relate to Council related services and applications. Non Council related applications will not be installed.

22. Material to be available in the Meeting Room to include;

- Local Government Act, 1993 and related legislation (Electronic)
- Environmental Planning and Assessment Act (Electronic)
- Council's Code of Conduct
- Other reports and publications as are required.

23. No Use of Council Resources for Political Purposes

Council facilities, equipment and services, such as printers are not to be used to produce election material or for any other political purpose. A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests

24. Reporting requirements

For the purposes of section 428 (2) of the Act, an Annual Report of a council is to include the following information:

- (a) Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
- (b) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
- (c) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
- (d) Telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
- (e) The attendance of councillors at conferences and seminars,
- (f) The training of councillors and the provision of skill development for councillors,
- (g) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

- (h) Overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
- (i) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time,
- (j) Expenses involved in the provision of care for a child of, or an immediate family member, of a councillor, to allow the councillor to undertake his or her civic functions.
- (k) Additional information as required by the Local Government (General) regulation 2005.

25. Disputes

Any disputes that arise about in relation to this policy will be resolved as follows:

1. With the Councillor and the General Manager, if unresolved,
2. The mayor , if unresolved,
3. A report will be presented to full Council for consideration.

26. Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.

Responsibilities

Councillors

Are responsible for submitting claims and other document as required by this policy and associated documents.

General Manager

Is responsible for the reporting of the requirements of this policy to Council.

- Ensuring all delegates reports are presented to Council.
- Ensuring that the Councillors expenses and facilities policy is reviewed annually in time for the reviewed document to be submitted to the Office of Local Government no later than November 30, each year.
- Ensuring compliance with this policy

Associated Documents:

External: OLG Guidelines for payment of expenses and provision of facilities
OLG circular to Councils
ICAC publications

Internal: Council code of conduct
Claim for Expenses form

Policy adoption/amendment Author: General Manager, Director of Internal Services and Corporate Support Officer

Superseding Policy No. and Title:

Payment of Expenses and the Provision of Facilities to Administrator and Committee members – SVC-CLR-PO-002-01

History

Version Number	Created /Amended Date	History Log	Resolution Number	Resolution Date
1		Adopted Ordinary Council Meeting	M87/16	25/08/2016
2	15.8.2017	Amended for election of Councillors 2017		
		Adopted Ordinary Council Meeting for Public Exhibition	M134/17	24/08/2017

Doc Ref	Section Information	Expense facility/type	Refund basis	Upper Limit amount	Comment
7.1	Mayor/ Councillor fees	Monthly fees	Monthly	Range set by legislation. Amount set by Council resolution	Claims are to be made within 1 month of attending the meeting and be on an approved claim form submitted to the GM for approval.
7.5	Council meetings	Accommodation and breakfast	Monthly	Up to \$120.00 per stay	Subject to limitations in point 7.5 of the policy.
7.3	Training for Mayor and councillors	Registration fees and attendance costs	Actual	\$10,000 annually inclusive of all Councillors	Annual upper limit for training expense for all Councillors contained in Council's adopted Management Plan.
8	Conferences and seminars	Registration costs	Actual	\$1000 per registration	Includes costs relating to official council functions, inspections, conferences subject to policy guidelines in point 1 of the policy.
		Accompanying person expenses	Nil	\$1000 per occasion	Subject to policy points 6, 7.4, Travel, additional accommodation and optional tours are individual councillor's responsibility
		Accommodation	Actual	Capital City: \$ 300 per day Other: \$ 200 per day	Limits are determined by the location and availability of accommodation
		Out of pocket expenses	Actual	\$ 20.00 per day	Out of pocket expenses – Expenses in this category may include but are not limited to: <ul style="list-style-type: none"> Reasonable telephone, facsimile or internet usage Tolls Parking fees The following expenses will not be reimbursed and are the responsibility of the individual councillors. <ul style="list-style-type: none"> Alcohol – except for beverages consumed with meals – refer below Cigarettes
		Meals not covered in registration	Actual to upper limit	Capital City: B/fast = \$50.00 per day Lunch = \$80.00 per day Dinner = \$100.00 per day Other: B/fast = \$30.00 per day Lunch = \$50.00 per day	Reconciliation and documentation must be supplied to recoup payment.

Doc Ref	Section Information	Expense facility/type	Refund basis	Upper Limit amount	Comment
				Dinner =\$100.00 per day	
10 11	Travel	Air travel	Actual	Economy only	Where appropriate, travel may be provided by air (economy class)
		Taxi	Actual	\$100.00 per day	
		Bus	Actual	\$50.00 per day	
		Parking	Actual	\$50.00 per day	
		Hire Car	Actual	Actual cost	actual costs when air travel is not available
		Use of private motor vehicles	Actual	Per km allowance as defined in LG state award to a maximum of	Subject to provisions of point 11 of the policy Refer to clause 13 Local Government State Award, (a) Under 2.5 litres Currently 0.68 p.km. (b) 2.5 litres and over Currently 0.78 pkm.
		Overseas Travel	Not available unless special approval granted by Council		
15.1	Telephone costs and Expenses	Mayors mobile	Actual	All calls excluding private calls	Private calls as determined under policy TSC-COR-PO-053 Staff Communications Policy
		Mayor's home phone	Actual	Rental plus calls up to \$40 per month	
12	Care and other related expenses	Personal care or child care	Actual up to limit	\$65 per day 4 hours. Maximum \$1560.00 per annum	
	Computer technical support	Maintenance	Met by Council	Council-supplied equipment.	

Note: This table will be reviewed annually as required by the LGA Act.

Facility	Mayor	Councillors
Meeting rooms	Available – within normal business hours	Available – within normal business hours
Annual diary	Available	Available
Business Cards	Available	Available
Writing materials for use at meetings	Available	Available
Scanner/Printer (3-in-1)	Available	Not available
Laptop computer/electronic tablet	Available	Available
Vehicle Use	Vehicle provided for Council business	Vehicle provided for Council business
Secretarial and Administrative support	If requested	As approved by the General Manager
Corporate clothing	Within guidelines of Council policy	Within guidelines of Council policy
Mobile Phone	Available	Not available
Credit card	Not available	Not available
Name badges	Available	Available



COUNCILLOR'S EXPENSES CLAIM FORM

Monthly Mayoral Allowance

\$ _____

Monthly Councillor Fees

\$ _____

Expenses incurred on authorised Council Business:

Date	Expense description – travel, meals etc.	Reason	Receipt Attached Y / N	Amount

Vehicle Expenses:

☐ Vehicle less than 2.5 litres @ 68 cents per kilometre

☐ Vehicle greater than 2.5 litres @ 78 cents per kilometre

Date	Purpose	Kms	Amount

TOTAL AMOUNT

\$ _____

Name: _____

Signature: _____

_____ Date...../...../.....
 Authorised by General Manager



DRAFT

Statement of Business Ethics

Policy Number: SVC-EXE-Stm-021-01

Aim

Snowy Valleys Council is committed to the standards contained in this Statement of Business Ethics.

Council aims to promote integrity, ethical conduct and accountability through its operations to maintain trust, engagement and responsiveness to our community.

Both Councillors and staff work to a written Code of Conduct and are expected to maintain high standards of integrity and ethical conduct consistent with the positions of public trust they hold and Council expects no less of the service providers and contractors that undertake work for us, so as to maintain our excellent reputation.

Responsible Business Practice

Council is committed to the principles of responsible business practice being:

Financial Sustainability

To operate our business in an economically sustainable manner.

Value for Money

Value is determined by considering all factors that are relevant to a particular acquisition. Quality, reliability, timeliness, service, initial and ongoing costs are all factors that can make an impact on cost and benefit. Value does not necessarily mean 'lowest price', however the lowest price might offer best value if it meets other essential criteria such as quality, reliability and certain particular criteria particular to the item.

Stakeholders and Community

To actively engage with our community and other stakeholders.

