

RICHMOND VALLEY COUNCIL POLICY REGISTER

Policy No: 1.1.4

Reference: Governance - Councillors

POLICY:	COUNCIL MEETING - CODE OF MEETING PRACTICE
FUNCTION:	Governance
OBJECTIVE:	To define appropriate standards of practice/conduct at Council meetings and to comply with the requirements of the Local Government Act 1993 and Associated Regulations
DIRECTORATE:	CORPORATE SERVICES

PREAMBLE

Section 360 of the Local Government Act 1993 provides for Council to prepare a Code of Meeting Practice for Council and Committee Meetings of which all members are Councillors.

POLICY

This Code of Meeting Practice document shall consist of and be read in conjunction with the following:

i Chapter 4, Part 1, (Sections 9-11) of the Local Government Act 1993 (as amended from time to time).

- Section 9 - Public notice of meetings
- Section 10 - Who is entitled to attend meetings?
- Section 11 - Public access to correspondence and reports

i Chapter 12, Part 2, (Sections 360-376) of the Local Government Act 1993 (as amended from time to time).

- Section 360 - Conduct of meetings of councils and committees
- Section 361 - Preparation, public notice and exhibition of draft code
- Section 362 - Adoption of draft code
- Section 363 - Amendment of the code
- Section 364 - Public availability of the code
- Section 365 - How often does the council meet?
- Section 366 - Calling of extraordinary meeting on request by councillors
- Section 367 - Notice of meetings
- Section 368 - What is the quorum for a meeting?
- Section 369 - Who presides at meetings of the council?
- Section 370 - What are the voting entitlements of councillors?
- Section 371 - What constitutes a decision of the council?
- Section 372 - Rescinding or altering resolutions
- Section 373 - Committees of council
- Section 374 - Certain circumstances do not invalidate council decisions
- Section 375 - Minutes
- Section 376 - Attendance of general manager at meetings

i **Local Government (General) Regulation 2005 (as amended from time to time).**

Part 10 Meetings

- Division 1 - Preliminary
- Division 2 - Convening of, and attendance at, council meetings
- Division 3 - Procedure for the conduct of council meetings
- Division 4 - Keeping order at meetings
- Division 5 - Council committees
- Division 6 - Miscellaneous

i **Supplementary Provisions that are not inconsistent with the Local Government Act 1993 and Local Government (General) Regulation 2005 (as follows).**

1. Notice of Meetings

- (i) Notice for meetings to be in accordance with legislation (Section 367 of the Local Government Act 1993 refers).
- (ii) The Mayor and/or General Manager be authorised to call Extraordinary Meetings in an emergency with the minimum time for the giving of notice for such Meetings being not less than twenty four (24) hours.
- (iii) Council officers will be available for interview by Councillors for a period of one (1) hour on the day of Council meetings.

2. Public Access and Question Time

- A.
 - (i) The Public Access Sessions will be held in conjunction with Ordinary Council Meetings on agenda items only.
 - (ii) The Public Access Sessions will be conducted at commencement of meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager.
 - (iii) A time limit of five (5) minutes per address will be applied with a maximum of six (6) time slots allocated at any one session. Each time slot shall be for one (1) item on the agenda.
 - (iv) Prior appointment for addressing Council must be made through Council's Administration Section with advice as to agenda item. Applications for allocation of access must be made by 4.30 p.m. on Monday prior to the scheduled meeting.
 - (v) Council's response to the address (if any) will not necessarily be given at the time of the address.
 - (vi) At all times during the address, participants will respect the right of the Chairperson to terminate the session.
 - (vii) Councillors will have the right to question the speaker on the topic outside the presentation time.
 - (viii) The question time of speakers will be limited to five (5) minutes per speaker.

