



CODE OF MEETING PRACTICE

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Council or Corporate Policy	Council Policy
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Supporting documents, procedures & forms of this policy:	Nil
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Purpose of Policy

The Local Government Act, 1993, provides that a Council may adopt a Code of Meeting Practice incorporating requirements of the Act and Regulations concerning the conduct of meetings. On adopting a Code, Council and Committee meetings must be conducted in accordance with the provisions of the Code of Meeting Practice.

By adopting a Code of Meeting Practice, Inner West Council commits itself to the following principles and goals:-

- Meetings should be orderly, efficient and conducted in the best interests of the Municipality's ratepayers, residents and visitors.
- Meetings should be conducted consistent with Council's 'Open Council Policy' and its commitment to supporting the involvement and participation of residents in Council's decision-making process.
- Councillors and staff have an obligation to conduct themselves at meetings to accepted standards of behaviour and to make positive contributions to the issues being considered.
- Meetings should be held in an environment which facilitates respect shown for the views of others and regard to the due process of law, reasonableness and fairness.
- Meetings of Council and its Committees shall be open to the public in all circumstances, except by resolution of Council or its Committees in extraordinary circumstances as provided for in Section 10 of the Act.

1. NOTICE OF MEETINGS AND AGENDAS

SECTION 367

LGA 1993

1.01 PUBLIC NOTICE OF MEETINGS

1. The Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
2. The Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection by any person) of the business paper for the meeting.
3. The General Manager must send to each Councillor, at least 3 clear days before each meeting, written notice specifying the time and place at which and the date on which the meeting is to be held and the business to be transacted at the meeting.
4. Notice of less than 3 days may be given of an extraordinary meeting or Committee meeting called in an emergency.
5. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public;

- i) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - ii) the requirement of (2) above with respect to the availability of business papers do not apply to the business papers for that item of business.
- 6. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- 7. The copies are to be available free of charge.
- 8. Notice of meetings of a Council or Committee of a Council (except for Extraordinary meetings) must be published in a newspaper circulating in the local area before the meetings take place.
- 9. Failure to send a notice will ordinarily not invalidate the proceedings.

SECTION 10

LGA 1993

1.02 WHO IS ENTITLED TO ATTEND MEETINGS

- 1. Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, except as provided by this section.
- 2. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting;
 - a) by a resolution of the meeting; or
 - b) by the person presiding at the meeting, if the Council has, by resolution, authorised the person to exercise the power of expulsion.

SECTION 10A

LGA 1993

1.03 WHICH PARTS OF THE MEETING CAN BE CLOSED TO THE PUBLIC

- 1. A Council, or a committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- 2. The matters and information are the following:
 - (a) personnel matters concerning particular individuals,
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,

- (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
3. A Council, or a committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
 4. A Council, or a committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
 5. The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
 6. A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or such a Committee if expelled from the meeting:
 - a) by a resolution of the meeting;
 - b) by the person presiding at the meeting, if the Council has, by resolution, authorised the person to exercise the power of expulsion.

Council resolution from 24/11/09

7. In accordance with Clause 7.2.3 of the Meeting Practice Note developed by the Division of Local Government, Department of Premier and Cabinet, Council is able to close a meeting to consider whether or not to commence litigation, provided that Council has grounds for closing that part of the meeting under Section 10A.

Council resolution from 24/11/09

8. In accordance with Clause 7.2.4 of the Meeting Practice Note developed by the Division of Local Government, Department of Premier and Cabinet, where a matter concerns senior staff as a whole, Section 10A of the Local Government Act does not apply, but where for example salaries of particular employees or the performance of the General Manager is considered, then Section 10A would be available to close the Council meeting.

SECTION 10B
LGA 1993

1.04 LIMITATIONS ON CLOSURE OF MEETINGS

1. A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2) of the Act:
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or

committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

SECTION 10C
LGA 1993

1.05 CLOSURES AS A MATTER OF URGENCY

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

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

SECTION 10D
LGA 1993

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.

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, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CLAUSE 252

LOCAL GOV'T (GENERAL) REGULATION 2005

**1.06 REPRESENTATIONS BY MEMBERS OF THE PUBLIC – CLOSURE
OF PART OF MEETING**

1. A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a one minute period immediately after the motion to close the part of the meeting is moved and seconded.
2. The one minute period (referred to in 1 above) is fixed by the Council's code of meeting practice or by resolution of Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

SECTION 365
LGA 1993

1.07 HOW OFTEN DOES THE COUNCIL MEET

The Council is required to meet at least 10 times each year, each time in a different month.

SECTION 366
LGA 1993

MIN NO C261/15P
POLICY MEETING
09/06/2015

**1.08 CALLING OF EXTRAORDINARY MEETING ON
REQUEST BY COUNCILLORS**

1. If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.

2. If the Mayor or the Deputy Mayor is unable to call the Extraordinary Meeting as requested in writing signed by at least two Councillors, the General Manager is delegated authority to make all arrangements necessary to convene the meeting within the required time frame.

CLAUSE 240

LOCAL GOV'T (GENERAL) REGULATION 2005

1.09 AGENDA/BUSINESS PAPER FOR COUNCIL MEETINGS

1. The General Manager must ensure that the business paper for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - (b) if the Mayor is the Chairperson – any matter of topic that the Chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
 - (c) any business of which due notice has been given.
2. The General Manager must cause the business paper for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
3. If, in the opinion of the General Manager, business to be transacted at a meeting of the Council or of a Committee of the Council is a kind of business referred to in section 10(2) of the Act (refer clause 1.02 of this Code), the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary business paper.
4. If a confidential business paper is prepared for a kind of business referred to in section 10(2) of the Act, the business must be referred to in the ordinary business paper prepared for the same meeting.
5. Nothing in this clause limits the power of the Chairperson under clause 2.16 of this code (which refers to Mayoral Minutes).

Council resolution from 24/11/09

6. Once the agenda for a meeting has been sent to Councillors, an item of business on the agenda should not be removed from the agenda prior to the meeting. If it is proposed that an item of business which is on the agenda not be dealt with at the meeting Council should resolve to defer that business to another meeting or resolve not to consider that matter, as the case may be.

1.10 GIVING NOTICE OF BUSINESS

1. The Council will not transact business at a meeting of the Council:
 - a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's Code of Meeting practice and;
 - b) unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act
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 2.04 of this Code; or
 - c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 2.16 of this Code (ie: a Mayoral Minute); 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 the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - a) a motion is passed to have the business transacted at the meeting; and
 - b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice.
4. Despite clause 2.20 of this Code, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

NOTE. A CHAIR'S RULING ON WHETHER BUSINESS IS URGENT OR NOT IS NOT A RULING ON A POINT OF ORDER AND THEREFORE CAN'T BE CHALLENGED E.G. BY DISSENT

1.11 AGENDA FOR EXTRAORDINARY MEETINGS

1. The General Manager must ensure that the agenda for extraordinary meetings of Council deals only with the matters stated in the notice of the meeting.
2. Despite subclause (1), business may be transacted at an extraordinary meeting of the 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 the business proposed to be brought forward is ruled by the Chairperson to be of great urgency

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

- 3. Despite clause 2.20 of this Code, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

CLAUSE 244
LOCAL GOV'T (GENERAL) REGULATION 2005

1.12 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the Act, the Council must ensure that the report;

- a) is laid on the table at the meeting, and
- b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

2. CONDUCT OF MEETINGS

SECTION 368
LGA 1993

2.01 WHAT IS THE QUORUM FOR A MEETING

The quorum for an Ordinary 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 233
LOCAL GOV'T (GENERAL) REGULATION 2005

2.02 WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT

- 1. A meeting of the Council must be adjourned if a quorum is not present:
 - a) within half an hour after the time designated for the holding of the meeting; or
 - b) at any time during the meeting
- 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;
 - c) failing that, by the General Manager
- 3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

4. There is no provision in the Act or Regulation for a Council meeting to be abandoned or cancelled. If notice of a meeting has been given, it must be held or at least opened. While a meeting without a quorum can be opened, it cannot make any decisions (Section 371 of the Local Government Act).