Workplace fairness

To provide a workplace that supports workers and employees wellbeing and inclusiveness, so as to be aware of social diversity, professional development and work/life balance whilst providing full entitlement to employment rights.

Supply Chain

To promote responsible business practices that are open and transparent throughout the supply chain.

Environment

To minimise the impact of our business activities on the environment.

Ethical Governance

To ensure transparency, risk management, due diligence and effective code of conduct across the organisation.

Expectations from Snowy Valleys Council Councillors and staff:

Council will ensure that all its policies, procedures and practices relating to tendering, contracting and purchase and provision of goods and services are consistent with industry best practice and the highest standards of ethical conduct.

Councillors and staff are bound by the adopted Local Government Code of Conduct and when doing business with the private sector they are accountable for their actions and are expected to:

- Respect and follow Council's policies and procedures;
- Council staff will ensure that prospective contractors and suppliers are afforded equal opportunity to tender/quote for all goods and services;
- Council staff are not to disclose a competitor's price to any prospective supplier;
- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations;
- Avoid any conflict of interest, whether real or perceived;
- Treat all Council information confidential unless otherwise indicated;
- Be accountable and act in the public interest;
- Council staff must not by virtue of their position accept or acquire for a personal advantage any gift, gratuities or hospitality except that which is permitted under Council's Code of Conduct or in accordance with the Local Government Act, 1993;
- Promote fair and open competitions while seeking best value for money;
- Respond promptly to reasonable requests for advice and information; and
- Assess applications objectively, considering all relevant and material factors.

The Policies/Code of Conduct will be documented and available to all by visiting www.snowyvalleys.nsw.gov.au

Expectations from Tenderers, Suppliers, Consultants and Contractors:

Council requires all private sector providers of goods and services to observe the following:

- Respect the conditions and requirements stated in documents supplied by Council;
- Abstain from collusive practices and not act secretly or fraudulently
- Present information concisely;
- Declare actual or perceived conflicts of interest as soon as you become aware of them;
- Comply with Council's tendering and practice requirements;
- Act ethically, fairly and honestly in all dealings with Council;
- Take all reasonable steps to prevent the disclosure of confidential Council information;
- Not engage in any corrupt conduct or practice designed to improperly influence the outcome of any decision;
- Respect the obligation of Council staff to comply with council's procurement policy;
- Provide accurate and reliable advice and information to Council when required;
- Do not discuss Council dealings with the media without Council consent;

- Not make any public comment or statement that would lead a member of the public to believe you are expressing the views or policies of Council.
- Refrain from offering Council employees or Councillors any financial or other inducement; which may lead to a position of unfair advantage in dealings with Council;

Conflicts of Interest

Councillors and staff conduct their activities through a Code of Conduct and in the case of Meetings through a Code of Meeting Practice. Both these codes require a declaration and non-involvement on a matter if a staff member or Councillors believes they may have either pecuniary or non-pecuniary interest. The Local Government Act 1993 within chapter 12 provides the requirements for both staff and Councillors with respect to conflict of interest.

Amongst other matters Councillors and Designated persons within the organisation are also required to submit an annual disclosure of interest return. Conflicts of Interest can involve spouses, family members and friends.

Pecuniary

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. Defined by section 442 of the Local Government Act 1993.

Non-Pecuniary

A private or personal interest – a non-pecuniary interest could be a friendship, membership of an association, society or trade union involvement or interest in an activity and may include an interest of a financial nature.

Any complaints or alleged breaches of Conflict of Interest can be investigated by the General Manager who can refer such matters to the Pecuniary Interest Tribunal, which has the authority to hand down severe penalties.

Confidential and Personal Information

You must take care to maintain the security of any confidential or personal information you become aware of in your work with Council.

You must abide by privacy legislation governing the collection, storage, use, amendment, disclosure or transfer of personal information obtained through your dealings with Council.

Personal information is any information about an individual whose identity is apparent or can reasonably be ascertained from that information.

No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with Council and have authorisation to use or disclose the information.

Any breach of the security or misuse of Council confidential or personal information must be reported to Council's Privacy Officer.

Council Resources

Council resources including materials, equipment, vehicles, documents, records, data and information, may only be used to do work for Council with Council's approval.

Alcohol & Drugs

No one should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

Gifts

Gifts or benefits must not be offered to a Council official, which is designed to gain an advantage for yourself or your organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty.

Council officials should not accept any gift in relation to their work at Council, which could influence, or be seen to influence, their impartiality in relation to the work or services that you are providing to Council. Cash must never, in any circumstances, be offered to a Council official.

If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately. Council does, however have a gift register where Councillors and staff are required to register any incidental and unrelated gifts.

Meals

Councillors and staff are expected to pay for their own meals. Council discourages external parties from providing Councillors and Council staff with benefits such as social lunches except as otherwise stated in Council Policy.

Councillors and staff participation is allowed only if clear underlying business purpose exists and the value and frequency of such functions are not excessive.

Travel and Accommodation

The Council policies meet all approved business travel and accommodation for Councillors and staff. The Council or General Manager, not the individual who is affected, must agree to any variation to the policy guidelines. Public liability and insurance guidelines must also be considered.

Entertainment

Councillors or staff are generally not entitled to use Council funds to pay for entertainment. Likewise suppliers should not pay for any form of entertainment for Councillors and staff.

Sponsorship

The Council will not enter into any form of sponsorship that is not open or transparent.

Secondary Employment

Council within its policy has a requirement, for approval by the General Manager, for any staff member who seeks secondary employment. Any secondary employment will not be approved if it has the potential either perceived or real to conflict with their Council employment.

Any person or organisation wishing to report any alleged breach of ethics needs to bring this to the attention of the General Manager.

Why Compliance is Important

You should be aware of the consequences of not complying with Council ethical requirements when doing business.

Demonstrated corrupt or unethical conduct would lead to:

- Termination of contracts;
- Loss of future work;
- Loss of reputation;
- Matter being referred for investigation;
- Disqualification of tender; and
- Civil or criminal proceedings being brought.

When you comply with this Statement of Business Ethics, you will find that doing business with Council is easier and more effective. You can be sure that you are not disadvantaged because Council requires others who deal with Council to do the same. By doing business ethically, you will also find it easier to deal with other government bodies who have similar policies.

Snowy Valleys Council's Commitment







Snowy Valleys Council is committed to the standard in this Statement of Business Ethics. They reflect the high standards expected by our community and you are expected to maintain these standards and principles when undertaking work for, or on behalf of our Council.

Should you have any questions regarding this statement or wish to provide information about suspect behaviour, please contact the General Manager of Snowy Valleys Council.

