

ATTACHMENT 1

Norfolk Island Regional Council
Draft Code of Meeting Practice

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PART A – BEFORE THE MEETING

A1.1 Ordinary Meetings of Council and Committees – When Held?

- (1) Council is required to meet at least 10 times each year, each time in a different month.

(Section 365 of the Act)

- (2) Ordinary Meetings of Council will be held on the **third Wednesday** of each calendar month except January and with the June meeting being on the 4th Wednesday, commencing at 2:00 pm. Where at any time, there is a need to amend the Meeting schedule, Council needs to move a motion to make such a change and is still to maintain the policy of one ordinary Meeting per month, except for January.

A1.2 Briefings/Workshops

- (1) The General Manager will notify date and time of briefings/workshops to the Councillors at least one week in advance of the briefing/workshop being held. Briefings/workshops will generally be called once a month on the first Wednesday and will be dealing with content that will be considered at the following Council ordinary meeting.

A1.3 Giving Notice of Business

- (1) A council must not transact business at a meeting of the council:
- (a) unless a councillor has given notice of the business in writing within such time before the meeting being **by 5.00 pm on the Monday** preceding the week of the Ordinary Council Meeting, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and

- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.
(Clauses 241(1) (2) of the Regulation)
- (2) Sub-clause (1) above does not apply to the consideration of business at a Meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before the Council or;
 - (b) is the election of a Chairperson to preside at the Meeting as provided by Clause B1.1(6) and (7) of this Code;
 - (c) is a Mayoral minute;
 - (d) is a motion for the adoption of recommendations of a Committee.
(Clause 241(2) of the Regulation)

A1.4 Notice of Meetings to Councillors

- (1) The General Manager must send to each Councillor or each member of a Committee, at least three days before each Meeting of Council or a Committee, a notice specifying the time, place and the date on which the Meeting is to be held and the business proposed to be transacted.
(Section 367(1) of the Act)
- (2) A notice under this Section and the agenda for, and the business papers relating to the Meeting may be given to a Councillor in **electronic form** but only if all Councillors have facilities to access the notice, agenda and the business papers in that form.
(Section 367(3) of the Act).
- (3) Proceedings at a Meeting of Council or a Council Committee are not invalidated because of a failure to give notice of the Meeting to any Councillor or Committee member.
(Section 374(b) of the Act)

A1.5 Calling of Extraordinary Meetings

- (1) The General Manager must send to each Councillor, at least three days before any Extraordinary Meeting of Council, a notice specifying the time, place and the date on which the Extraordinary Meeting is to be held and the business proposed to be transacted.
(Section 367(1) of the Act)
- (2) Where the Mayor or the General Manager is of the opinion that an emergency exists which warrants an Extraordinary Meeting of Council being called, he or she may call such an Extraordinary Meeting of Council with less than 3 day's notice.
(Section 367(2) of the Act).

- (3) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an Extraordinary Meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request whilst providing a minimum of 3 day's notice.

(Section 366 of the Act)

- (4) Any such request must include the reason as to the urgency of the matter for there to be an Extraordinary Meeting of Council called and the request must also include background information on the matter at hand.
- (5) A notice under this Section and the agenda for, and the business papers relating to the Meeting may be given to a Councillor in **electronic form** but only if all Councillors have facilities to access the notice, agenda and the business papers in that form.

(Section 367(3) of the Act).

A1.6 Public Notice of Meetings To Be Given

- (1) This Clause prescribes the manner in which the requirements outlined in section_9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a council or of a committee (with only Council Members) must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

(Clause 232 of the Regulation)

A1.7 Agendas and Business Papers for Council Meetings

- (1) The General Manager must ensure that the Business Paper Agenda for a Meeting of Council includes:
 - (a) all matters to be dealt with arising out of the proceedings of former Meetings of Council;
 - (b) if the mayor is the chairperson-any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) any business of which due notice has been given (by Monday 5.00 pm the week preceding the Council ordinary meeting) that has not been excluded under of this Code

(Clause 240(1) of the Regulation).

- (2) The General Manager must not include in the agenda for a Meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusions to the next Meeting of Council

(Clause 240(2) of the Regulation).

- (3) The General Manager must cause the Agenda for a Meeting of Council or a Committee to be prepared as soon as practicable before the Meeting.
(Clause 240(3) of the Regulation)

A1.8 Business Papers for Extraordinary Meeting

- (1) The General Manager must ensure that the business paper for an Extraordinary Meeting of Council deals only with the matters stated in the notice of the Meeting
(Clause 242(1) of the Regulation)
- (2) Despite subclause (1) of this Clause, business may be transacted at an extraordinary Meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the Meeting,
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency; and
 - (c) such a motion can be moved without notice but only after the business notified in the agenda for the Meeting has been disposed of.
- (3) Despite Clause 250 of the Regulation, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.
(Clause 242 of the Regulation)

A1.9 Order of Business Agenda

- (1) Norfolk Island Regional Council's Order of Business Agenda for all Ordinary Meetings of Council is:

1. Welcome
2. Statement of Respect

The Norfolk Island Regional Council promotes a climate of respect for all. We will endeavour to inspire in our community shared civic pride by valuing and protecting our unique culture and environment, both natural and built, for the current and future generations. We, the elected members and staff of the Norfolk Island Regional Council undertake to act with honesty and integrity, to conduct ourselves in a way that engenders trust and confidence in the decisions we make, and the actions we take on behalf of the Norfolk Island community

3. Apologies
4. Disclosures of Interest
5. Confirmation of minutes
6. Public Access
7. Mayoral Minute
8. Reports from Committees
9. Reports from Officers
10. Notices of Motion
11. Urgent Business without Notice
12. Confidential Matters for Consideration
13. Questions for the next meeting

A1.10 Timing of Election of Mayor – Extraordinary Meeting of Council

The election of the Mayor by Councillors is to be held:

- a) if it is the first election after an ordinary election of Councillors – within three weeks after the ordinary election; or
- b) if it is not that first election or an election to fill a casual vacancy – during the month of September.