- B. (i) Question Time Sessions will be held in conjunction with Ordinary Council Meetings on any items of interest to the community.
- (ii) The Question Time Sessions will be conducted at the commencement of meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager.
- (iii) A time limit of two (2) minutes per question (i.e. for the putting of the question) will be applied with a maximum of five (5) time slots at any one session. The process is for a question to be asked not for making a statement.
- (iv) Prior appointment for Question Time must be made through Council's Administration Section (with the written question). Applications for allocation of question time must be made by 4.30 p.m. on Monday prior to the scheduled meeting.
- (v) Council's response to the question (if any) will not necessarily be given at the time of the question. Such response time is not part of the two (2) minute question time.
- (vi) At all times the participants will respect the right of the Chairperson to refuse any question and/or terminate the Question Time Session.
- (vii) There is to be no debate on the answer provided.
- (viii) Should an answer to a question not be provided at the Council Meeting, a written response will be forwarded to the person raising the question within three (3) weeks of the Meeting.
- (ix) Questions are not to be directed to any individual and they are to be in regard to Council matters.

3. Meeting Correspondence

Correspondence requiring consideration by Council are to be received in Council's office at least seven (7) days prior to a scheduled Council Meeting (i.e. 5.00 p.m., Monday of week preceding) to allow ample time for reporting. Items received after that time will only be included on the agenda at the discretion of the General Manager.

4. Rescission Motions

A notice of motion to rescind a resolution to prevent action proceeding on the resolution, must be given verbally to the Chairman prior to the closure of the meeting at which the resolution is carried.

The formal written rescission motion signed by three councillors is to be presented to the General Manager within two working days of the closure of the meeting to prevent action on the resolution prior to reconsideration of the rescission motion.

5. Order of Business

Prayer and National Anthem
Public Access and Question Time
Apologies
Mayoral Minute (if any)
Confirmation of Minutes of previous meeting(s)
Matters Arising out of the Minutes
Declaration of Interests
Notices of Motion
Mayor's Report
Delegates' Reports
Matters Determined Without Debate
Matters for Determination

- Reports of Committees
- Reports of Staff
- Correspondence

Matters for Information

- Reports of Staff

Questions for Next Meeting (in writing)
Matters referred to Closed Council

- Public Representations on Closure

Resolutions of Closed Council.

Note: Citizenship/Civic and other presentations to be included in order of business as necessary.

6. Mayor's and Delegates' Reports

Reports are to be provided in writing by the Mayor and Delegates (preferably for dispatch with the meeting agenda). The delegates' reports are to relate to attendances the delegates undertake on behalf of Council and should include the following:

- Date, Location and Subject Matter of Attendance
- Précis/Summary of issues discussed/considered
- Outcomes and/or actions required from attendance.

7. Mode of Addressing Council

A member shall on all occasions when in the Council address and speak of other members by their official designations as Mayor, Chairman or Councillor as the case may be.

For compliance with the recording system installed in the Administration Centre (Casino), the moving and seconding of motions should be undertaken by voice in conjunction with use of the microphone indicator. Councillors wishing to speak on items are required to utilise the microphone indicator.

8. Matters Determined Without Debate

In order to assist Council Meetings to operate smoothly and to avoid undue delays where Councillors agree with Officers' recommendations, items not requiring discussion by Councillors will be adopted 'en globo'. Council will determine "Matters to be Determined without Debate" at the respective Meeting. The process will be undertaken by each Councillor indicating to the Meeting which items that they wish to debate, i.e. that the report recommendation is not agreed with and needs to be debated. Note: This will not apply to Planning Decision matters which will need to be debated.

Prior to putting the Motion to adopt items 'en globo', Councillors will be given the opportunity to ask questions (in accordance with Section 10 of this Code) in relation to the proposed 'en globo' items.

In addition, "Matters for Information" will be adopted 'en globo' and not involve discussion at the Meeting.

9. Recording of Votes

Votes of Councillors will be recorded for each decision of Council.