Our Vision



Our Values

	<p><i>Accountability, decision-making, equity and sustaining high ethical standards</i></p> <ul style="list-style-type: none"> ▪ taking responsibility for our own behaviour, productivity and quality of work ▪ making the best contribution we can to achieve the community's vision ▪ using resources wisely and delivering value for money ▪ learning about and working within Council policies ▪ being responsive and helpful to members of the community, and ▪ being ethical, respectful and treating everyone fairly.
	<p><i>Team spirit, organisational commitment and wellbeing at work</i></p> <ul style="list-style-type: none"> ▪ supporting the effectiveness and success of our teams ▪ creating and maintaining a safe and healthy workplace ▪ speaking up if we experience or observe unfair, disrespectful, discriminatory or bullying behaviour ▪ meeting and resolving work challenges as a team ▪ a willingness to go the extra mile when needed, and ▪ treating colleagues as valued individuals.
	<p><i>Collaboration, teamwork and communication.</i></p> <ul style="list-style-type: none"> ▪ building positive and professional relationships in the organisation and community ▪ being an active listener ▪ respecting each other's skills and needs ▪ being willing to learn from each other ▪ finding out what is happening that might impact on the team ▪ being willing to lend a hand to a colleague, and ▪ sharing information that will enable the team to work effectively and be positive.
	<p><i>Achievement, motivation and learning.</i></p> <ul style="list-style-type: none"> ▪ giving work our full attention and completing tasks on time and competently ▪ being solution focused ▪ taking responsibility for the development of our own knowledge and skills ▪ strengthening Council's capacity and responsiveness by being flexible and adaptable in how we work with each other ▪ being open about, and learning from, our mistakes, and ▪ looking for the enjoyment in our work and recognising how this can unlock creativity and energise the team.
	<p><i>Recognition, acknowledgement and valuing self, the team and the community.</i></p> <ul style="list-style-type: none"> ▪ valuing others who are approachable and believe in our abilities and aspirations ▪ giving work our best shot ▪ seeking feedback about our performance and behaviour and using it to improve ▪ acknowledging the contributions and achievements of our colleagues ▪ always speaking positively about the Council and the decisions it makes ▪ valuing community service, and ▪ taking the time to reflect on how our work has delivered community benefit.
	<p><i>Being forward looking, working to anticipate and understand the needs of the community and focusing on organisational performance.</i></p> <ul style="list-style-type: none"> ▪ taking a proactive approach to understanding the community's needs and aspirations ▪ showing financial responsibility when performing Council work in acknowledgement of the importance of Council's financial sustainability ▪ seeking long-term solutions rather than reactive band aid responses, and a focus on excellence.

Responsibilities

Council – Elected members of Council

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

General Manager

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

Directors, Managers and Team Leaders

Are responsible for

- The implementation of the policy and procedures in their work area.
- The monitoring of implementation and compliance with the policy and associated Procedure.

Contact Officer: General Manager

Superseding Policy No. and Title:

Statement of Business Ethics GOV.16 – former Tumut Shire Council
Statement of Business Ethics TSC-EXE-Stm-007-01 – former Tumbarumba Shire Council

Policy prepared by: Governance Support Officer

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0	2/08/2017			Prepared by Governance Support Officer
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Public Interaction and Meeting Disclosure Policy

Policy Number: SVC -EXE-PO-022-01

Aim

The Public Interaction and Meeting Disclosure Policy provides guidance for Snowy Valleys Council officials when interacting with Stakeholders to ensure transparency, integrity and public accountability in Council's decision making process. The implementation of this Policy will ensure that appropriate records are maintained in regard to such public interactions and ensure adherence to Council's record management obligations.

This Policy forms a central part of Council's Code of Conduct framework and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

Legislation

- *Local Government Act 1993*
- *Local Government Amendment (Governance and Planning) Act 2016*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*
- *Environmental Planning and Assessment Act 1979*

Definitions

Authorised staff	Staff nominated by the General Manager who can interact with or provide advice as outlined in the Councillor and Staff Interaction Policy.
Conflict of interest	A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty.
Council officials	An individual who carries out public official functions on behalf of Council or acts in the capacity of a public official, and includes Mayor, Councillors and Senior officers.
Developer	A Developer refers to an individual, body corporate or company who lodges an application for a development approval. If an applicant is a body corporate, the term includes office holders and employees of the applicant. If an applicant is a partnership, the term includes partners and employees of the applicant.
Objector	A person who disagrees or expresses their disapproval to a matter before Council, for example in relation to a development.
On site	The location of the subject premises.

<i>Pecuniary interest</i>	An interest a person has in a matter due to the reasonable likelihood or expectation of an appreciable financial gain or loss to the person.
<i>Planning matter</i>	Matters that relate to a development application, complying development application, environmental planning instrument, development control plan, development contribution plan or planning agreement.
<i>Public interaction</i>	Any verbal contact where a member of the public and a Council official exchange ideas, or discuss actions related to the decisions of Council. Such interaction may occur by; <ul style="list-style-type: none"> • telephone • teleconference • Face-to-face meetings.
<i>Registered Lobbyist</i>	Any person registered with the Register of Lobbyists and complies with the Lobbying Code of Conduct, who acts on behalf of third party clients for the purpose of lobbying Council or Government officials. This includes employees or contractors who carry out lobbying activities for a third party.
<i>Senior officer</i>	Senior officers include Council's General Manager and Directors.
<i>Stakeholders</i>	Any member of the public and who is not an employee of Council.

Scope

This Policy applies to members of the public and Council officials (Mayor, Councillors and Senior Officers) who meet or interact in regard to matters before Council, unsolicited proposals and requests for Council support on any matter.

All other Council staff must comply with the provisions of the *State Records Act 1998*, and their obligations under Council's Record Management Policy.

Overview

Interaction between Council officials and the community is an essential feature of the democratic process, and it is crucial that the community has public confidence in Council and its decision making functions. This Policy complements the legislative requirements that Council officials must abide by, and assists with establishing protocols for Council to interact with the public in a transparent and ethical manner ensuring that decisions are made fairly, free from bias and in the public interest.

In support of Council's commitment to ethical and transparent interactions, it may be necessary for Stakeholders, the Mayor, Councillors and Senior officers to complete an Attendee Meeting Disclosure Form and/or Record of Interaction form as outlined in this Policy.

3.1 Record keeping

The *State Records Act 1998* requires all 'New South Wales public officers to make and keep full and accurate records of its activities'. To ensure accurate record keeping, transparency, and compliance with the provisions of the *State Records Act 1998*, Council officials must keep a written record summarising the matters discussed during any public interactions including;

- the date and time of the interaction
- the type of interaction, e.g. meeting, telephone or teleconference
- a list of attendees or persons involved
- the nature of the issue (including the address it pertains to if it is related to a property matter)
- a summary of the matters raised with the Council official
- a summary of the Council official's response or meeting outcome.

In accordance with this Policy, the Mayor, Councillors and Senior officers must complete a Record of Interaction form which includes a signed declaration.

A record of all Stakeholder and Councillor interactions where planning matters are discussed, must be made and included with the relevant Council file.

3.2 Lobbying Local Government Councillors

The Independent Commission Against Corruption (ICAC) 'Lobbying Local Government Councillors' brochure identifies that maintaining accurate records supports transparency in public interactions, particularly in terms of lobbying on planning matters. ICAC advises, in relation to record keeping, that Councillors should;

- document all communications with proponents, e.g. meetings, phone calls, emails etc.
- provide copies of information presented at meetings to Council officers for assessment
- register all documents or meeting notes in Council's records management system
- request that persons lobbying Councillors put their argument in writing.

3.3 Meeting protocols

3.3.1 Meeting location

All reasonable endeavours must be undertaken to ensure meetings with Stakeholders occur on Council premises or on site. If the meeting does not occur in person, such as by phone (i.e. teleconference), the discussion and outcome must be recorded in the same manner as if a meeting was held in person.

3.3.2 Attendee Meeting Disclosure Form for Stakeholder meetings with the Mayor

Council requires all Stakeholders attending a meeting with the Administrator/Mayor to complete an Attendee Meeting Disclosure Form prior to the commencement of any meeting. The form will capture the names of attendees, intent of the meeting, and identify Registered Lobbyists who meet with Council.

Council is required under the *Privacy and Personal Information Protection Act 1998* (PPIPA) to collect, maintain and use Stakeholders personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA. Personal information requested on the form will only be used to fulfil the purpose for which it is being collected.

3.3.3 Record of Interaction form

In accordance with this Policy, the Mayor, Councillor and Senior officers must complete a Record of Interaction form summarising their public interactions (telephone and face-to-face-meetings). Any interaction, regardless of whether it is foreseen, planned, solicited or reciprocated, is subject to the requirements of this Policy.

The Record of Interaction form, which includes a signed declaration, must be completed and returned to Council within seven (7) days of the interaction. A copy of the completed record will be included with the relevant Council file.

3.3.4 Meetings related to a matter before Council (including planning matters), unsolicited proposals and requests for Council support on any matter

In order to protect public confidence in Council's decision making functions, Council officials should avoid private meetings with Stakeholders.