(Sections 290(1)(a) and (b) and 295(1) of the Act)

A1.11 To Fill a Casual Vacancy of Mayor

- (1) If a casual vacancy occurs in the office of a Mayor elected by the Councillors, the vacancy is to be filled at a meeting of the Council to be held within 14 days after the occurrence of the vacancy.
- (2) If the Councillors fail to elect a Mayor as required by this section, the Governor may appoint one of the Councillors as the Mayor.

(Section 295 of the Act)

A1.12 Minister to convene Meetings in certain cases

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
 - (a) to convene the first Meeting of the Council of the area; and
 - (b) to nominate the business to be transacted at the Meeting; and
 - (c) to give the Councillors notice of the Meeting.
- (2) If there is no quorum at that Meeting, the Minister may convene Meetings in the same manner until a quorum is present.
- (3) The Council must transact the business nominated by the Minister for a Meeting convened under this Clause.

(Local Government (General) Regulation, Clause 234)

A1.13 When Does a vacancy Occur in a Civic Office?

- (1) A civic office becomes vacant if the holder:
 - (a) dies, or
 - (b) resigns the office by writing addressed to the General Manager, or
 - (c) is disqualified from holding Civic Office, or
 - (d) is absent from three (3) consecutive Ordinary Meetings of the Council (unless the holder is absent because he or she has been suspended from office under Section 482 of the Act), without:
 - (i) prior leave of absence of the Council; or
 - (ii) leave of absence granted by the Council at any of the Meetings concerned, or

- (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (e) becomes a mentally incapacitated person, or
 - (f) is dismissed from Civic Office, or
 - (h) ceases to hold the office for any other reason.
- (2) For the purposes of subclause (1)(d) of this Clause, 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.
- (3) 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.
- (4) Subsection (3) does not prevent the Council from granting further leave of absence in respect of any future Council Meeting.

(Section 234 of the Act)

PART B – AT THE MEETING

General

B1.1 Who Presides at Meetings of Council or Committees

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

(Section 369(1) of the Act)
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the Meeting by the Councillors present presides at a Meeting of the Council.

(Section 369(2) of the Act)
- (3) the Chairperson of each Committee Meeting must be:
 - (a) the Mayor, or
 - (b) if the Mayor does not wish to be the Chairperson of that Committee – a member of the Committee elected by Council; or
 - (c) if Council does not elect such a member – a member of the Committee elected by the Committee.

(Clause 267(1) of the Regulation)
- (4) Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

(Clause 267(2) of the Regulation)
- (5) If neither the Mayor nor the Deputy Chairperson of a Committee is able or willing to preside at a Meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

(Clause 267(3) of the Regulation)
- (6) If no Chairperson is present at a Meeting of Council or a Committee at the time designated for the holding of the Meeting, the first business of the Meeting must be election of a Chairperson to preside at the Meeting.

(Clause 236(1) and Clause 267 of the Regulation)
- (7) The election of a Chairperson must be conducted:
 - (a) by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election, or;
 - (b) if neither of them is present at the Meeting or there is no General Manager or designated employee – by the person who called the Meeting or a person acting on his or her behalf.

(Clause 236(2) of the Regulation)
 - (c) When two or more candidates receive an equal highest number of votes at the election of a Chairperson, the Chairperson is chosen by lot. The candidate whose name is on the drawn slip is the candidate who is to be Chairperson.

(Clause 236(3)(4)(5) of the Regulation)

B1.2 Chairperson to have Precedence

When the Chairperson rises during a Meeting of Council or a Committee:

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

(Clause 237 of the Regulation)

B1.3 Presence at Council Meetings

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

(Clause 235 of the Regulation)

Attendance at Meetings

B2.1 What is a Quorum for a Meeting?

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.

(Clause 368 of the Regulation)

B2.2 Quorum for a Committee Meeting

- (1) The Quorum for Committee Meetings is 50% plus one.

B2.3 What happens when a Quorum is not present?

- (1) A Meeting of Council or a Committee must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the Meeting; or
 - (b) at any time during the Meeting.
- (2) In either case, the Meeting must be adjourned to a time, date and place fixed:
 - (a) by the Chairperson; or
 - (b) in his or her absence – by the majority of the Councillors present; or
 - (c) failing that, by the General Manager.
- (3) The General Manager must record in 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 the Meeting of Council or a Committee, together with the names of the Councillors present.

(Clause 233 of the Regulation)

B2.4 Non-Attendance of a Councillor at a Meeting (Leave of Absence, Apology, Absent)

- (1) 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.

(Clause 235A(1) of the Regulation)

- (2) A Councillor applying for a leave of absence from a Meeting of a Council does not need to made the application in person and the Council may grant such leave in that absence of that Councillor.

(Section 234(2) of the LG Act)

- (3) 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.

(Section 234(3) of the LG Act)

- (4) Subsection (3) does not prevent the Council from granting further leave of absence in respect of any future Council Meeting.