SECTION 369

LGA 1993

2.03 WHO PRESIDES AT MEETINGS OF THE COUNCIL

1. The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.
2. If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

CLAUSE 236

LOCAL GOV'T (GENERAL) REGULATION 2005

2.04 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS

1. If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
2. The election must be conducted:
 - a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - b) If neither of them is present at the meeting or there is no General Manager or designated employee – by the person who called the meeting or a person acting on his or her behalf.
3. If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
4. For the purposes of subclause (3), the person conducting the election must:
 - a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

5. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

CLAUSE 237
LOCAL GOV'T (GENERAL) REGULATION 2005

2.05 CHAIRPERSON TO HAVE PRECEDENCE

When the Chairperson rises during a meeting of the Council:

- a) any Councillor then speaking or seeking to speak must; if standing, immediately resume his or her seat; and
- b) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

CLAUSE 238
LOCAL GOV'T (GENERAL) REGULATION 2005

2.06 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

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

SECTION 370
LGA 1993

2.07 WHAT ARE THE VOTING ENTITLEMENTS OF COUNCILLORS

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

SECTION 371
LGA 1993

2.08 WHAT CONSTITUTES A DECISION OF THE COUNCIL

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

SECTION 372
LGA 1993

2.09 RESCINDING OR ALTERING RESOLUTIONS

1. A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code of Meeting practice.
2. If notice of motion to rescind a resolution is given 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.

3. If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this 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 negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
5. If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
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 negated motions do not apply to motions of adjournment.

SECTION 374
LGA 1993

2.10 CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

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

- a) a vacancy in a civic office; or
- b) a failure to give notice of the meeting to any Councillor or Committee member; or
- c) any defect in the election or appointment of a Councillor or Committee member; or
- d) a failure of a Councillor or Committee member to disclose a pecuniary interest at a Council or Committee meeting in accordance with section 451; or
- e) a failure to comply with the Code of Meeting practice

2.11 PRESENCE AT COUNCIL MEETINGS

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

SECTION 376
LGA 1993

2.12 ATTENDANCE OF GENERAL MANAGER AT MEETINGS

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

SECTION 451
LGA 1993

2.13 DISCLOSURE 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 interest to the meeting as soon as practicable.

(NOTE: The definition of what a pecuniary interest is, who has a pecuniary interest and what interests do not have to be disclosed are outlined in Sections 442, 443 and 448 respectively of the Act. These sections of the Act are reproduced in full as Annexure A to this document – see pages 38-40).

Also included in this Code of Meeting Practice is information on pecuniary interests in relation to Councillor Briefings (6.24 on page 36) and information on conflicts of interests from the Division of Local Government's Model Code of Conduct on pages 39-48) – which includes detailed information about declaring pecuniary and non pecuniary interests at meetings and declaring and recording the nature of the interest in the Council minutes. That section of the Code should be read in conjunction with Clause 2.13 of the Code.

2. The Councillor or member must not be present at, or insight of, the meeting of the Council or Committee:
 - a) at anytime 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 453
LGA 1993

2.14 DISCLOSURES TO BE RECORDED

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

SECTION 234(d)
LGA 1993

2.15 NON-ATTENDANCE AT COUNCIL MEETINGS

1. A civic office becomes vacant if the holder is absent from 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 Local Government Act), without
 - (i) prior leave of the Council, or
 - (ii) leave granted by the Council at any of the meetings concerned.

Council resolution 24/11/09

2. If a councillor cannot attend a Council meeting, he/she should seek leave of absence from the Council. Leave of absence may be granted by the Council prior to the meeting, or at the meeting. An application for leave does not need to be made in person and the Council may grant the leave in the Councillor's absence (S.234(2) of the Local Government Act). It would be wise to make the application in writing and state the reasons for the leave so that Council may consider it. Written applications should be lodged with the General Manager and the Councillor should identify the meetings from which he/she will be absent.

CLAUSE 243
LOCAL GOV'T (GENERAL) REGULATION 2005

2.16 OFFICIAL MAYORAL MINUTES

1. If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's Business Paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
3. A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
4. There cannot be an Amendment moved to a Mayoral Minute. Only changes which the Mayor accepts can be made to Mayoral Minutes. If a Councillor/s disagrees with a Mayoral Minute, they can instead move a Foreshadowed Motion. If the Mayoral Minute is put to the vote and lost, then the Foreshadowed Motion can be dealt with and voted on.

2.17 MOTIONS AND AMENDMENTS

- a) A motion or an amendment cannot be debated unless or until it has been seconded except in respect of:
 - i) a Mayoral Minute (Clause 2.16 (2) of this Code)
 - ii) a Motion that the question be put without further debate

- b) Subject to the limitation as to the number of speeches (Section 2.20 of this Code), an amendment may be moved at any time during debate on the motion before the chair prior to the Chairman putting the motion to the vote.
- c) If carried the amendment becomes the motion and is to be put. The original motion is taken to have been rejected by the amendment being carried.
- d) If an amendment has been rejected, a further amendment, whether previously foreshadowed or not, can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any time (Section 2.20 of this Code).
- e) A motion or an amendment shall be rejected by the Chairperson if it:-
 - (i) is a contradiction or direct negative of the motion;
 - (ii) raises points already disposed of by early votes at the meeting;
 - (iii) does not relate to the motion;
 - (iv) is irrelevant;
 - (v) is offered in a spirit of mockery;
 - (vi) appears designed to prevent the meeting coming to a decision on the issue.
- f) A motion before a meeting cannot be withdrawn without its consent. The withdrawal must be made before the motion is put to the vote. The seconder should also consent to any withdrawal.
- g) Amendments that create a direct negative to the motion are not possible. The proper means of opposing a motion is to vote against it.

NOTE. IF A COUNCILLOR REQUESTS THAT THE POINTS OF A MOTION BE VOTED ON SEPARATELY IE. AD SERIATIM, THEN A PROCEDURAL MOTION NEEDS TO BE PUT AND VOTED ON IN FAVOUR OF SUCH A REQUEST.

CLAUSE 248
LOCAL GOV'T (GENERAL) REGULATION 2005

2.18 MOTIONS OF DISSENT

1. A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
2. If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the Business paper and proceed with it in due course.
3. Despite clause 2.20, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

CLAUSE 249
LOCAL GOV'T (GENERAL) REGULATIONS 2005

2.19 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

1. A Councillor

- a) may, through the Chairperson, put a question to another Councillor;
and
 - b) may, through the General Manager, put a question to a Council employee
- 2. However, a Councillor or Council employees to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3. The Councillor must put every such question directly, succinctly and without argument.
- 4. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

CLAUSE 250
LOCAL GOV'T (GENERAL) REGULATION 2005

2.20 LIMITATION AS TO NUMBER OF SPEECHES

- 1. A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 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 3 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 3 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 4. Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
 - a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 5. The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- 6. If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- 7. If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 8. Debate is closed and no further discussion may ensue once the mover of the original motion has exercised (should he or she so desire) his or her right of reply. The Chairperson must then put the motion or amendment to the vote.