In cases where meetings with Stakeholders are held, Council stipulates the following requirements:

a) The Mayor:

- i. The Mayor is encouraged to arrange meetings on Council premises with Stakeholders wherever possible.
- ii. In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings with the Mayor and Stakeholders when meetings are held on Council premises.
- iii. Stakeholders must complete an Attendee Meeting Disclosure Form prior to the commencement of a meeting.
- iv. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

b) Councillors:

- i. Councillors are encouraged to arrange meetings on Council premises with Stakeholders wherever possible.
- ii. In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings between Councillors and Stakeholders when meetings are held on Council premises. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

c) General Manager:

- i. A Council official at a Director level must be present.
- ii. In the circumstance where a Director is unable to attend, an appropriate member of staff as determined by the General Manager or Director will attend.
- iii. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

d) Directors:

- i. A Council staff member must be present.
- ii. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

All Council officials, including the Mayor and Councillors, must be mindful of their obligations under Council's Code of Conduct, and avoid situations that may be perceived as or constitute improper and undue influence.

3.3.5 Correspondence

All correspondence received or created by the Mayor, Councillors or Senior officers should be registered in Council's ERDMS in accordance with *State Records Act 1998*, and their obligations under Council's Record Management Policy.

3.4 Register of Public Interaction

The Register of Public Interaction contains a summary of all interactions carried out in accordance with this Policy. The information included on this register is taken from completed Records of Interaction forms. The Manager Governance will maintain the Register of Public Interaction.

3.5 Conflict of interest

Any conflict of interest must be managed in accordance with Council's Code of Conduct to uphold the probity of Council's decision-making. In considering to undertake a public interaction, Council officials should assess whether or not they have a conflict of interest, and how this would be perceived by others viewing the situation.

If a Council official makes a disclosure at a Council meeting regarding a declaration of pecuniary interest or non-pecuniary conflict of interest, the disclosure and nature of the interest will be recorded in the Council minutes in accordance with Council's Code of Meeting Practice.

3.6 Access to Information

In accordance with the provisions of the *Government Information (Public Access) Act 2009* and Council's Access to Information Policy, the Attendee Meeting Disclosure Form, Record of Interaction form and the Register of Public Interaction will be publically accessible for inspection, unless there is an overriding public interest not to do so.

3.7 Breaches of this Policy

Any breaches of this Policy by a Council official could constitute a possible act of misconduct, and may lead to disciplinary action under the Code of Conduct and will be dealt with in accordance with the provisions of the Code.

Serious breaches by Council officials such as soliciting, or attempting to solicit a bribe, or knowingly accepting a bribe will be reported to the relevant Agency for investigation.

Serious breaches by members of the public (including other stakeholders) such as bribing, or attempting to bribe, a Council official will be reported to the relevant Agency for investigation.

Responsibilities

Council – Elected members of Council

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

In accordance with this Policy, the Mayor, Councillors and Senior Officers must complete a Record of Interaction form which includes a signed declaration.

The Mayor and Councillors must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Electronic Records Document Management System within seven (7) days of the interaction.

Where deemed appropriate for the provision of this Policy or the Code of Conduct Framework, Councillors are required to make records available to the General Manager upon request.

General Manager

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

The General Manager must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Electronic Records Document Management System within seven (7) days of the interaction.

Directors, Managers and Team Leaders

Are responsible for

- The implementation of the policy and procedures in their work area.
- The monitoring of implementation and compliance with the policy and associated Procedure.

Directors must ensure that all records made in accordance with this Policy are registered in Council's ERDMS within seven (7) days of the meeting or interaction occurring.

Directors are required to make records available to the General Manager upon request.

Planning Officers

Are required to make a record of all Stakeholder and Councillor interactions where planning matters are discussed. The record must be made and included with the relevant Council file.

Contact Officer: Director of Internal Services

Associated Documents

- **External**

- ICAC 'Lobbying Local Government Councillors (2006)' brochure

- **Internal**

- Code of Conduct
- Code of Meeting Practice
- Public Record of Interaction Form
- Access to Information Policy
- Councillor and Staff Interaction Policy
- Privacy Management Plan
- Public Interest Disclosures Policy
- Records Management Policy
- Statement of Business Ethics

Superseding Policy No. and Title:

Nil

Policy prepared by: Shirley Williams-Enever**History table:**

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0				Prepared by Corporate Support Officer – Tumbarumba Office
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DRAFT CODE OF MEETING PRACTICE

SVC-EXE-M-023-01

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PRELIMINARY INFORMATION

A Citation and Aim

This Code may be referred to as the Snowy Valleys Council Code of Meeting Practice. The aim of this Code is to achieve:

- Council and Committee meetings which are orderly, efficient and earn the respect of the community.
- Council and Committee meetings, which display open government and allow access and participation by the community.
- Standards which promote and contribute to the democratic process.

B Definitions

Administrator: 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. [R231]

Chairperson: (a) of the Council - means the person presiding at the meeting as provided by section 369 of the Act (see clause 2.4 of this Code) 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 Regulations) [R231] (see also clause 9.10 of this Code)

Committee: in relation to a Council, means a Committee established under clause 260 (of the Regulations) or the Council when it has resolved itself into a Committee of the Whole. (see clause 9.1 of this Code) [R231]

Council: means Snowy Valleys Council and where there is an Administrator, the Administrator.

Council Chambers: shall mean that area comprising the formal meeting floor

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

Deputy Mayor: means the Deputy Mayor of Snowy Valleys 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 Snowy Valleys Council and includes the General Manager

General Manager: means the General Manager of Snowy Valleys Council or, in the absence of that person, the employee designated to act for the General Manager of Snowy Valleys Council

Mayor: means the Mayor of Snowy Valleys Council

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

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

- a. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, 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]

Act [S]: means the Local Government Act 1993

Code: means the Snowy Valleys Council Code of Meeting Practice

Regulation [R]: means the Local Government (General) Regulation 2005

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.

C Act and Regulation

This Code is made pursuant to Section 360(2) of the Act, which states:

- (1) A Council may adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.

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

D Notes

- (1) Legislative references are shown in the following manner: [S369] – Refers to Section 369 Local Government Act 1993 [R231] – Refers to Clause 231 Local Government (General) Regulation 2005
- (2) The omission of any such reference indicates that the item is a non-statutory or discretionary provision.

PART 1 BEFORE THE MEETING

1.1 Holding Meetings

- The Council is required to meet at least 10 times each year, each time in a different month [S365]
- The Council shall, by resolution, set the time, date and place of Ordinary Meetings of the Council.
- In general, Council meetings are held on the fourth Thursday of each month commencing at

2pm

- The General Manager may call an Extraordinary Meeting of the Council for any specific purpose.
- If the Mayor receives a request in writing signed by at least two (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. [S366]
- The Mayor, in consultation with the General Manager, shall determine the time and place of an Extraordinary Meeting
- Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings can be held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required.
- Meetings will be held alternatively in Tumut and Tumbarumba – that is, the Ordinary monthly meeting will be held in the Council Chambers in Tumut one month and will be held in the Council Chambers in Tumbarumba on the alternative month. If an Extraordinary meeting is to be held between Ordinary meetings, the location of the meeting will be determined at the time.
- Council may, by resolution schedule a meeting at premises other than the usual venue. 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.

1.2 Notice of Meetings

Notice to Councillors

The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time, place and the business proposed to be transacted at the meeting.[S367(1)]

Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. [S367 (2)]

The Act does not define 'emergency'. It could cover things other than natural disasters, states of emergency or urgent deadlines that must be met. Initially, the General Manager would decide what is an 'emergency' and therefore if an extraordinary meeting is required.