(Section 234(4) of the LG Act)

- (5) 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 two (2) days' notice of his or her intention to attend.

(Clause 235A(2) of the Regulation)

- (6) The granting of 'Leave of Absence' is by Council resolution .

- (7) Where a Councillor has advised of their non-attendance but 'Leave of Absence' is not granted by Council this shall be recorded as an 'Apology'.

- (8) Where a Councillor does not advise of their non attendance this shall be recorded as 'Absent'.

- (9) The minutes of Council will record any resolution that grants leave of absence.

(See Clauses 4.1.3 and 4.1.4 of Meetings Practice Note 16 issued by the Division of Local Government dated August 2009)

B3.1 Disclosure of Pecuniary Interests and Participation in Meetings

- (1) A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a Meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the Meeting as soon as practicable.

(Section 451(1) of the Act)

- (2) Declaration of Interest forms have been provided to each Councillor, and they are to be completed and handed to the General Manager at the commencement of the meeting in addition to providing a verbal declaration.

- (3) The Councillor or member must not be present at, or in sight of, the Meeting of the Council or Committee:

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

(Section 451(2)(a) and (b) of the Act)

(4) A Councillor or a member of a Council Committee is not prevented from being present at and taking part in a Meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or member has an interest in the matter of a kind referred to in Section 448 (interests that do not have to be disclosed).

(5) Subsections (1) and (3) above 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.

(Section 451 of the Act)

B3.2 What interests do NOT have to be disclosed?

The following interests do NOT have to be disclosed for the purposes of this Chapter:

- (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 as 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 (1),

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.

(Section 448 of the Act)

- (q) an interest arising from a Code of Conduct complaint, where the complainant is a Councillor:
 - (i) they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code;
 - (ii) prior to imposing a sanction, the Council must provide the subject person with an opportunity to make an oral submission to the Council. The subject person is to confine their submission to addressing the investigator's recommendation/s;
 - (iii) once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.

(Section 448 of the Act)

(Clauses 8.46, 8.47 and 8.48 of Council's Procedures for Administration of Code of Conduct)

B3.3 Disclosures to be recorded

A disclosure and the nature of the interest made at a Meeting of a Council or Council Committee must be recorded in the Minutes of the Meeting.

(Section 453 of the Act)

B3.4 General disclosure

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 .

(Section 454 of the Act)

B3.5 Circumstances in which Disclosure Requirements are not breached (No Knowledge)

A person does not breach Section 451 and Section 456 of the Act 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.

(Section 457 of the Act)

B3.6 Powers of Minister in relation to Meetings to exempt an interest

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a Meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) That the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- (b) That it is in the interests of the electors for the area to do so.

(Section 458 of the Act)

B4.1 Mayoral Minutes

(1) If the Mayor is the Chairperson at a Meeting of Council, the Mayor (**and only the Mayor**) is entitled to put to the Meeting by way of a written and signed Mayoral Minute any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.

(2) Such a minute, when put to the Meeting, takes precedence over all business on Council's business paper for the Meeting. The Mayor may move the adoption of the minute without the motion being seconded.

(Clause 243(2) of the Regulation)

(3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

(Clause 243 of the Regulation)

B4.2 Chairperson's Duty with respect to Motions

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

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

(3) The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

(4) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

B4.3 Motions to be Seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243 (2) and 250 (5).

(Clause 246 of the Regulation)

B4.4 Notices of Motion

- (1) Notices of Motion are to be received by Monday 5.00 pm in the week before the Council Meeting.
- (2) Motions will be listed on the Business Paper in the order received.
- (3) If the mover is absent, debate may be deferred once only, at the discretion of the Mayor.
- (4) The General Manager may rule that a motion is out of order if it:
 - (a) is vague and equivocal in its language;
 - (b) is the direct negative of or is inconsistent with a resolution just passed by the Meeting;
 - (c) states names of persons or other facts unless they are strictly necessary to render the motion intelligible and can be authenticated;
 - (d) is argumentative;
 - (e) makes inferences;
 - (f) draws imputations;
 - (g) refers to confidential matters.
- (5) The General Manager may exclude from the agenda any motion that would have the effect of exposing a Councillor, the Council, or a member of staff to an action for defamation.
- (6) The General Manager will return to a Councillor any motion that does not comply with the Code of Meeting Practice. The motion may be rewritten and resubmitted for a further Business Paper.
- (7) The General Manager must report without giving details of the item of business any such exclusion to the next Meeting of Council.

(Clause 240(2) of the Regulation)

B4.5 Absence of mover of Notice of Motion

In the absence of a Councillor who has placed a Notice of Motion on the business paper for a Meeting of Council:

- (a) any other Councillor may move the motion at the Meeting; or

- (b) the Chairperson may defer the motion until the next Meeting of Council or Committee at which the motion can be considered.

(Clause 245 of the Regulation)

B4.6 How subsequent amendments may be moved

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

(Clause 247 of the Regulation)

B4.7 Question in relation to Motions and Amendments

(1) A Councillor may:

- (a) through the Chairperson, put a Question on Notice to another Councillor; and
- (b) through the General Manager, put a Question on Notice to a Council employee.

(Clause 249(1) of the Regulation)

(2) A Councillor or a Council employee to whom a Question on Notice 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 before answering the question.

(Clause 249(2) of the Regulation)

(3) The Councillor must put every such question directly, succinctly and without argument.

(Clause 249(3) of the Regulation)

(4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this Clause

(Clause 249(4) of the Regulation)

B4.8 Unlawful Motions

(1) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

(2) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

(Clause 238(2) and (3) of the Regulation)

B4.9 Procedural Motions

(1) All Procedural Motions must be accepted by the Chairperson.