2.21 VOTING AT COUNCIL MEETINGS

1. Each Councillor is entitled to one vote.
2. The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
3. A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.
4. If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
5. The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and no fewer than 2 Councillors rise and demand a division.
6. When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

In accordance with Council's resolution of 27/7/04 the names of those Councillors who vote for a motion or amendment be respectively recorded in the Council minutes of each meeting of Council.

2.22 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

If the 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.

3. MAINTAINING ORDER AT MEETINGS

3.01 CONDUCT OF MEETINGS OF COUNCILS AND COMMITTEES

1. A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting practice adopted by it.

3.02 QUESTIONS OF ORDER

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

2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
3. The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

CLAUSE 257

LOCAL GOV'T (GENERAL) REGULATION 2005

3.03 HOW DISORDER AT A MEETING MAY BE DEALT WITH

1. If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10 (2) (a) or (b) of the Act (refer clause 1.02(2) of this Code), be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

CLAUSE 258

LOCAL GOV'T (GENERAL) REGULATION 2005

3.04 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

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

- a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary restrain the Councillor or member from re-entering that place.

4. COMMITTEES

SECTION 373

LGA 1993

4.01 COMMITTEE OF COUNCIL

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

CLAUSE 259

LOCAL GOV'T (GENERAL) REGULATION 2005

4.02 COMMITTEE OF THE WHOLE

1. All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
3. The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

CLAUSE 260

LOCAL GOV'T (GENERAL) REGULATION 2005

4.03 COUNCIL MAY ESTABLISH COMMITTEES

1. The Council may, by resolution, establish such Committees as it considers necessary.
2. A Committee is to consist of such number of Councillors of the Council as the Council decides.
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.

NOTE. COUNCIL ADOPTED MODEL TERMS OF REFERENCES FOR ITS COMMITTEES AT ITS MEETING OF 28 OCTOBER 2014 WHICH IS SHOWN ATTACHED AS APPENDIX "B".

CLAUSE 262

LOCAL GOV'T (GENERAL) REGULATION 2005

4.04 FUNCTIONS OF COMMITTEES

The 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 262

LOCAL GOV'T (GENERAL) REGULATION 2005

4.05 NOTICE OF COMMITTEE MEETING TO BE GIVEN

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

CLAUSE 265

LOCAL GOV'T (GENERAL) REGULATION
1993

4.06 PROCEDURE IN COMMITTEES

1. Each Committee of the Council may regulate its own procedure. However, for a Committee of which all members are Councillors, then this Code will apply.
2. Without limiting subclause (1), a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.
3. Voting at a Committee meeting is to be open means (such as on the voices or by show of hands).

CLAUSE 266

LOCAL GOV'T (GENERAL) REGULATION
2005

4.07 COMMITTEES TO KEEP MINUTES

1. Each Committee of the 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 Committees 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 267

LOCAL GOV'T (GENERAL) REGULATION 2005

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

CLAUSE 268

LOCAL GOV'T (GENERAL) REGULATION 2005

4.09 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 3 consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
 - b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee, acceptable reasons for the member's absences.

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

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

CLAUSE 269
LOCAL GOV'T (GENERAL) REGULATION 2005

4.10 REPORTS OF COMMITTEES

1. If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
2. The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
3. If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or part of a meeting, that is closed to the public, the Chairperson must:
 - a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - b) report the resolution or recommendation to the next meeting of the Council.

CLAUSE 270
LOCAL GOV'T (GENERAL) REGULATION 2005

4.11 DISORDER IN COMMITTEE MEETINGS

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

CLAUSE 271
LOCAL GOV'T (GENERAL) REGULATION 2005

4.12 CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS

1. If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10 (A) of the Act (refer Clause 1.03 of this Code), 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.

5. RECORD OF MEETINGS

SECTION 11

LGA 1993

5.01 PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

1. The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
2. This section does not apply if the correspondence or reports:
 - a) relate to a matter that was received or discussed; or
 - b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
3. This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2) of the Act (refer Clause 1.03 of this Code), are to be treated as confidential.

SECTION 375

LGA 1993

5.02 MINUTES

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
2. The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

5.03 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING

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

- a) details of each motion moved at a Council meeting and of any amendments 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.

- d) in accordance with Council's resolution of 27/7/04 the names of those Councillors who vote for a motion or amendment be respectively recorded in the Council minutes of each meeting of Council.

CLAUSE 272
LOCAL GOV'T (GENERAL) REGULATION 2005

5.04 INSPECTION OF THE MINUTES OF THE COUNCIL OR COMMITTEE

1. An inspection of the minutes of the Council or Committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
2. The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

CLAUSE 273
LOCAL GOV'T (GENERAL) REGULATION 2005

5.05 TAPE RECORDING OF MEETINGS OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION

1. A person may use a tape recorder to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Councillor or Committee.
2. A person may, as provided by section 10 (2) (a) or (b) of the Act (refer Clause 1.02 of this Code), be expelled from a meeting of a Council or a Committee for using or having used a tape recorder in contravention of this clause.
3. If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
4. In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

NOTE. IF COUNCIL RECEIVES A REQUEST PRIOR TO THE MEETING TO TAPE/VIDEO RECORD THE MEETING COUNCILLORS WILL BE GIVEN ADVANCE NOTICE. IF COUNCIL APPROVES A REQUEST TO TAPE/VIDEO RECORD THE MEETING, MEMBERS OF THE GALLERY WILL BE GIVEN THE OPPORTUNITY OF DECIDING WHETHER THEY WISHED TO BE RECORDED OR NOT AND THE PERSON RECORDING THE MEETING BE ADVISED ACCORDINGLY.

NOTE. COUNCIL BUSINESS PAPERS WILL CONTAIN THE FOLLOWING DISCLAIMER:

- advising the public that the Council Meetings are recorded for the purpose of verifying the accuracy of the minutes,
- appropriate language by speakers should be used at all times,
- opinions expressed or statements made by members of the public during the meeting are the opinions or statements of those individual persons and are not opinions or statements of Inner West Council; and
- under no circumstances are meetings to be recorded by a member of the gallery without Council's consent.

MIN NO C08/06

ORDINARY MEETING

28/02/2006

5.06 PHOTOGRAPHY IN COUNCIL CHAMBERS

That photographers be permitted to take photos, but not tape record in the Council Chambers at the meeting, on the condition that the press respects peoples right not to be photographed if they do not wish to be.

6.0 STANDING ORDERS

MIN NO C50/94

ORDINARY MEETING

27 & 28/09/94

6.1 ACCESS TO MEETINGS

Council whenever possible will try to ensure that all public meetings and consultations organised by Council be held in fully accessible venues.

6.2 ORDER OF BUSINESS

1. For Ordinary Meetings of Council, Council has adopted the Order of Business as detailed below. The order of Business may be amended by Council when it considers necessary by resolution.