A notice under this section and the agenda for, and the business papers relating to, the meeting may be given less than three (3) days to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. [S367 (3)]

Notice to the Public

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. [S9 (1), R232 (1)]

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. [R232 (2)]

- The notice must specify the time and place of the meeting. [R232 (3)]
- Notice of more than one meeting may be given in the same notice. [R232 (4)]
- This clause does not apply to an extraordinary meeting of a Council or Committee. [R232 (5)]
- 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 [S9, R232 (5)].
- Public notice of an Extraordinary Meeting is to be given on Council's website and by display of notices and agendas at Council's Customer Service Centre and Libraries.

A Council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting. [S9 (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, 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 the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business. [S9 (2A)].

The copies are to be available to the public as nearly as possible to the time they are available to Councillors [S9 (3)].

- The copies are to be available free of charge. [S9 (4)].
- 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. [S9 (5)].

1.3 Agendas and Business Papers for Council Meetings

The General Manager must ensure that the agenda for a Meeting of the Council states:

- all matters to be dealt with arising out of the proceedings of former Meetings of the Council; and
- any matter that the mayor intends to put to the meeting,

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. [R240 (2)]

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. [R240 (3)]

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. [R240 (4)] Nothing in this clause limits the powers of the Chairperson under clause 243 (of the Regulations) [R240 (5)]

Note. Personal information about people who make submissions and lodge petitions will not be included in the business papers. Council staff will summarise these documents in reports to Council or committee meetings. There may be instances where personal information is included about a person who is nominated for an award or applies for financial assistance

1.4 Agenda for Extraordinary Meetings

- The General Manager must ensure that the agenda for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting. [R242 (1)]
- Despite subclause (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:

- (a) a motion is passed to have the business transacted at the meeting; and
- (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the Agenda for the meeting has been disposed of. [R242 (2)]

Despite clause 250 of the Regulations (*R250 Limitation as to number of speeches*), only the mover of a motion deferred to in subclause (2) can speak to the motion before it is put. [R242 (3)]

1.5 Order of Business

- (1) At a meeting of Council (other than an Extraordinary Meeting), the general order of business is (except as provided by Regulation) as fixed by this Code of Meeting Practice. [R239 (1)]

(a) The following is the Order of Business for Council Meetings as fixed by the Council:

- I. Acknowledgement of Country
- II. Apologies and requests for leave of absence
- III. Declarations of Pecuniary Interest and conflicts of Interest
- IV. Public Forum
- V. Confirmation of previous minutes
- VI. Mayoral Minute
- VII. Correspondence/Petitions
- VIII. Notice of motion
- IX. Notice of rescission motion (if required)
- X. Questions on notice
- XI. Governance and Financial Reports
- XII. Management Reports
- XIII. Minutes of committee meetings
- XIV. Matters to be considered in closed Session (Committee of the whole)
- XV. Close of meeting

- (2) The order of business fixed under subclause (1) (a) may be altered if a motion to that effect is passed. Such a motion can be moved without notice. [R239 (2)]
- (3) Despite clause 250 of the Regulation (*R250 Limitation as to number of speeches*), only the mover of a motion referred to in subclause (2) may speak to the motion before it is put. [R239 (3)]

1.6 Councillor Notice for Questions and Motions

- (1) In accordance with clause 2.7(1) (a) Councillors shall submit Notices of Motion or Questions On Notice to the General Manager no later than 10am on the Monday eight (8) days before the meeting of Council

- (a) By written notice signed personally by the Councillor, or
- (b) By email.

- (2) Questions on Notice:

- (a) All Questions on Notice shall be entered by the General Manager upon the Agenda in the order in which they are received, and except by resolution of the Council, all such Questions On Notice shall be considered in the order in which they appear on

the Agenda.

- (b) A Question on Notice may be withdrawn by a Councillor by email or signed correspondence to the General Manager prior to the question being asked at the relevant Council meeting.
- (c) Where a Question on Notice purports to expend Council funds, is likely to divert significant time and resources of staff, is vague, trivial, overly detailed, offensive, or does not relate to the responsibilities of Council, the question may be ruled out of order by the Chairperson.
- (d) Responses to Questions on Notice are to be included, as soon as practicable, under the Agenda item, 'Responses to Questions On Notice', in a subsequent business paper for an Ordinary Meeting of Council.

1.7 Public Access to Agendas and Business Papers

- (1) A Council and each Committee of which all the 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. [S9 (2)]
 - (a) Agendas for Ordinary Meetings will be available on Council's website three (3) days prior to the meeting. Copies of the agendas will also be available in the public gallery at the meeting.
 - (b) Agendas for Extraordinary Meetings will be made available as soon as is possible, and no later than 9.00am on the day of 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. [S9 (2A)]
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors. [S9 (3)]
- (4) The copies are to be available free of charge. [S9 (4)]
- (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 [S9 (5)]

PART 2 AT THE MEETING - GENERAL

2.1 Who is entitled to attend Meetings?

(1) Except as provided by Part 7 of this Code in relation to Closed Meetings:

- (a) Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, and
- (b) A Council must ensure that all meetings of the Council and of such Committees are open to the public. [S10 (1)] Note. Council reserves the right to restrict the total number of people attending a meeting at once, to the maximum number of persons allowed in the room to comply with the Building Code of Australia (BCA). Council will provide a registration process for members of the public wishing to attend meetings to ensure the capacity of the room under the BCA is not exceeded.

(2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting. [S10 (2)]

2.2 Attendance of General Manager at Meetings

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. [S376 (1)]

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. [S376 (2)]

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. [S376 (3)]

2.3 Mode of Address

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.

A Councillor shall address all remarks or questions, either through or to the Chairperson.

2.4 Chairperson of Council Meetings

The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at Meetings of the Council. [S369 (1)]

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. [S369 (2)]

If no Chairperson is present at a meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting. [R236 (1)](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. [R236 (2)]

If, at an election of a Chairperson, two (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. [R236 (3)]

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. [R236 (4)]

The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson. [R236 (5)]

2.5 Chairperson to have Precedence

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. [R237]

2.6 Chairperson's Duty with Respect to Motions

It is the duty of the Chairperson at a Meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting. [R238 (1)]

The Chairperson must rule out of order any motion that is unlawful or the implementation of, which would be unlawful. [R238 (2)]

Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected. [R238 (3)]

2.7 Giving Notice of Business

The Council must not transact business at a Meeting of the Council:

- (a) unless a Councillor has given notice of the business in writing one week prior to the meeting [R241 (1)]; and
- (b) unless notice of the business has been sent to the Councillors at least 3 days before the meeting of the Council. In the event of an Extraordinary Meeting called

in an emergency, notice of less than 3 days may be given [S367, R241(1)]

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 R 236 (1)]; or
- (c) is a matter or topic put to the meeting by the Chairperson [R243 (1)]; or
- (d) is a motion for the adoption of recommendations of a Committee of the Council. [R241 (2)]
- (e) is a report from officers placed on the agenda pursuant to a decision of a Committee that additional information be provided to the Council for consideration in conjunction with the Report of a Committee.

Despite subclause (1), business may be transacted at a meeting of Council even though due notice of the business has not been given to Councillors. However this can only happen if:

- (a) a motion is passed to have the business transacted at the meeting; and
- (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice [R241 (3)]

Despite clause 250 of the Regulation (R250 Limitation as to number of speeches), only the mover of a motion referred to in subclause (3) can speak to the motion before it is put. [R241 (4)]

2.8 Public Forum

Residents, ratepayers, applicants, consultants or other persons may request to address Council or a Committee in relation to any matter which is listed for consideration on a Council or Committee Agenda. A person will be permitted to address a meeting of the Council or Committee, if the Council or Committee so resolves.