(2) All Procedural Motions must be seconded except A Point of Order and The Motion Be Now Put.

(3) All Procedural Motions may be moved without notice.

(4) Only the mover of a Procedural Motion may speak to it and no further discussion will be allowed.

- (5) The Chairperson must put a Procedural Motion to the Meeting immediately after the mover has spoken to it.
- (6) No Procedural Motion may be amended, except to provide clarification as to detail.
- (7) Examples of Procedural Motions include:
 - (a) Motion to Alter the Order of Business. *(Clause 239(2) of the Regulation)*
 - (b) The Motion Be Now Put. *(Clause 250(4-7) of the Regulation)*
 - (c) A Point of Order. *(Clause 255(2) of the Regulation)*
 - (d) Motion to Adjourn the Meeting.

B4.10 Voting at Council Meetings

- (1) 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. *(Clause 251(1) of the Regulation)*
- (2) If a councillor who has voted against a motion put at a Council so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's Minutes. *(Clause 251(2) of the Regulation)*
- (3) When a division on a motion is called for by 2 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.
- (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.
- (5) Each Councillor has one (1) vote (s.370 of the Act). A Councillor must be present (in person) at the Council to vote *(Clause 235 of the Regulation)*

B4.11 Divisions – Recording of voting by Division on planning matters

- (1) In this Section, “planning decision” means a decision made in the exercise of a function of a Council under the relevant legislation:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan.
- (2) The General Manager is required to keep a register containing, for each planning decision made at a Meeting of the Council the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

B4.12 Casting Vote of Chairperson

Each Councillor is entitled to one vote (s.370 of the Act). If the voting on a matter is equal, the Chairperson of a Council Meeting has a second or 'casting' vote (s.370 of the Act). This is in addition to any vote the Chairperson has as a Councillor.

B4.13 Limitation as to Number of and Duration of Speeches / Right of Reply

- (1) A Councillor who, during a debate at a Meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
(Clause 250(1) to (3) of the Regulation)

B4.14 Motion "That the Matter be Put"

- (1) Despite subclauses (1) and (2) of Clause 250 of the Regulation a Councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- (2) The Chairperson must immediately put to the vote, without debate, a Motion moved under sub clause (4) above. A seconder is not required for such a motion.
- (3) 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) above.
- (4) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

(Clause 250(4) to (7) of the Regulation)

B4.15 Matters of Urgency

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

- (a) a motion is passed to suspend standing orders and 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.

(Clause 241(3) and (4) of the Regulation)

B4.16 Committee of the Whole

A Council may resolve itself into a committee to consider any matter before the Council. That part of the council meeting then becomes a committee meeting.

(Section 273 of the Act)

B4.17 What Constitutes a Decision?

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.

(Section 371 of the Act)

B4.18 Formalising Mayoral Decisions Made Between Meetings

- (1) The Mayor may exercise policy-making functions between meetings.
- (2) Where of necessity the Mayor has exercised the policy-making functions of Council between Meetings of Council, the Mayor must report his or her actions to the next Meeting of Council.

B4.19 Certain circumstances do not invalidate Council's decision

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

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

(Section 374 of the Act)

B4.20 Recording of Meeting of Council

- (1) A person may only use a recording device to record the Meeting of a Council or its Committees with permission.
- (2) Council may record its Meetings to ensure the accuracy of its Minutes.

(Clause 273 of the Regulation)

B4.21 Questions for the next meeting

- (1) Prior to the end of a meeting, a short period of time be given to written "Questions for the Next Meeting" The Mayor in consultation with the General Manager may rule that a Question for the Next Meeting does not comply with the Code of Meeting Practice.
- (2) "Questions for the Next Meeting" be an item in the Order of Business.
- (3) Questions for the Next Meeting must be lodged in writing with the General Manager at the commencement of the Meeting.
- (4) Questions for the Next Meeting must relate to the business of Council.
- (5) The Mayor in consultation with the General Manager may rule that a Question for the Next Meeting is out of order if it:
 - is vague and equivocal in its language;
 - states names or other facts unless they are strictly necessary to render the question intelligible and can be authenticated;
 - is argumentative;
 - makes inferences;
 - contains imputations.
- (6) Questions must not refer to confidential matters that have been or are yet to be discussed by Council in a closed session.
- (7) The General Manager may exclude from the agenda any Questions for the Next Meeting which may have the effect of exposing a Councillor, the Council or a member of staff to an action for defamation.

Public Access

B5.1 Public Access

Residents, ratepayers, applicants, consultants or other persons may apply to address Council, in relation to any matter which is listed for consideration on a Council business paper.

The guidelines which apply are:

- (1) A time limit of five (5) minutes per speaker or such longer period as resolved by Council.
- (2) The subject matter only is to be discussed and the matter should refer to items on the business agenda
- (3) Debate will not be permitted.
- (4) A speaker cannot speak on the same subject at more than one Council meeting without the consent of the Mayor and the General Manager.
- (5) Application to address Council must be made in writing to the General Manager by 5.00 pm on the Monday prior to the meeting on the Wednesday and set out details of the matter to be raised. The General Manager and the Chairperson will determine whether or not the applicant will be entitled to speak at the meeting.