Acknowledgement of Country

Apologies and Applications for Leave of Absence and/or Condolences

Declaration of Pecuniary Interest

Closed Session

Confirmation and/or Correction of Minutes

Mayoral Minutes

Items for Adoption in Group

High Priority Items

Items Not Dealt With at the Previous Ordinary Meeting

Precis of Correspondence

Other Reports

Motions of Which Due Notice has Been Given

Questions of Which Due Notice has Been Given

1. That the business papers of ordinary meetings include the status of Mayoral minutes, motions of which due notice has been given and motions arising from reports where further action is required until such time as the Mayoral minute or motion has been fully actioned.

2. The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

3. Despite clause 2.21 of this Code, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

4. *Aboriginal Protocol: Acknowledgement of Country.*

At the October 2008 Ordinary Meeting, Council adopted the following terminology for Acknowledging the Country as the standard, to be stated at the beginning of Council meetings, events or functions by the Chairperson;

"I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country are meeting today, and their elders past and present."

NOTE. COUNCIL RESOLVED AT IT'S MEETING OF 8 SEPTEMBER 2015, AS FOLLOWS: "THE FIRST 30 MINUTES OF EACH COUNCIL MEETING BE ADVERTISED AND ALLOCATED FOR CONSIDERATION OF CONFIDENTIAL REPORTS AND THAT THIS BE TRIALLED FOR SIX MONTHS".

6.3 MEETING CYCLE AND SCHEDULE

Council may vary its meeting cycle by resolution of Council without the need to readvertise this Code. Furthermore, the meeting schedule may be amended by the Mayor, Chairperson and/or General Manager if circumstances necessitate. Such circumstances would include Public Holidays, local Government conferences etc.

6.4 NOTICES OF MOTION

- a) Notices of Motion from Councillors must be lodged with the General Manager or his/her nominee by no later than 1.00pm on the Monday prior to the Tuesday delivery of the agenda to Councillors *to enable the motions to be included in the main agenda paper*. Motions received after this time will be included in a Supplementary Agenda Paper. Further, for motions to be considered at a meeting (and included in a Supplementary Book) they must be submitted to the Manager Administration Services by 10.00am on Thursday prior to the meeting.
- b) Notices of Motion must include the name and signature of the mover (if in writing), otherwise via e-mail from the Councillor.
- c) Notice of Motion, once submitted, are deemed to be the property of Council and will not be made public without the express permission of the mover of the motion. Provided that once the Business paper is delivered to Councillors, all matters, other than confidential matters contained with the Business Paper, shall be deemed to have been made public.

6.5 AGENDAS

Business papers for Ordinary Council and Policy Council meetings shall be delivered to Councillors and a copy available for the public on Council's website and in the reception of Council's Administrative Centre, Neighbourhood Centres and Libraries prior to the meeting and the foyer of the Council Chambers just prior to the meeting commencing.

6.6 DEVELOPMENT APPLICATIONS SUBJECT TO APPEAL TO BE REPORTED TO COUNCIL

Where decisions of Development Applications are subject to appeal in the Land and Environment Court or other jurisdictions, the outcome of such appeals shall be regularly reported to Council. A copy of the decision and/or judgement to be circulated to each Councillor as soon as practical when the decision is available.

MIN NO: C514/87 –

SPECIAL MEETING 13/10/87

MIN NO: C469/91

ORDINARY MEETING 19/11/91

6.7 PRECIS OF CORRESPONDENCE

That the General Manager in consultation with the Mayor shall ensure that a precis of all correspondence concerning requests, invitations, information, advice, etc received between Council Meetings, is included in each Business Paper. On matters of importance, the precis shall be accompanied by a copy of the full item of correspondence.

MIN NO C142/14

EXTRAORDINARY MEETING

06/05/14

6.8 MEETINGS - TIMES

Ordinary Council Meetings are to commence at 6.30pm and the Open Council section of Ordinary Meetings conclude by 11.00pm and if not all Open Council business has been considered, that one extension of 30 minutes be granted to deal with urgent matters only.

MIN NO 73/95

ORDINARY MEETING

28/3/95

6.9 CONSIDERATION OF INCOMPLETE BUSINESS AT NEXT MEETING

That any items on a business paper not determined at an Ordinary Meeting of Council be determined at the next Ordinary Meeting, or at an Extraordinary Meeting held for that purpose and that any delegation that presently permits the Mayor to determine items in any other way be hereby revoked.

6.10 DATE FOR MAYORAL ELECTION

Council has adopted a policy of holding the Mayoral election on the Wednesday night after the September Council meeting except in the case of a general Council Election year where the Mayoral Election needs to be held prior to the Ordinary Meeting.

6.11 QUORUM

The quorum for the Ordinary Meeting is seven (7) Councillors.

6.12 CALLING OF EXTRAORDINARY MEETING TO DEAL WITH RESCISSION MOTION

Where:

- a) a resolution has been passed by Council which:
 - (i) has the effect of granting (either unconditionally or subject to conditions) or refusing development consent under the Environmental Planning and Assessment Act 1979 or an approval under Part 1 of Chapter 7 of the Local Government Act 1993;
 - (ii) relates to the acceptance or non-acceptance of tenders or any matter incidental thereto;
 - (iii) relates to the appointment or election of a person to some office or position; or
 - (iv) deals, in the opinion of the General Manager, with any subject-matter which would, if delayed, adversely affect the day-to-day operation of Council; and
- b) notice of motion to rescind that resolution:
 - (i) was given at the meeting at which the resolution was carried; or
 - (ii) is received by the General Manager no later than 10.00am on the day immediately following the date on which the resolution was carried, but not otherwise, the Mayor shall call an extraordinary meeting of Council, to be held as soon as practicable, to deal solely with the rescission motion. The General Manager shall give such notice and in such terms as required under the law as is necessary for the extraordinary meeting to be called and held.

Where notice of motion to rescind a resolution is given otherwise than as provided for above, the notice (including an informal “verbal” notice given at the meeting at which the resolution was carried) has no effect at all and the General Manager must without undue delay ensure the implementation, or continued implementation, of that resolution.

6.13 APOLOGIES

- a) Wherever possible a Councillor shall submit an apology for non-attendance at any Council or Committee meeting.
- b) Apologies may be communicated verbally to the Mayor, meeting Chairperson, another Councillor or General Manager.
- c) Should a Councillor know of a period of pending absence from meetings due to ill health, business, annual leave or the like, a request for leave of absence stating the period of absence should be submitted to Council for approval.
- d) A Councillor’s position is immediately declared vacant as of law if that Councillor is absent from three consecutive Ordinary Meetings of the Council, without prior leave of the Council (LGA Section 234 (d) (unless absent because he or she has been suspended from office under Section 482).

MIN NO: (C514/87 OF
SPECIAL MEETING
13/10/87
MIN NO: C469/91 OF
ORDINARY MEETING
19/11/91

6.14 QUESTIONS BY COUNCILLORS AT MEETINGS

That all questions submitted at Council meetings by Councillors shall be recorded in the minutes of such meetings against the name of the Councillors submitting such questions and that answers to such questions shall be included in the Business Paper, together with the name of the Councillors submitting such question and the date on which such question was submitted.

6.15 VOTING AT COUNCIL MEETINGS

- 1. 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.
- 2. Two (2) or more Councillors may move for a show of hands in relation to the voting for any motion, to be recorded, the number of Councillors who voted for and the number who voted against a motion.

3. Councillors shall vote by voice or by a show of hands.
4. In accordance with Council's resolution of 27/7/04 of the names of those Councillors who vote for a motion or amendment be respectively recorded in the Council minutes of each meeting of Council.

6.16 MODE OF ADDRESSING COUNCIL

Councillors shall seek the call to speak by voice, raising their hand or rising in their place. Councillors may address the meeting while remaining seated or standing and must address their remarks through the chair.