- A Public Forum may be scheduled prior to each Ordinary Council Meeting.
- There is a time limit of five (5) minutes per speaker. One extension of time (maximum 1 minute) may be granted at the discretion of Chairperson. The subject matter only is to be discussed.
- Council or the Committee may limit the number of speakers to address agenda items if there are a large number wishing to speak.
- Public Forum should not be used to raise questions, routine matters or complaints. Such matters should be forwarded in writing to Council where they will be responded to by appropriate Council officers.
- All requests to speak at a Council or committee meeting must be received by the General Manager (or his or her delegate) no later than 12pm on the day of the Meeting and are listed in order of receipt. Accepting requests received after this time will be at the discretion of the Chairperson.
- Speakers on agenda items will be called to address Council by the Chairperson and must provide their full name and suburb of residence before speaking, so that these details can be recorded in the minutes.
- Councillor questions to speakers are at the discretion of the Chairperson and for clarification

purposes only. Speakers are under no obligation to answer any question put to them.

- Speakers will be made aware that their address will be recorded and will be streamed live over the internet. The commencement of their public address will be their agreement of such recording.
- The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker makes inappropriate or offensive comments about another person.
- Speakers may use and distribute information; photos, maps etc. if submitted to and approved by the General Manager (or his or her delegate) by 12pm on the day of the meeting.

2.9 Invited Speakers

At the discretion of the Chairperson, other parties may be permitted to address an Ordinary Meeting of Council subject to:

- a) Notice of that person's attendance at the meeting being included by the General Manager on the relevant Business Paper.
- b) Public Forum not being considered the most appropriate forum in which to hear that person(s).
- c) Not more than ten (10) minutes in total being provided at any Ordinary Council Meeting to hear such person(s), with the option of an extension being granted by resolution of Council.

2.10 Mayoral Minute

If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the

Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

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

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. [R243]

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]

2.12 Limitation as to Number of Speeches

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. [R250 (1)]

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. [R250 (2)]

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. [R250 (3)] a Councillor may be granted with the leave of the meeting, an extension of three (3) minutes in which to complete his/her speech.

Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:

- 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
- if at least two (2) Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it. [R250 (4)]

The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion. [R250 (5)].

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). [R250 (6)]

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. [R250 (7)] The provisions in this clause shall also apply to Committee meetings.

2.13 Questions may be put to Councillors and Council Employees

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. [R249 (1)]

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. [R249 (2)]

- The Councillor must put every such question directly, succinctly, and without argument. [R249 (3)]
- 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. [R249 (4)]
- A Councillor may, through the Chairperson, ask questions of speakers for the purpose of clarification in accordance with clause 2.8 of this Code.
- If a question is put without notice, it can be ruled out of order if it does not relate to, or arise naturally out of, subjects before Council.

2.14 Voting at Council Meetings

Each Councillor is entitled to one vote. [S370 (1)]. However, the Chairperson presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. [S370 (2)]

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. [R251 (1)]

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. [R251 (2)]

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. [R251(3)]

When a division on a motion is demanded (by two Councillors), 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. [R251 (4)]

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. [R251 (5)]

2.15 Time Limit for Meetings

Meetings of Council and Committees are to conclude no later than 7.00pm or at the conclusion of the item being discussed, provided that such item being discussed can be concluded by 7.10pm. If such item has not been concluded by 7.10pm the meeting is then to be closed.

Except in cases of urgency, matters outstanding at the conclusion of the extended time are to be referred to a future or adjourned meeting. The Mayor may, with the concurrence of all other Councillors approve under delegation unfinished business listed on the agenda between Ordinary Meetings.

2.16 Webcasting of Meetings

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 10a 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.

Reproductions of these proceedings shall be available via Council's website for a period of 6 months.

Written transcriptions of such proceedings shall not be made available.

2.17 Recording of Meeting of the Council Prohibited without Permission

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. [R273 (1)]

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. [R273 (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 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. [R273 (3)]

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.[R273 (4)]

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

2.18 Petitions and Correspondence may be presented to the Council

A Councillor may present a petition and/or correspondence to the Council.

The Chairperson will only permit discussion on the petition or correspondence if the subject matter is already on the agenda for that meeting or is a matter, which can be dealt with under clause 2.7(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 or resubmitted to a future meeting.

2.19 Report of a Departmental Representative to be tabled at Council Meeting

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 laid on the table at that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times. [R244]

PART3 CONFLICTS OF INTEREST (PECUNIARY AND NON-PECUNIARY)

See also Code of Conduct in relation to Conflict of Interests and Pecuniary Interest.

3.1 Pecuniary Interest

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. [S442 (1)]

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 (clause 3.4 below). [S442 (2)]

3.2 Non-Pecuniary Interests

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.

Non-pecuniary conflicts of interests must be disclosed and managed in accordance with the relevant provisions of this Code.

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

3.3 Persons Who Have A Pecuniary Interest

For the purposes of this Part, 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. [S443 (1)]

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 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. [S443 (3)]

3.4 Interests that do not have to be disclosed

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

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a Council committee as a person chosen to represent

- the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
 - (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
 - (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
 - (j) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - (i) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract,
 - (k) an interest relating to the payment of fees to Councillors (including the mayor and deputy mayor),
 - (l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
 - (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
 - (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee, who is a relative of the person,
 - (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committee,
 - (p) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate. [S448].

3.5 Disclosure and Presence in Meetings

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. [S451 (1)]

The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:

- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
- (b) at any time during which the Council or Committee is voting on any question in relation to the matter. [S451 (2)]

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. [S451 (3)]

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 Councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting. [S451 (4)]

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. [S451 (5)]

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. [S457]

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.

Disclosures made at the meeting should be stated 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)	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 CI 3.5(2)

Significant, non-pecuniary interest	I declare a significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict)	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 CI 3.2(3)(a)
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)	No action needed, Councillor can remain at the meeting, partake in discussions and vote on the matter. Code of Meeting Practice CI 3.2(3)(b)

3.6 Disclosures to be recorded

A disclosure made at a Meeting of Council or Council Committee must be recorded in the minutes of the meeting. [S453]

3.7 General Disclosures

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]

3.8 Disclosure by Adviser

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. [S456 (1)]

The person is not required to disclose the person's interest as an adviser. [S456 (2)]

PART 4 QUORUM AND ATTENDANCE

4.1 Presence at Council Meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. [R235]

4.2 Leave of Absence

Leave of absence may be granted to Councillors by resolution of the Council. The granting of a leave of absence cannot be delegated. [S377 (1) (r)]

A Councillor's application for leave of absence from Council Meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent. [R235A (1)]

A Councillor who intends to attend a Council Meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend. [R235A (2)]

A Councillor applying for a leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor. [S234(2)]

If the holder of a civic office attends a Council Meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future Council meeting. [S234 (3)]

Subsection (5) does not prevent the Council from granting further leave of absence in respect of any future Councilmeeting [S234(4)]

4.3 Quorum

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. [S368 (1)]

- (a) 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.

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
at any time during the meeting. [R233 (1)]

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. [R233 (2)]

If during a meeting of Council or a Committee, a quorum is not present, the Chairperson shall suspend the proceedings for a period of three minutes. If a quorum is not then present at the end of the three-minute suspension, the provisions of Clause 4.3(3) [R233] shall apply. This adjournment is to allow the return of any departed Councillors.

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. [R233 (3)]

If the meeting is to resume on another day any decisions of Council made prior to the lapsing of the meeting are to be acted upon by Council officers and do not need to await the resumption of the adjourned meeting. The outstanding matters are to be resubmitted to the adjourned meeting for determination.

Resubmitted matters are to be dealt with prior to any new business of which due notice has been given in accordance with 2.7(1) (a) if a Councillor has requested that the matter be submitted to the

adjourned meeting or if the General Manager determines that the matter is to be submitted to the adjourned meeting.

A reconvened meeting, being for the purpose of completing unfinished business of the previous adjourned meeting shall be deemed a continuation of that adjourned meeting.

Minutes of the adjourned meeting are to retain a reference to the date of the original meeting as well as the date of resumption.