- (6) No more than six (6) addresses for a maximum period of five (5) minutes duration are to be listed for any one meeting.
- (7) The speaker must address the Council courteously and must only speak on the topic of their question as submitted.
- (8) The speaker must refrain from making allegations about individual Councillors, Council Staff or other members of the Community.
- (9) The General Manager may invite consultants and guest speakers to address Council on matters on the business agenda for periods of up to 30 minutes in duration. A standard presentation would be from Council's external Auditor to speak on the Annual Financial Reports.
- (10) The Mayor may at his or her discretion invite a guest speaker to speak on a subject relevant to Council business

B5.2 Petitions

- (1) All petitions are to be addressed to the General Manager.
- (2) The Prayer (purpose) of the petition is to be included on each page.
- (3) Council will acknowledge receipt of the petition only to the head petitioner.
- (4) When a petition is presented in a meeting of Council, the appropriate action is that the petition be noted and acknowledged.
- (5) Petitions accepted by a meeting of Council will be recorded in the Minutes.

Rescission Motions

B6.1 Rescinding or Altering Resolutions

- (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's Code of Meeting Practice.
- (2) 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; 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 until the motion of rescission has been dealt with

NOTE: If the resolution has already been put into effect, the Rescission Notice cannot be placed on the agenda.

- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice.

- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three (3) months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) 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.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

(Sections 372 (1) to (7) of the Act)

B7.1 Closed Parts of Meetings

According to the Act Section 10A provides that the following items only can be dealt with in a closed meeting:

- (1) Council, or a Committee of which all the members are Councillors, may close to the public so much of its Meeting as comprises:
 - (a) the discussion of any of the matters listed in sub-Clause (10A)(2); or
 - (b) the receipt or discussion of any of the information so listed.

Grounds to close meetings

- (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 Council, Councillors, Council staff or Council property;
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on Community Land;
 - (i) Alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its Meeting as comprises a motion to close another part of the Meeting to the public.
- (Section 10A(2)-(3) of the Act)*

Limitations on closure relating to discussion of legal matters

- (4) 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.
- (Section 10B(2) of the Act)*

Motions to close other parts of a meeting

- (5) If a Meeting is closed during the discussion of a motion to close another part of the Meeting to the public, 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)).
- (Section 10B(3) of the Act)*

Matters of Public Interest

- (6) For the purpose of determining whether the discussion of a matter in an open Meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or Committee.
- (Section 10B(4) of the Act)*

Recording of closed part of the meeting

- (7) 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.

- (8) The grounds must specify the following:
- (a) the relevant provision of 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 (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret) and explanation of the way in which discussion of the matter in an open Meeting would be, on balance, contrary to the public interest.

(Section 10D of the Act)

Exclusion of General Manager

- (9) The General Manager may be excluded from a Meeting of Council or a Committee while Council or the 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. Clause 22(4) of this Code otherwise prevails in all cases.

(Section 376 of the Act)

- (10) 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. The Mayor will read the resolution once the meeting is back in to the open section of the meeting

B7.2 Public access to resolution of closed Meeting

- (1) All the provisions of this Code relating to Meetings of Council, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.
- (2) If Council or a Committee passes a resolution during a Meeting or 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. It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

(Clauses 253 and 269 of the Regulation)

Order at Meetings

B8.1 Questions of Order

- (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.

(Clause 255 of the Regulation)

B8.2 Points of Order

- (1) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call a Point of Order to the attention of the Chairperson to the matter.

- (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.
- (3) The Chairperson's ruling must be obeyed unless a motion Dissenting from the ruling is passed.

(Clause 255 of the Regulations)

B8.3 Acts of Disorder

- (1) A Councillor commits an act of disorder if the Councillor, 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 Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- (2) The Chairperson may require a Councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
- (3) A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(Clause 256 of the Regulation)

B8.4 Certain Persons may be Expelled from Council Committee Meetings

- (1) If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 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*.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(Clause 258 of the Regulation)

B8.5 Adjournment of Meeting because of disorder

- (1) If disorder occurs at a Meeting of Council, the Chairperson may adjourn the Meeting for a period of not more than 15 minutes and leave the chair. 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

(Clause 257(1) of the Regulation)

B8.6 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 Council or Committee 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.

(Clauses 258 and 271 of the Regulation)

Committees, their Members, Functions and Procedures

B9.1 Council may appoint and dissolve Committees

- (1) A Council may, by resolution, establish such Committees as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a Committee is to be:
 - (a) such number of members as the Council decides, or

- (b) if the Council has not decided a number, a majority of the members of the Committee.

(Clause 260 of the Regulation)

- (4) The General Manager of a 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.

- (5) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

(Clause 262(1) and (2) of Regulation)

B9.2 Functions of Committees

Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions.

(Clause 261 of the Regulation)

B9.3 Absence from Committee Meetings

- (1) A member ceases to be a member of a Committee if the member (other than the Mayor):

- (a) has been absent from three 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 (being the period beginning 1 July and ending the following 30 June) without having given to the Committee acceptable reasons for the member's absences.

- (2) Subclause (1) does not apply if all the members of Council are members of the Committee.

(Clause 268 of the Regulation)

B9.4 Advisory Committees

- (1) Council by resolution may establish Advisory Committees which may consist of community representatives in addition to Councillors.

(Section 355 of the Act)

- (2) An Advisory Committee with external membership cannot exercise a decision making function and must present recommendations to Council.

- (3) Council should confirm functions for each Advisory Committee.

B9.5 Advisory Committees - Guidelines

Under the *Local Government Act 1993* (Section 355) Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community people to provide advice, manage facilities or functions through an Advisory Committee of Council.