6.17 PRESENCE OF COUNCILLORS

A Councillor shall not be deemed to be present at any Committee or Ordinary meeting of the Council, unless he or she is within the Council Chamber. For the purposes of this requirement, the Council Chambers foyer is not regarded as being in the Council Chamber.

MIN NO C261/15P

POLICY MEETING

09/06/2015

6.18 MODE OF ADDRESSING COUNCIL BY THE PUBLIC

Inner West Council actively encourages participation of residents in the decision-making process. In this regard, Ordinary Council meetings and Committee meetings are open to members of the public and interested persons are invited to address Council concerning matters listed on the Business Paper. The Mayor is required at the beginning of each Council meeting to remind the members of the public gallery to be respectful with their address to the meeting.

At the opening of each Council meeting, the Mayor will advise that persons wishing to address the meeting have three minutes to speak and must provide their full name and suburb of residence before speaking, so that these details can be recorded in the minutes. The Chairperson may, with the consent of the members, grant an extension of time for the speaker. The Council or Committees may decide to deal with the matters that involve speakers prior to dealing with other matters on the agenda, for the convenience of interested parties.

6.19 INSPECTIONS

Councillors are at liberty to carry out inspections of items listed for consideration on business papers. Whenever specifically resolved by the Council or Committee, on-site inspections of properties or other matters relevant to an item on the business paper, will be arranged by the General Manager during or after Council or Committee meetings. In normal circumstances, an agenda of scheduled inspections will be distributed to Councillors one week prior to the inspections. All applicants, objectors and other interested parties residing within the Municipality will receive notification of inspections, delivered by Council officers. Those parties residing outside the Municipality will receive notification by mail, facsimile, or telephone, depending on the most practicable method.

6.20 INSPECTION AGENDAS

Council has adopted a Policy whereby agendas for Inspections not include reproduced reports, from the Business Paper, but that it be indicated on the agenda the Item number on the Business Paper that the inspection relates to.

6.21 ORDER AT MEETINGS & ACTS OF DISORDER

1. To facilitate the orderly and efficient conduct of meetings, a Councillor shall be ruled out of order if at a meeting of the Council or a Committee and the Council he or she:
 - 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.
 - f) continually interjects during the course of debate.
 - g) makes detrimental comments about a Council officer whether the officer is present at the meeting or not, provided the officer is referred to by name or title.
 - h) uses rude or offensive language or gestures.
 - i) continually takes frivolous or vexatious points of order.
 - j) disputes a ruling of the Chair without first moving a motion of dissent.
 - k) acts contrary to the provisions of the Local Government Act, this Code of Meeting Practice or Code of Conduct.
2. The Chairperson may require a Councillor:

- a) to apologise without reservation for any act of disorder referred to above (1.a)-k)).
 - 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 any act of disorder referred to above (1a) –k)).
3. A Councillor may, as provided by section 10(2)(a) or (b) of the Act (refer clause 1.02(2) of this Code), be expelled from a meeting of the 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.

Council resolution 09/06/15

4. Clause 6.21, 1. (a)-(j) of the Code of Meeting Practice also applies to the members of the public.

6.22 RELEVANCE IN DEBATE

Councillors, in the course of debate, shall not introduce material which is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking and resume his or her seat. Failure to do so constitutes an act or disorder.

MIN NO C378/14
ORDINARY MEETING
28/10/14

MIN NO C261/15P
POLICY MEETING
09/06/2015

6.23 POLICY COUNCIL

1. Council will hold a Policy Council Meeting once a month except for January and December.
2. Policy Council Meetings will commence at 6.30pm and be limited to four (4) hours with one half an hour extension permitted to conclude Urgent Items.
3. All the provisions in the Code of Meeting Practice that relate to Council Meetings shall be applicable to the Policy Council Meeting with the exception of Clause 6.8 “Meeting Times” and that Notices of Motion can only be submitted to the Ordinary Council Meeting.
4. Policy Council Meetings will consider the following business:-
 - Decisions on Policy;
 - Adopting new Policy or amending existing Policy;
 - Matters referred from committee meetings that have policy or resourcing issues;
 - Consideration of Community Feedback on Policy and Strategy issues;
 - Feedback from Specialist Standing Committees and Taskforces;

- General Feedback from broader Community;
- Decisions on Strategic Reports and Documents eg.
 - LEP and DCP
 - Community and Cultural Plan
 - Environmental Sustainability Plan
 - Employment and Economic Development Plan
 - Integrated Transport Plan
 - Parks Plans of Management
 - Childcare Review
- Staff Reports eg.
 - Emerging strategy, policy and planning matters
 - Exhibition of Policy, Plans, Strategic Project documents eg
 - LEP/DCP
 - Parks Plans of Management
 - Childcare Policy
 - Volunteer Policy

6.24 COUNCILLOR BRIEFINGS

The purpose of Briefings/workshops is to provide an opportunity for Councillors to receive presentations from staff and provide feedback, ask questions, discuss issues and request more information.

1.Councillor briefings/workshops are not covered directly by the Code of Meeting Practice nor are they under the Local Government Act Pecuniary Interest Provisions, but are covered by the Office of Local Government Meeting Practice Notes.

2.Councillors themselves however are always accountable under the Code of Conduct, irrespective of whether they are attending a council meeting, committee meeting, briefing/workshop or site inspection etc

3.In particular the Office of Local Government says with respect to councillor briefings/workshops that :

*A council can hold a workshop (sometimes called a briefing session) under its general powers as a body politic. Workshops are informal gatherings and can provide useful background information to councillors on issues. A workshop may involve councillors, council staff and invited participants. **Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting.** Workshops are merely a means which enable councillors to bring an informed mind to the appropriate decision-making forum. The Division recognises the value of workshops or information sessions in developing councillor knowledge and expertise, and in assisting their role as public officials. However, where briefing sessions are held in relation to development applications or business enterprises, council needs to remember its obligations and responsibilities under the Model Code, and community perceptions in terms of unfair advantage and transparency of process. Council may wish to introduce protocols for workshops or information sessions in its Meeting Code.*

4.Councillor workshops therefore should be about presenting information and encouraging feedback – but strictly avoiding debate between councillors over a particular matter, with a view to decision making.

5.If a councillor has a significant pecuniary interest in a matter the subject of a councillor meeting or committee meeting, then he/she cannot attend the debate and decision making on the matter (section 451 of the Local Government Act)

6.If a councillor has a significant pecuniary interest in a matter the subject of a councillor briefing/workshop then he/she can attend and receive the information but cannot make comment on the merits or otherwise of the matter.

7. The Mayor will be the Chairperson of Councillor briefings/workshops.

6.25 RECEIVE AND NOTE RESOLUTIONS

A receive and note resolution adopted by Council does not commit Council to a particular course of action or actions or endorsement of a position as may be contained in the accompanying report or correspondence – it merely brings the information before the Council. All Council and/or Committee recommendations arising from staff reports or correspondence that contain a proposed Council course of action or Council position or endorsement of a particular matter must be specific ie: requiring Council to endorse or adopt or undertake or accept; or not endorse or not adopt or not undertake or not accept as the case may be.

MIN NO C393/90

ORDINARY MEETING

17/04/90

6.26 ANONYMOUS LETTERS

Anonymous letters will not be included in the Business Papers.