PART5 MOTIONS AND AMENDMENTS

5.1 Motions, Amendments and Resolutions

A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council. (DLG Meetings Practice Note 16). Any Motion that proposes the spending of funds that has not been programmed in the budget must identify the source of funding for that spending.

- (a) In putting forward Notices of Motion Councillors must balance their civic responsibilities for representing the interest of their community with their obligation to use Council's resources effectively and efficiently.
- (b) The wording of the motion shall be precise and clear.
- (c) Where the General Manager considers a Motion has legal, strategic, financial or policy implications which need to be taken into account, the General Manager may;
 - (i) provide advice that the motion be deferred pending a report from officers;
 - (ii) provide an officers comment with a Notice of Motion on the business paper; or
 - (iii) provide a recommendation with a Notice of Motion on the business paper that the matter be deferred ending a report from officers. If, in the opinion of the General Manager, a report needs to be presented to Council to assist Councillors with consideration of the Notice of Motion, and if time permits, the General Manager may include a report in the business paper.

An amendment is a change to the motion before the Council, and takes place while that motion is being debated. An amendment to a motion must be put forward in a motion itself. (DLG Meetings Practice Note 16)

- (a) An amendment to a motion requires a mover and a seconder to put it forward. To be accepted as an amendment, it must directly relate to the motion and cannot be distinctly different, such as resulting in a different course of action.
- (b) The amendment must be dealt with before voting on the main motion takes place. If the amendment is carried, it becomes the motion and the original motion lapses.
- (c) Where an amendment or addition is put forward by a Councillor and is accepted by the mover and seconder of the original motion or amendment currently before Council, the changes are then incorporated into the motion or amendment and normal debate continues.

A resolution is a motion that has been passed by a majority of Councillors at the meeting. While in practice it means the 'Council decision', the word 'resolution' also indicates the process by which the decision was made. (DLG Meetings Practice Note 16)

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

5.2 Notice of Motion - Absence of Mover

In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of Council:

- (a) any other Councillor may move the motion at the meeting; or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered. [R245]

5.3 Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded. [R246]

The mover of a motion may be allowed by the Chairperson to briefly speak to the motion before calling for the motion to be seconded.

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

Subclause (1) is subject to the provisions in relation to Official minutes [R243 (2)] and Limitations to numbers of speeches [R250 (5)]

5.4 How Subsequent Amendments or Motions may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time. [R247]

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.

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).

5.5 Procedural Motions

A procedural motion is a motion that refers to the conduct of a meeting and has precedence over substantive motions.

In general, a procedural motion requires a seconder and there is no debate on the item, unless specified in this Code.

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
Change the Order of Business	Yes	Yes	Mover of motion only	No
Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No

Motion	Moved without Notice	Requires Secunder	Speakers/ Debate Permitted	Right of Reply
Dissent from Chairperson's ruling on Point of Order)	Yes	Yes	Mover & Chairperson only may speak.	No
Adjournment of Meeting	Yes	Yes	No debate permitted	No
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
(vii) Vote on points of a resolution separately	Yes	Yes	Mover of motion only	No

5.6 Motions of Dissent

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. [R248 (1)]

If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course. [R248 (2)]

Despite clause 250 of the Regulations (*R250 Limitation as to number of speeches*), 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. [R248 (3)]

5.7 Motions for Adjournment

Debate shall not be permitted on any motion for adjournment of a meeting of the Council.

If a motion for adjournment is negative (rejected/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 negative (rejected/lost).

A motion for adjournment may specify the period of the adjournment or the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the period of adjournment or 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.

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.

PART6 RESCISSION MOTIONS

6.1 Rescinding or Altering Resolutions

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, clause 2.7(1)(a) of the Code. [S372 (1)]

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.

If a 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 [S372(2)]; 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.

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.

If a motion has been negatived (rejected/lost) by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Code of Meeting Practice. [S372 (3)]

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 (rejected/lost) by the Council, must be signed by 3 Councillors if less than 3 months has lapsed since the resolution was passed, or the motion was negative (rejected/lost), as the case may be. [S372 (4)]

Note. The General Manager will accept a notion of motion to rescind a resolution sent by email by three different Councillors.

If a motion to alter or rescind a resolution has been negative (rejected/lost), or if a motion which has the same effect as a previously negative (rejected/lost) motion, is negative (rejected/lost), 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. [S372 (5)]

A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. [S372 (6)]

The provisions of this section concerning negatived (rejected/lost) motions do not apply to motions of adjournment. [S372 (7)]

A notice of rescission can be dealt with at the meeting at which it is received but only in accordance with clause 2.7(3) of this Code.

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

PART7 CLOSED MEETINGS

7.1 Public Notice of Closed Meetings

- (1) The Council must give notice to the public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors[S9 (1)].
- (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 [S9 (2A)].

7.2 Which parts of a meeting can be closed to the public?

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 herein after referred to as a “Closed (Public Excluded) Meeting”, as comprises:

- (a) the discussion of any matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed, or new issues raised by Councillors which relate to matters and information listed in subclause (2). [S10A (1)] (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. [10A (2)]

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 meetings as comprises a motion to close another part of the meeting to the public. [10A (3)]

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. [S10A (4)] See clause 7.6 below.

The existence of the grounds in section 10A (2) does not place any obligation on a Council to close

its meeting to consider a matter or information, however it does permits the Council to do so.

7.3 Further Limitations Relating to Closure of Parts of Meetings to Public

A meeting is not to remain closed during the discussion of anything referred to in section 10A (2) (clause 7.2(2) above):

- (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. [S10B (1)]

A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice. [S10B (2)]

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)), 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)). [S10B (1)]

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:
 - 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. [S10B (4)]

In deciding whether a 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. [S10B (5)]

7.4 Grounds for closing part of meeting to be specified

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. [S10D (1)]

The grounds must specify the following:

- (a) the relevant position of the section 10A (2),
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. [S10D (2)]

7.5 Notice of likelihood of closure not required in urgent cases

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

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
 - (b) the Council or Committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.
- [S10(C)]

7.6 Representations by members of the public - closure of part of meeting

A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. [R252 (1)]

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.

7.7 Resolutions passed at closed meetings to be made public

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended. [R253]

PART 8 ORDER AT MEETINGS

8.1 Acts of Disorder

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:

- (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. [R256 (1)]

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). [R256 (2)]

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. [R256 (3)]

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.

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:

- interrupts a speaker except upon a point of order;
- interrupts the Chairperson except on a point of dissent;
- 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.

8.2 Questions of Order

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. [R255 (1)]

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'. [R255 (2)]

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. [R255 (3)]

The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. [R255 (4)]

Any ruling of the Chairperson on a point of order will be recorded in the minutes of the meeting.

8.3 How Disorder at a Meeting may be dealt with

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. [R257 (1)]

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. [R257 (2)]

The Chairperson may adjourn the meeting to enable persons to be removed from the meeting.

8.4 Power to remove persons from meeting after expulsion

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

- (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
- (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place. [R258]

8.5 Motions of Dissent

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. [R248 (1)]

If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course. [R248 (2)]

Despite clause 250 of the Regulations (*R250 Limitation as to number of speeches*), 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. [R248 (3)]

PART9 COUNCIL COMMITTEES

9.1 Committee of the Whole

The Council may resolve itself into a Committee to consider any matter before the Council. [S373]

(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 the Council when in Committee of the Whole, except the provisions:

- (a) limiting the number and duration of speeches [R259(1)]; and
- (b) requiring Councillors to stand when speaking.