It is good practice for Council to nominate a Councillor (or more) and a staff member (or more) to participate on the Advisory Committee. Other Councillors may attend the regular meetings of the Committees to enable them to gauge the areas of interest or concern of the citizens of the Island.

Council encourages community participation in a number of its functions. One way in which citizens can become involved is by becoming a member of an Advisory Committee for one of Council's facilities or functions.

- (1) The appointment of Advisory Committees is at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 of the Local Government Act 1993.
- (2) Advisory Committees are formally appointed by the Council in office, therefore all Advisory Committees will be reviewed by the newly appointed Council. All current members will remain to hold office until a determination is made by Council.
- (3) Council aims to appoint representatives of the local community or interest group to the Committee.
- (4) To hold office, all Committee Members must be appointed by Council and for the duration of the Term of the Council.
- (5) Vacancies occurring during the Term of the Council will be advertised and ratified by the Committee prior to recommendation and adoption by Council.
- (6) Council must appoint new members before they are able to take part in the Committee meetings.
- (7) All nominations for Advisory Committees are formally submitted in writing to Council for appointment.
- (8) Members of Advisory Committees of Council are volunteers; therefore do not receive payment for services.
- (9) All members must be informed of, and abide by, Council's Code of Conduct.
- (10) All Committees should have their membership for the Term of the Council unless Council has approved otherwise.
- (11) All Committees should have a quorum of 50% plus one (1) unless Council has approved otherwise.
- (12) All Committees shall meet, as a minimum, quarterly (every three (3) months) unless Council has approved otherwise.

- (13) All Committees shall be chaired by the Mayor or a nominated Councillor unless Council or the Committee has approved otherwise.
- (14) All Committees shall have a Terms of Reference clearly stating the *Purpose and Role* of the Committee.
- (15) The role of the delegated Councillor is to represent Council on the Committee and to assist community members with the formulation of recommendations to Council for consideration.
- (16) The General Manager may attend any of the Committee meetings but does not hold voting rights, and shall nominate at least one staff member for each Committee.
- (17) The role of the staff member is to arrange for the agenda and minutes and to provide professional specialist advice to the Committee. Staff do not have voting rights.
- (18) The role of the staff member may also be to carry out any reasonable action and recommendations of the Committee, but only once adopted by Council.
- (19) All activities conducted by any of the Advisory Committees of Council are to be in line with Council's adopted Integrated Planning and Reporting Framework.
- (20) If there is no quorum, the Committee may hold an informal meeting and take notes if so decided by the Chairperson. No action or recommendations can be made at such an informal meeting.
- (21) The Chairperson of a Committee may call an Extraordinary Meeting in consultation with the General Manager.

B9.6 Reports of Committees

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

(Clause 269 of the Regulation)

B9.7 Voting at Committee Meetings

- (1) Voting at a Committee Meeting is to be by open means (such as the voices or by show of hands).
- (2) Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee Meeting.
- (3) A Councillor who is present at a Meeting of Council or a Committee member present at a Meeting of a Committee but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.

(Clause 251(1) of the Regulation)

- (4) Each Councillor has one (1) vote (s.370 of the Act). A Councillor must be present (in person) at the Council or Committee Meeting to vote.

(Clause 235 of the Regulation)

B9.8 Councillor Non Members entitled to attend Committee Meetings

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

(Clause 263 of the Regulation)

B9.9 Procedure in Committees

- (1) Subject to subclause (3), each Committee of a Council may regulate its own procedure.
- (2) Without limiting subclause (1), a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.
- (3) Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).

(Clause 265 of the Regulation)

B9.10 Committees to Keep Minutes

- (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

(Clause 266 of the Regulation)

B9.11 Chairperson and Deputy Chairperson of Committees

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

- (2) A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- (3) If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.
- (4) The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

(Clause 267 of the Regulation)

B9.12 Disorder in Committee Meetings

The provisions of the Act and of this Regulation relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

(Clause 270 of the Regulation)

B9.13 Certain persons may be expelled from Council Committee Meetings

- (1) If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 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.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(Clause 271 of the Regulation)

PART C – AFTER THE MEETING

C1.1 Minutes - Council and Committees

- (1) Council must ensure that full and accurate Minutes are kept of the proceedings of each Meeting of Council and of each Committee.
(Section 375(1) of the Act)
- (2) The Minutes must, when they have been confirmed at a subsequent Meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent Meeting.
(Section 375(2) of the Act)
- (3) The **Regulation** provides that the following matters must be included in the Minutes of Council Meetings:
 - (a) Details of each motion moved at a Council Meeting and of any amendments.
(Clause 254(a) of the Regulation)
 - (b) The names of the mover and seconder of each motion and amendment.
(Clause 254(b) of the Regulation)
 - (c) Whether each motion and amendment is passed or lost.
(Clause 254(c) of the Regulation)
 - (d) The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present. *(Clause 233(3) of the Regulation)*
 - (e) The Dissenting vote of a Councillor, if requested. *(Clause 251(2) of the Regulation)*
 - (f) The names of the Councillors who voted for a motion in a Division and those who voted against it. *(Clause 251(4) of the Regulation)*
 - (g) 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)*
 - (h) A report of the proceedings of the Closed Council, including any recommendations of the Committee.
(Clause 259(3) of the Regulation)
- (4) The **Act** provides that the following matters must be included in the Minutes of Council Meetings:
 - (a) The grounds for closing part of a Meeting to the public.*(Section 10D of the Act)*
 - (b) The report of a Council Committee leading to a rescission motion.*(Section 372(6) of the Act)*
 - (c) The disclosure to a Meeting by a Councillor of a pecuniary interest.*(Section 453 of the Act)*

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

(Clause 254 of the Regulation)

- (6) **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:

- (a) Details of each motion moved at a Committee Meeting and of any amendments.