MIN NO C159/06

ORDINARY MEETING

23/05/06

6.27 PROVISION OF ALCOHOL PRIOR TO AND DURING MEETINGS

No alcohol is provided before and during meetings of Council, and that alcohol be made available after such meetings.

Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	24/02/09	Council	To incorporate recent resolutions about meeting proceedings and conflicts of interest
2	22/09/09	Council	To amend the functions of the Building and Development Committee
3	24/11/09	Council	To incorporate guidance on meeting procedure from the DLG's Meetings Practice Note
4	22/11/11	Council	To amend the list of committees and time limits for the public to speak
5	26/02/13	Council	To incorporate recent resolutions about meeting proceedings and conflicts of interest
6	09/06/15	Council	To incorporate recent resolutions about meeting proceedings and advice from the OLG on Councillor workshops
7	24/11/15	Council	To amend the Order of Business and include Precinct Committees as a committee of council

ATTACHMENTS TO THE CODE OF MEETING PRACTICE

ANNEXURE A

WHAT IS A 'PECUNIARY INTEREST'? (Section 442)

1. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
2. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the matter is of a kind specified in Section 448.

WHO HAS A PECUNIARY INTEREST? (Section 443)

1. A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:-
 - a) the person; or
 - b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member
2. (Repealed)
3. However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1)(b) or (c):-
 - a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
 - b) just because the person is a member of, or is employed by, Council or a statutory body or is employed by the Crown; or
 - (c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED (Section 448)

The following interests do not have to be disclosed:-

- (a) An interest as an elector;
- (b) An interest as a ratepayer or person liable to pay a charge;
- (c) An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part;
- (d) An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part;
- (e) An interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);
- (f) An interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee;
- (g) An interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of the permissible uses of:-
 - i) land in which the person or a person, company or body referred to in Section 443(1)(b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),

if the person, or the person, company or body referred to in Section 443(1)(b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) An interest relating to a contract, proposed contract or other matter if the interest arises only because of the 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 matter 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 under any contract,
- (k) An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor),
- (l) An interest 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 the 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 the 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.

CONFLICTS OF INTERESTS

The following information on Conflicts of Interests is as per the Division of Local Government's Model Code of Conduct and has been incorporated into Council's Code of Conduct. It is duplicated here as it deals with how various interests are to be dealt with at Council meetings.

Note: In addition to this information, Council at its Ordinary Meeting on 24 February 2009 resolved to introduce a Register of Pecuniary and Non-Pecuniary Interests (this is mentioned in 4.11.1).

- 4.1 *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.*
- 4.2 *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.*
- 4.3 *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.*
- 4.4 *Private interests can be of two types: pecuniary or non-pecuniary.*

What is a pecuniary interest?

- 4.5 *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)*
- 4.6 *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)*

However, a person is not taken to have a pecuniary interest in a matter as referred to above:-

- a) If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
 - b) Just because the person is a member of, or is employed by, Council or a statutory body or is employed by the Crown; or
 - c) Just because the person is a member of, or a delegate of a Council to a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.
- 4.7 *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)*

4.8 *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.*

4.9 *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?

4.10 *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.*

4.11 *The political views of a councillor do not constitute a private interest.*

Register of Pecuniary and Non-Pecuniary conflict of interests

The following clause has been added as per Council's resolution from the Ordinary Meeting on 24 February 2009 where Council resolved to introduce a Register of Pecuniary and Non-Pecuniary Interests.

4.11.1 *To further enhance Council's reporting of pecuniary and non-pecuniary interests at Council meetings, a register will be taken to Extraordinary and Ordinary Meeting of Council and held by the Minute Taker. Where a Councillor declares a pecuniary or non-pecuniary interest at a meeting, s/he will be required to enter this into the register advising of the nature of the interest. The information will also be recorded in the minutes of the meeting.*

Managing non-pecuniary conflict of interests

4.12 *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 and record the details in the Register of Pecuniary and Non-Pecuniary Interests.*

4.13 *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 as well as entered into the Register referred to in 4.11.1 above. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.*

- 4.14 *How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.*
- 4.15 *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.*
- 4.16 *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.*
- 4.17 *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 and record this information in the register referred to in 4.11.1 above.*
- 4.18 *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.*
- 4.19 *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.*

Reportable Political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefited from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) where the major political donor has a matter before council,
- c)

then the councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and manage the conflict of interest in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the Election Funding, Expenditure and Disclosures Act 1981,
- b) a “major political donor” is a “major political donor” for the purposes of section 84 of the Election Funding, Expenditure and Disclosures Act 1981.

4.23 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council’s decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive (of the Division for Local Government) to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interest.

4.27 The Chief Executive (of the Division of Local Government) will only exempt a Councillor from complying with a requirement under this Part where:

- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
- b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive (of the Division of Local Government) exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter, is permitted to participate in consideration of the matter of the matter, 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 declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.*

The following information on “Managing Non-Pecuniary Conflicts of Interests” and “Managing Political Donations” is as per the Division of Local Government’s Guidelines and is duplicated here as it deals with how various interests are to be dealt with at Council meetings and provides examples. As it refers to Clauses in the Code of Conduct, it should be read in conjunction with the Code of Conduct).

MANAGING NON-PECUNIARY CONFLICT OF INTERESTS

Most council officials are at some stage likely to experience a situation where they may have a non-pecuniary conflict of interests. This is most likely to arise out of family or personal relationships or perhaps through an association they, or someone close to them, may have through an involvement in a sporting, social or other kind of group or association. The greater their involvement with the club or organisation, the greater likelihood of a real or perceived conflict of interests. It may also involve an interest of a financial nature that does not amount to a pecuniary interest as defined by the Act.

The Code now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

As a general rule, clause 4.15 of the Code details what is considered to be a significant non-pecuniary conflict of interest. Council officials should make an assessment of the circumstances to help them determine if a conflict is significant. The nature of a friendship or business relationship, the frequency of contact and the duration of the friendship or relationship, the strength of an affiliation with an organisation are all matters that should be considered when assessing whether or not a conflict of interests is significant.

Council officials need to deal with a conflict of interests by disclosing their interest in writing as required by clauses 4.12 and 4.13. If the conflict is less than significant, they need to provide an explanation of why no further action is required in the circumstances (clause 4.17).

However, if a conflict of interests is **significant**, as described in clause 4.15 of the Model Code, in addition to their written disclosure, council officials will need to take further action. This additional action will be to either remove the source of the conflict, or have no involvement in the matter, including not taking any part in a debate or a vote on the matter.

It should be noted that clause 4.19 enables Councillors to participate in a decision to delegate council's decision-making role in relation to a matter to another person or body as provided under the Act even though they have a significant non-pecuniary conflict of interests in that matter.

MANAGING POLITICAL DONATIONS

1. Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interest.

2. Where a councillor has received or knowingly benefited from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) where the major political donor has a matter before council,

then the councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and manage the conflict of interest in accordance with clause 4.16(b).

3. For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the Election Funding, Expenditure and Disclosures Act 1981,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the Election Funding, Expenditure and Disclosures Act 1981.

4. Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

5. If a councillor has received or knowingly benefited from a reportable political donation of the kind referred to in point 2 above, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Example 1: Club Membership

A Councillor is a member of a club in a small community. The Councillor is very active in the running of the club. While not an office holder, he is well known to all club members. The club has recently submitted a development application to the council for a major extension of its facilities.