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. [R259(2)];

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. [R259(3)]

9.2 Council May Establish Committees

A Council may, by resolution, establish such Committees, as it considers necessary. [R260(1)] (2)

A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council. [R260(2)]

The quorum for a meeting of such a Committee is to be:

- (a) such number of members as the Council decides; or
- (b) if the Council has not decided a number - a majority of the members of the Committee. [R260(3)]

9.3 Functions of Committees

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. [R261]

9.4 Notice of Committee Meetings to be given

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. [R262 (1)]

However, notice of less than 3 days may be given of a Committee meeting called in an emergency. [R262 (2)]

The provisions of clause 2.7(1)-(4) and 2.7(1) (a) apply to the Agendas of Committee Meetings in the same manner as they apply to the Agendas of Meetings of the Council.

9.5 Non-Members entitled to attend Committee Meetings

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. [R263 (1)]

However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting. [R263 (2)]

9.6 Committee Members other than Councillors

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

9.7 Representations by members of the public - closure of part of committee meeting

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. [R252 (1)]

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.

9.8 Procedure in Committees

Subject to subclause (3), each Committee of a Council may regulate its own procedure. [R265 (1)]
(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. [R265 (2)]

Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands). [R265 (3)]

9.9 Committees to keep Minutes

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. [R266 (1)]

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. [R266 (2)]

9.10 Chairperson and Deputy Chairperson of Committees

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. [R267(1)]

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. [R267(2)]

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. [R267(3)]

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. [R267(4)]

9.11 Absence from Committee Meetings

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. [R268(1)]

Subclause (1) does not apply in respect of a Committee that consists of all of the members of the Council. R268(2)]

9.12 Reports of Committees

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 2.14 for recording of other divisions.

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. [R269(1)]

The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council. [R269(2)]

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. [R269(3)]

9.13 Disorder in Committee Meetings

The provisions of the Act and of this Regulation [R270] 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. [R270]

9.14 Committee may expel certain persons from its Meetings

If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act. [R271(1)]

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. [R271 (2)]

PART 10 AFTER THE MEETING

10.1 Decisions of the Council

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council. [S371]

10.2 Public Access to Correspondence and Reports

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. [S11(1)]

This section does not apply if the correspondence or reports:

- (a) relate to a matter that was received or discussed; or
- (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public. [S11(2)]

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), are to be treated as confidential. [S11(3)]

10.3 Certain Circumstances do not Invalidate Council Decisions

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

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the Meeting to any Councillor or a Committee Member; or
- (c) any defect in the election or appointment of a Councillor or a Committee Member; or
- (d) a failure of a Councillor or a committee member to disclose a pecuniary interest, 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 this Code. [S374]

PART 11 MINUTES

11.1 Minutes of the Meeting

Council and its Committees must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council and its committees. [S375]

The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting. [S375]

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

- (a) details of each motion moved at a Council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost. [R254]

11.2 What Matters must be included in the minutes

The Act provides that the following matters must be included in the minutes of Council meetings:

- The grounds for closing part of a meeting to the public (s.10D).
- The report of a Council committee leading to a rescission or alteration motion (s.372(6)).
- The disclosure to a meeting by a Councillor of a pecuniary interest (s.453)

The Regulation provides that the following matters must be included in the minutes of Council meetings:

- Details of each motion moved at a Council meeting and of any amendments (cl.254(a)).
- The names of the mover and seconder of each motion and amendment (cl.254(b)).
- Whether each motion and amendment is passed or lost (cl.254(c)).
- The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (cl.233(3)).
- The dissenting vote of a Councillor, if requested (cl.251(2)).
- The names of the Councillors who voted for a motion in a division and those who voted against it (cl.251(4)). Note that a division is always required when a motion for a planning decision is put at a meeting of the Council (Section 375A of the Act).
- A report of the proceedings of the committee of the whole, including any recommendations of the committee (cl.259(3)).

11.3 What matters should be shown in the minutes of the closed part of a meeting

Minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost (cl. 254 of the Regulation)

11.4 What matters must be included in the minutes of committee meetings made up of Councillors only?

Clause 266 of the Regulation requires full and accurate minutes to be kept of committee meetings made up of Councillors only. The minutes must include at least:

- Details of each motion moved at a committee meeting and of any amendments (cl.266(1)(a) of the Regulation)
- The names of the mover and seconder of each motion and amendment (cl.266(1)(b) of the Regulation)
- Whether each motion and amendment is passed or lost (cl.266(1)(c) of the Regulation)
- The names of the Councillors who voted for a motion for a planning decision and those who voted against it. Such voting must be conducted by way of a division (Section 375A of the Act)
- The grounds for closing part of a meeting to the public (s.10D of the Act)
- The disclosure to a meeting by a Councillor of a pecuniary interest (s.453 of the Act)

11.5 Confirmation of Minutes

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.

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

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

11.6 Inspection of the Minutes of the Council or a Committee

An inspection of the minutes of a Council or Committee of a Council is to be carried out under the

supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes. [R272(1)]

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. [R272(2)]

PART 12 CODE OF MEETING PRACTICE

12.1 Amendment of this Code

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

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.

PART 13 MISCELLANEOUS

13.1 Disclosure and misuse of information – prescribed circumstances

For the purposes of section 664 (1B) (c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance. [R412]

13.2 Access to Records

Councillors and the public have access to Council records under the Government Information (Public Access) Act 2009.

In addition, a Councillor may have a common law right, independent of these provisions, to see a document which is necessary in the exercise of the Councillor's duty (*Drummoyne -V- Marshall, 1989*). That right does not extend to a matter in which a Councillor merely has a curiosity rather than an appropriate civic responsibility.

13.3 Minister to convene meetings in certain cases

Whenever an area is constituted or reconstituted, the Minister is required: (a) to convene the first meeting of the Council of the area, and

- to nominate the business to be transacted at the meeting, and
- to give the Councillors notice of the meeting. [R234(1)]

If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present. [R234(2)]

The Council must transact the business nominated by the Minister for a meeting convened under this clause. [R234(3)]

PART 14 COUNCIL WORKSHOPS & BRIEFING SESSIONS

- (1) The Council may hold workshops under its general powers as a body corporate.
- (2) Workshops and briefing sessions are not meetings of the Council or its formal standing committees, under the Code of Meeting Practice. A Workshop may involve Councillors, staff and participants invited by the General Manager.
- (3) Workshops are not open to the public.
- (4) Workshops are informal and are intended and used to provide useful background information to Councillors on issues, to develop Councillor knowledge and expertise to assist in their role as public officials, and to provide informal input into relevant matters.
- (5) No Council decisions are to be made at workshops.
- (6) Workshops do not have any decision making authority or powers and shall not be used for transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) Council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council or committee meeting.
- (7) All Councillors are entitled to attend workshops.

(Clauses 1-6 above are sourced from the DLG Meetings Practice Note)

- (8) Any information or briefing papers for a workshop shall be given to all Councillors. Any information given to a particular Councillor for a workshop in the performing of their civic duties must also be available to any other Councillor who requests it.
- (9) Workshop briefing papers shall contain information and options but no recommendations, and no recommendations are to be put to nor sought from, the Councillors or other workshop participants in the course of the workshop. General consensus on any options may be expressed by the workshop participants.
- (10) Conflict of interests provisions – both Pecuniary and Non-Pecuniary - do apply to workshops conducted by the Council under this clause and as such need to be appropriately identified, managed and a written record made.
- (11) The meeting procedures in the Act and the Regulation and in this Code do not apply to workshops held by the Council under this clause
 - (a) which apply to meetings of the Council and its formal committees comprising of all Councillors and only Councillors, and
 - (b) in respect of the attendance entitlements or requirements of Councilors and attendance entitlements of the public
- (12) Minutes and recordings of the meeting will not be taken but a formal record of the workshop will be kept by Council staff detailing the date, subject, those present, the purpose of the workshop and any disclosures of interest.

Policy prepared by: Corporate Support Officer

Superseding Policy No. and Title:

Code of Meeting Practice Gov.17 – Former Tumut Shire Council

History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0	2/08/2017			Prepared by Corporate Support Officer
1		24/08/2017	M134/17	Adopted Ordinary Council Meeting for Public Exhibition