(Clause 266(1)(a) of the Regulation)

- (b) The names of the mover and seconder of each motion and amendment.

(Clause 266(1)(b) of the Regulation)

- (c) Whether each motion and amendment is passed or lost.

(Clause 266(1)(c) of the Regulation)

- (d) 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)

- (e) The grounds for closing part of a Meeting to the public.

(Section 10D of the Act)

- (f) The disclosure to a Meeting by a Councillor of a pecuniary interest.

(Section 453 of the Act)

- (8) 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.

(Section 703 of the Act)

C1.2 Inspection of the Minutes of Council or a Committee Meeting

- (1) An inspection of the Minutes of Council or a Committee Meeting of which all its members are Councillors, is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those Minutes.

- (2) The General Manager must ensure that the Minutes of Council and any Minutes of a Committee Meeting are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

(Clause 272 of the Regulation)

- (3) Minutes will be available on Council website and on request by the public to view.

C1.3 Discussion on Accuracy of Minutes

A motion in respect to Minutes shall be in order only if it relates to the accuracy of the Minutes as a record of the proceedings of the Meetings of the Council or Committee.

PART D – OTHER MATTERS

D1.1 Information relating to proceedings at Closed Meetings not to be disclosed

- (1) If a Meeting or part of a Meeting of Council or a Committee is closed to the public in accordance with Section 10(2) of the Act (see Clause 18 of this Code), a person must not, without the authority of Council or the Committee, disclose, otherwise than to Council or to a Councillor, information with respect to the discussion at, or the business of, the Meeting.
- (2) This Clause does not apply:
 - (a) to the report of a Committee when presented to Council; or
 - (b) 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.

(Clause 412 of the Regulation)

Disclosure and misuse of information

- (1) A person must not disclose any information outlined in connection with the administration or execution of the Local Government Act 1993 unless the disclosure is made:
 - (a) with the consent of the person from whom the information was obtained; or
 - (b) in connection with the administration or execution of the Act; or
 - (c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings; or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public Access) Act 2009; or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)–(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

(3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:

- (a) the determination of an application for an approval, or
- (b) the giving of an order.

Maximum penalty: 50 penalty units.

(Section 664 of the Act)

D1.2 Liability of Councillors, employees and other persons

A matter or thing done by the Minister, the Director-General, a Council, a Councillor, a member of a Committee of the Council or an employee of the Council or any person acting under the direction of the Minister, the Director-General, the Council or a Committee of the Council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Director-General, the Council or a Committee of the Council, subject a Councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

(Section 731 of the Act)

D1.3 Mobile Phones

All mobile phones in the Chamber and Public Gallery are to be turned off or switched to silent / vibrate.

Status of Code of Meeting Practice

D2.1 Preparation, Public Notice and Exhibition of Draft Code

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

(Section 361 of the Act)

D2.2 Statutory Provisions – Adoption of draft Code

- (1) After considering all submissions received by it concerning the draft Code, the Council may decide:
 - (a) to amend those provisions of its draft Code that supplement the Regulation made for the purposes of Section 360; or
 - (b) to adopt the draft Code as its Code of Meeting Practice.

- (3) If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this Division or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code of Meeting Practice.

(Section 362 of the Act)

- (4) A council may amend a code adopted under this Part by means only of a code so adopted.

(Section 363 of the Act)

D2.3 Public Availability of the Code

- (1) In accordance with Section 364 of the Local Government Act 1993, this Code is available for public inspection free of charge at Council's Administration Building during business hours, and on Council's website, www.norfolkisland.gov.nf.

(Section 364 of the Act)

D2.4 Regulation to Prevail

In accordance with Section 360(2) of the *Local Government Act 1993*, should there be any inconsistency between this Code of Meeting Practice and the Local Government (General) Regulation 2005, the provisions of the General Regulation shall prevail.

(Section 360(2) of the Act)

D3.1 Use of Council Seal

- (1) The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- (2) The seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager, or
 - (b) at least one Councillor (other than the Mayor) and the General Manager, or
 - (c) the Mayor and at least one other Councillor, or
 - (d) at least two Councillors other than the Mayor.
- (3) The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) A Council seal can be affixed to a document only after the Council has resolved that the seal be affixed. The resolution must specifically refer to the document and the document must relate to Council business.
- (5) The power to authorise the affixing of the seal can only be exercised by the Council. It cannot be delegated to a Committee or employee.

(Section 377(2) of the Act)

D4.1 Definitions

In this Code:

Act, the, means the *Local Government Act 1993* unless otherwise specified

Amendment, in relation to an original motion before the Meeting, means a motion moved as an alternative to the original motion;

Chairperson:

- (a) in relation to a Meeting of a Council – means the person presiding at the Meeting as provided by Section 369 of the Act; 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 Local Government (General) Regulation 2005;

Code, in this document is the code of Meeting Practice;

Committee, in relation to Council, means a Committee where all the members are Councillors established by Council in accordance with Clause 260 of the Local Government (General) Regulation 2005;

Committee Advisory in relation to Council, means a Community Committee established under Section 355 of the Local Government Act;

Confidential Session is a Meeting of Council or a Committee (sitting in Closed Council) from which the media and the public has been excluded by a resolution carried in accordance with Section 10(A) of the Act;

Council in this Code means Norfolk Island Regional Council;

Councillor, as a member of the governing body of Council is to:

- (g) provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the Council's delivery program;
- (h) direct and control Council affairs in accordance with the Local Government Act;
- (i) participate in the optimum allocation of Council's resources to benefit the area;
- (j) play a key role in the creation and review of Council's policies, objectives and criteria relating to the exercise of Council's regulatory functions;
- (k) review the performance of Council, its delivery of services, the management plans and revenue policies of the Council.