In this instance, there may be a public perception that the Councillor's activities with the club would make it difficult for the Councillor to view the matter before the council as a representative of residents and ratepayers generally. This may meet the definition of a significant non-pecuniary conflict of interests. If so, the Councillor should disclose his conflict of interests in the matter when it comes up for consideration. The Councillor must leave the room when the vote is being taken to ensure that the vote is not recorded in the negative.

Example 2: Club Membership

A Councillor is a member of a local registered club. However, she is not active in the club or involved with the management of the club. In this situation, the Councillor merely enjoys the facilities of the club as a privilege of membership.

In this example, should a matter relating to the club arise at council, it is appropriate that the Councillor informs the council of her membership (ie declares a non-pecuniary conflict of interests that is less than significant). However, it is unlikely that her interest as a club member would influence her role as a Councillor representing the view of residents and ratepayers generally. Therefore, she could participate in the decision-making process.

In both situations, the Councillors have two different interests in the matters. The first is their interest as a Councillor representing residents and ratepayers generally; the second is as club members who are keen to see the club prosper and provide better facilities for its members. There is nothing wrong with a Councillor having community as well as civic interests, though there are times when these interests may be perceived as a significant conflict of interests.

The distinguishing features of examples 1 and 2 are that:

- *The Councillor's interests as a club member in example 1 are likely to influence his role as a representative of residents and ratepayers generally. This would make it difficult for him to be impartial; and*
- *The public perception of a lack of impartiality would be stronger in the first example particularly given the size of the community and the visibility of the Councillor in the club's activities.*

If a Councillor is an office holder in a club or other organisation, the interest may constitute a pecuniary interest.

ANNEXURE B

MODEL TERMS OF REFERENCES FOR COUNCIL COMMITTEES

- Vision 2025+ - confirms community priorities based on extensive community consultation – Council and Community working together
- Open Council – in a contemporary setting – emergence of social media
- Building Community Capacity – the most capable communities and the most adaptive to change
- Governance – the transparency, consistency and quality – evidence based, of decisions
- Living within our means – optimising value for money, avoiding duplication
- Applying Community Engagement Framework, when dealing with
 - Strategic Plans, Strategic issues, Policy Development
 - Service & program planning, Locality Improvements, Site specific matters & events

Ordinary Council Meeting

Policy Council Meeting

Tier 2 Statutory and Standing Committees

Statutory Committees, Specialist Standing Committees, Task Forces.

Minutes submitted to Ordinary Council or Policy Council for adoption

Statutory Committees

- Audit and Risk
- Floodplain Management
- Traffic

Specialist Standing Committees

- Access Committee
- Community, Culture, Recreation
- Environment & Climate Change
- Housing
- Planning, Urban Design
- Heritage
- LPAC

Task Force

Convene as required for example

- Development of strategic Service Plan
- Review of strategic Service Plan
- Review of Bike Plan

Tier 1 Advisory Groups

Stakeholder representation, Community Development, Capacity Building.

Minutes adopted by Group and circulated to Councillors as information. Priority resource or policy escalate to 2nd Tier or Council Meeting through Précis of Issue Report

Partnership & Co-ordination Groups

- Bicycle Advisory
- Community to Community
- LATSICC
- LGBTQI
- Leichhardt Sporting Partnership Committee
- Seniors
- Youth

Resident Precinct Committees

- Annandale
- Balmain
- Birchgrove
- Leichhardt
- Rozelle / Iron Cove
- Rozelle/Lilyfield
- Rozelle/White Bay

Facility Management Committees

- Annandale
- Balmain Town Hall
- Clontarf Cottage
- Jimmy Little Community
- Hannaford

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Ordinary Council

Monthly Meeting, 4th Week Comprising All Councillors

Meeting Procedure unchanged eg

- Acknowledgement of Country
- Apologies
- Pecuniary Interest

Business conducted

- Mayoral Minutes
- Precis of Correspondence
- Minute Reports from Statutory Committees – Audit, Traffic, Floodplain
- Staff Reports
 - Integrated Planning and Reporting – Finance, Asset, Management, Workforce, Community Strategic Plan
 - Quarterly Reports
 - Performance Reports
- Notice of Motions
- Committee of the Whole

Policy Council

Monthly Meeting, 2nd week Comprising All Councillors

Meeting Procedure as per Ordinary

- Acknowledgement of Country
- Apologies
- Pecuniary Interest
- Commence 6.30 pm; End 1030 pm; half hour extension to complete urgent business

Business conducted

- Staff Reports
 - on Emerging strategy, policy and or planning matters
 - Exhibition of Policy, Plans, Strategic Project documents eg
 - LEP/DCP
 - Parks Plans of Management
 - Childcare Policy
 - Volunteer Policy
- including **Précis of Issue Reports** ** referred from SMT Partnership and Co-ordination Groups, Facility Groups

**** Précis of Issue report**, similar to
Précis of Correspondence presenting
issue and Group's resolution, Officer
Comment and Recommendation

Tier 2: Statutory Committees

Leichhardt 2025+ Key Service Area: Sustainable services and assets.

Community Engagement Framework: Council INVOLVING experts in Policy Development, Major Projects and Strategic Issues, Strategic Plans

Terms of Reference

Terms of Reference - Scope/Purpose – linked to relevant legislative framework, and statutory body.

Established to provide **specialist advice** and assistance to Council in relation to **governance** and **local government statutory matters**.

Code of Conduct applies to members.

Time of meeting

Meeting Frequency: between monthly and six-monthly.

Can either meet: any time that suits membership

IF REQUIRED

Can meet in Camera, Followed by Community Forum

Membership and Chair

Councillor Attendance to be determined by Council

Members with expertise in an area relevant to the Terms of Reference

Selection process and duration determined by lead agency / or Council

Chairperson elected annually by Council/lead agency

Community participation by invitation only

Quorum

50% members + 1

Decision made by Committee

Existing arrangements

Agenda and report availability

Circulated to committee members in week prior, and available to the public 7 days prior meeting.

Statutory Committees comprise:

Audit and Risk Committee

Floodplain Management Committee

Traffic Committee

Tier 2: Specialist Standing Committees

Leichhardt 2025+ Key Service Areas: Community Wellbeing, Accessibility, Place where we live and work, Sustainable environment, Sustainable services and assets.

Community Engagement Framework: Council INVOLVING experts in Policy Development, Major Projects and Strategic Issues, Strategic Plans

Terms of Reference

Terms of Reference - Scope/Purpose – linked to Community Strategic Plan Leichhardt 2025+

Established to provide **specialist advice** and assistance to Council in relation to **specific area**.

Committees and Groups are invaluable where used effectively to ensure the community has the opportunity to participate in open government. Council's Committee and Groups (excluding the Statutory Committees) are able and encouraged to:

- Enable more debate and discussion in a more informal environment than the formal Council meeting
- Workshop new ideas and policies
- Incubate and develop new ideas
- Receive feedback and provide a consultative framework
- Build support for a new idea, new policy or proposal. Review what Council does, seeking constant improvement
- Advocate for change and for new ideas and policies.

GUIDING PRINCIPLES

- working openly and honestly with each other, accepting that we will not always agree, but focusing on the values that we share
- Working in good faith and consult, negotiate an compromise to achieve common objectives, and reach decisions through consensus
- Acknowledge and respect our religions, political or other differences and do not allow them to cause divisiveness on the committee

Code of Conduct applies to members.