10. Councillor Questions

Clause 249 of the Local Government (General) Regulation 2005 allows questions to be put by Councillors through the Mayor and to the Council employees through the General Manager. The Regulation effectively provides that the right to ask questions at Council Meetings is not a tool to probe other Councillors or staff on matters outside the proper business of the Council Meeting.

Questions during a Council Meeting should be in relation to the business before Council and Councillors should avoid raising business that can be discussed under other items of business on the agenda pursuant to Clause 241 of the Regulation.

Council should be mindful that questions with and without notice may allow for questioning of staff on detailed matters of an operational nature that should not be raised at Council Meetings. The Mayor, in the capacity as meeting chairperson, should monitor and if necessary rule such questions out of order.

In relation to "Questions for Next Meeting (in writing)" such questions will be recorded in the Minutes of the Meeting. If it is possible to respond to the questions at the Meeting (at which they are raised) it is appropriate to do so.

11. Closed Meetings

Section 10A(4) of the Local Government Act 1993 provides that members of the public be allowed 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.

Immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion will be suspended to allow the public to make such representations. The period of time during which members of the public are allowed to make such verbal representations is a maximum of ten (10) minutes per item. At the discretion of the Chairman this period may be extended to thirty (30) minutes per item. In such cases the following procedure will be applied:

- After a motion to close part of the meeting to the public has been moved and seconded, the Chairman will ask the General Manager if there are any written representations from the public on the proposed closure;
- The General Manager will read out any written representations;
- The Chairman will then ask if any persons wish to make verbal representations.
- The opportunity to speak will be given to each person who wishes to comment, chosen in random order by the Chairman. In addition, the Chairman may choose to request representative persons chosen by the public gallery, speaking for or against the motion;
- Each person addressing the Council will be allowed to speak for two (2) minutes. (Note: maximum of ten (10) minutes per item allowed, subject to the Chairman having the discretion to increase the period to thirty (30) minutes per item).
- The Council or Committee will then consider the representations made and determine whether it will close the meeting to the public to consider the subject item.

12. Protocols for Informal Workshops or Informational/Explanatory Sessions

Council (and the Department of Local Government) recognise the value of informational sessions/workshops. It is considered that informational sessions/workshops assist the development of Councillor knowledge and expertise, and in facilitating the Councillors' role as public officials.

The Department of Local Government has provided written advice to Council indicating that the provision of general informational sessions or explanatory workshops (by a Council to its staff or Councillors) is not inconsistent with the Local Government Act 1993 or related Regulations.

In order to "define" the operation and function of informal workshops or informational/explanatory sessions undertaken by Council, the following will apply:

- The term "Council Workshop" will be used to identify the conduct of an informal workshop and/or informational/explanatory session of Council.
- An invitation will be extended to all Councillors to attend each Council Workshop. The General Manager will authorise/arrange the attendance of staff at Council Workshops (as required).
- Council Workshops are to have a clear focus of providing information on issues, projects, items, etc. relevant to Council operations and activities.

- Council Workshops will not be conducted as “formal” meetings; as such persons other than Councillors and staff (see above) will not be permitted to attend unless they have been invited to present information to Council as part of the Workshop.
- Council Workshop items/topics will be initiated by the General Manager and/or at the request of Councillors. Prior to the inclusion of specific Development Application issues or Business Enterprise (external) items, a determination will be made as to whether the workshop discussion of such item will raise issues in respect of Council’s obligations and responsibilities referred to in the Code of Conduct.
- There will be no decisions/recommendations made at Council Workshops. Where decisions are required, they will be referred to the next appropriate meeting of Council.
- The following documentation will be “recorded” by the General Manager in relation to each Council Workshop:
 - The memorandum inviting all Councillors.
 - A record of the items discussed/subjects of presentations.
 - The names (and other relevant details) of “external” presenters.
- The provisions of Council’s Code of Conduct will apply to Council Workshops.
- External participants/presenters at Workshops are to be provided with a copy of these protocols prior to their participation.

VARIATION

Council reserves the right to review and/or vary this Policy from time to time.