(Section 232(1) of the Act)

The role of the Councillor, as an elected person is to:

- (l) represent the interests of the residents and ratepayers;
- (m) provide leadership and guidance to the community;
- (n) facilitate communication between the community and the Council.

(Section 232(2) of the Act)

A Councillor (other than the Mayor) holds office for four (4) years, subject to the Local Government Act.

Disorder, in relation to this Code is defined as a disturbance which interferes with the legal procedures established to conduct a Meeting, with particular acts defined in Clause B8.3 of this Code and Clause 25.6 of the Regulation.

Deputy Mayor:

(1) The Deputy Mayor in relation to this Code means the Deputy Mayor as defined in Section 231 of the Act. The Councillors may elect a person from among their number to be Deputy Mayor for the Mayoral term or a shorter term.

(Section 231(1) and (2) of the Act)

(2) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

(Section 231(3) of the Act)

(3) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.

(Section 231(4) of the Act)

Functions of the General Manager

(1) General Manager is to be 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.

(2) The General Manager has the following particular functions:

(o) to assist the Council in connection with the development and implementation of the community strategic plan and the Council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report;

(p) the day-to-day management of the Council;

(q) to exercise such of the functions of the Council as are delegated by the Council to the General Manager;

(r) to appoint staff in accordance with an organisation structure and resources approved by the Council;

(s) to direct and dismiss staff;

(t) to implement the Council's equal employment opportunity management plan.

(3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

(Section 335(1) of the Act)

Majority, in relation to a quorum means 50 per cent of the Committee members adopted by Council plus one (1).

Mayor, in relation to this Code, means the Mayor as defined in Section 226 of the Act. Functions are:

- (u) to exercise, in cases of necessity, the policy-making functions of the governing body of Council between Meetings of Council,
- (v) to exercise such other functions of Council as Council determines,
- (w) to preside at Council Meetings,
- (x) to carry out the civic and ceremonial functions of the Mayoral Office.

In Norfolk Island, the Mayor is elected by the Councillors each year.

(Section 230(1) of the Act)

Misbehaviour means any of the following:

- (a) a contravention by the Councillor of the Act or the Regulation or this Code,
- (b) a failure by the Councillor to comply with an applicable requirement of Council's Code of Conduct as required under Section 440(5) of the Act,
- (c) an act of disorder committed by the Councillor at a Meeting of the Council or a Committee of the Council,

but does not include a contravention of the disclosure requirements.

Original motion, means the motion before the Meeting at the time.

Quorum:

- (y) for a Meeting of Council and for any Extraordinary Meetings of the Council, shall be a majority of the Councillors of Council who hold office for the time being and who are not suspended from office.

(Section 368 of the Act)

- (z) for a Meeting of any Committee established by the Council under this Code will be a majority of the Councillors of Council who hold office for the time being and who are not suspended from office or the number provided in the resolution of Council establishing that Committee.

Recording Device, means any device capable of recording audio or visual content.

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

Urgency, in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled Meeting of the Council.

FORM ONE

NORFOLK ISLAND REGIONAL COUNCIL – NOTICE OF MOTION

(ITEM NM.....) SUBJECT HEADING

I, Councillor, hereby give notice that I intend to move the following motion at the Ordinary Council meeting to be held on(day).....,(date).....

That

Community Strategic Plan

Background.....

CouncillorReceived
date/time.....

FORM TWO

NORFOLK ISLAND REGIONAL COUNCIL - DECLARATION OF INTEREST AT COUNCIL MEETINGS

Item No. in Agenda _____

Brief Description of Item _____

Councillor _____ declared a	Pecuniary Interest Non Pecuniary Significant Less than Significant Non Pecuniary Conflict of interest (please tick box)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
The nature of the interest is _____ _____ _____		
If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the Councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.) _____ _____ _____		

Councillor _____ left the Chambers and thereby did not take part in the discussion or voting on the item.

Time Councillor retired from the Chamber _____.

Councillor _____ returned to the Chamber and resumed his/her usual place at the meeting.

Time Councillor returned to the Chamber _____.

Declaration of Conflict of Interest – Definitions

Part 4 of the Code of Conduct refers.

- 1.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 1.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 1.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 1.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 1.5 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. (*section 442*)
- 1.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 1.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 1.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 1.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 1.10 Non-pecuniary interests are private or personal interests the council official 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.
- 1.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 1.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 1.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 1.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

What is non-pecuniary – significant?

- 1.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 1.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

What is non-pecuniary – less than significant?

- 1.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 1.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 1.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

FORM THREE

NORFOLK ISLAND REGIONAL COUNCIL – NOTICE OF RECISSION MOTION

Councillors _____, _____ and _____

Print Name *Print Name* *Print Name*
hereby give notice that at the meeting held on _____ we will move:

That Council rescind its decision set out in Resolution _____ dated
_____, namely "_____".

In the event that the Motion above is adopted, we move the following substitute
motion:

"_____".

Signature: _____

Signature: _____

Signature: _____