Time of meeting

Time of meetings to be determined by members of the committee/group

Frequency : between bi-monthly and quarterly
Can either meet:
During the day or any other time that suits membership

OR IF REQUIRED

In Camera followed by Community Forum

Membership and Chair

Councillor attendance not mandated.
Councillors may attend any meeting
Members with expertise and/or lived experience in an area relevant to the Terms of Reference

Chairperson elected annually by Council
Community participation encouraged

Quorum

Chairperson and 4 others which may comprise community members or Councillors

Decision made by Committee

Decisions are made by majority vote of members
Where a vote is tied, Chair has casting vote

Minutes must be referred to the Senior Management Team (SMT) & all relevant matters (including all proposed policy changes, new policy & expenditure of funds) shall be referred by the "SMT" to the next Council Policy Meeting & shall include all associated reports, comments & recommendations.

Agenda and report availability

Circulated to committee members in week prior, and available to the public 7 days prior meeting.

Officer responsibility

Council Officers present at Committee meetings (Tier 1 and Tier 2) shall draw the meetings attention to any proposal that is contrary to Council Policy or requires a budget decision not already covered within the existing budget.

Specialist Standing Committees comprise:

Access Committee
Community, Culture and Recreation Committee
Environment and Climate Change Committee
Housing Committee
Planning and Urban Design Committee
Heritage Committee

Tier 2: Task Force

Leichhardt 2025+ Key Service Areas: Community Wellbeing, Accessibility, Place where we live and work, Sustainable environment, Business in the community, Sustainable services and assets.

Community Engagement Framework: Council INVOLVING experts in Policy Development, Major Projects and Strategic Issues, Strategic Plans.

Terms of Reference	<p>Terms of Reference - Scope/Purpose – linked to Community Strategic Plan Leichhardt 2025+</p> <p>Specific purpose group comprising Councillors, Staff and Community Representatives</p> <p>Established to assist Council in developing a position on a certain matter/issue</p> <p>Established with resources that support the activities of the Taskforce.</p>
Code of Conduct applies to members.	
Time of meeting	<p>Established for a limited life up to a maximum of twelve months, Meetings as determined by Council.</p>
Membership and Chair	<p>Councillor Attendance required and to be determined by Council.</p> <p>Members with expertise and/or lived experience in an area relevant to the Terms of Reference</p> <p>Members appointed by Council, could be by eoi.</p> <p>Chairperson appointed by Council for duration,</p> <p>Community participation by invitation</p>
Quorum	<p>50% members + 1</p>
Decision made by Task Force	<p>Decisions are made by majority vote of members</p> <p>Where a vote is tied, Chair has casting vote</p> <p>Task Force meeting minutes, including all decisions, shall be referred to Policy Meeting of Council to be endorsed.</p> <p>Staff track and report action against resolutions</p>
Agenda and report availability	<p>Circulated to committee members in week prior,</p>
Officer responsibility	<p>Council Officers present at a Committee meetings (Tier 1 and Tier 2) shall draw the meetings attention to any proposal that is</p>

contrary to Council Policy or requires a budget decision not already covered within the existing budget.

Task Force could cover matters such as

Development of New Strategic Service Plan

Review of Existing Strategic Service Plan eg Community and Cultural Plan, Environmental Sustainability Plan. Project-specific tasks eg Appointment of International Women's Day Honour Role; site-specific / location-specific matters eg CallanPark.

Tier 1: Partnership and Co-ordination Groups

Leichhardt 2025+ Key Service Areas: Community Wellbeing, Accessibility, Place where we live and work, Sustainable environment, Business in the Community, Sustainable services and assets.

Community Engagement Framework: Council INVOLVING community members in

Site specific matters and events: eg Annandale Neighbourhood Centre; **Service and Program Planning and delivery** eg: Reconciliation Action Plan delivery; Youth services;

Terms of Reference

Terms of Reference - Scope/Purpose – linked to Community Strategic Plan Leichhardt 2025+

Established to assist Council in developing:

- a deeper understanding of a particular matter
- community capacity in relation to a specific issues/matter
- Relevant partnerships with key groups within the community

Committees and Groups are invaluable where used effectively to ensure the community has the opportunity to participate in open government. Council's Committee and Groups (excluding the Statutory Committees) are able and encouraged to:

- Enable more debate and discussion in a more informal environment than the formal Council meeting
- Workshop new ideas and policies
- Incubate and develop new ideas
- Receive feedback and provide a consultative framework
- Build support for a new idea, new policy or proposal. Review what Council does, seeking constant improvement
- Advocate for change and for new ideas and policies.

Noting that the concept and guiding principles developed by the Community to Community Committee have been effective in maintaining and promoting community harmony, and remain valuable:

- That Council refine these principles to be incorporated into the operating guidelines for committees

Guiding principles include:

Working openly and honestly with each other, accepting that we will not always agree, but focusing on the values that we share

- Working in good faith and consult, negotiate an compromise to achieve common objectives, and reach decisions through consensus
- Acknowledge and respect our religious, political or other differences and do not allow them to cause divisiveness on the committee

Code of Conduct applies to members.

Time of meeting

Frequency – Between Monthly & six monthly

Can meet at time that suits membership

Membership and Chair

Councillor Attendance not mandated.

Councillors may attend any meeting.

Members with expertise and/or lived experience in an area relevant to the Terms of Reference

Status Quo (insert from existing Terms of Reference and Operation Guidelines for each Committee)

Chairperson appointed by Group, Community participation encouraged.

Quorum

Five people which may comprise community members or Councillors

Decisions

Decisions are made by majority vote of members

Where a vote is tied, Chair has casting vote

Minutes must be referred to the Senior Management Team (SMT) & all relevant matters (including all proposed policy changes, new policy & expenditure of funds) shall be referred by the "SMT" to the next Council Policy Meeting & shall include all associated reports, comments & recommendations.

Agenda and report availability

Committee reports (business papers) shall be dispatched to members seven (7) days prior to the meeting. Late & urgent matters may be considered by members if resolved to be urgent.

Officer responsibility

Council Officers present at a Committee meetings (Tier 1 and Tier 2) shall draw the meetings attention to any proposal that is contrary to Council Policy or requires a budget decision not already covered within the existing budget.

Examples of Partnership and Co-Ordination Groups

Bicycle Advisory Group; LATSIC; LGBTQI Action Group; Leichhardt Sporting Partnership Committee; Youth Council; Seniors Council;

Tier 1: Resident Precinct Committees

Leichhardt 2025+ Key Service Areas: Community Wellbeing, Accessibility, Place where we live and work, Sustainable environment, Business in the Community, Sustainable services and assets.

Community Engagement Framework: Council INVOLVING community members in

Site specific matters and events: eg Master Plans; **Service and Program Planning and delivery** eg: Healthy Ageing Plan delivery; Youth services;

Terms of Reference

Terms of Reference - Scope/Purpose – linked to Community Strategic Plan Leichhardt 2025+

Established to assist Council in developing:

- a deeper understanding of a particular matter
- community capacity in relation to a specific issues/matter
- Relevant partnerships with key groups within the community

Committees and Groups are invaluable where used effectively to ensure the community has the opportunity to participate in open government. Council's Committee and Groups (excluding the Statutory Committees) are able and encouraged to:

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- Working in good faith and consult, negotiate an compromise to achieve common objectives, and reach decisions through consensus
- Acknowledge and respect our religious, political or other differences and do not allow them to cause divisiveness on the committee

Code of Conduct applies to members.

Time of meeting

Frequency – Between Monthly & six monthly

Can meet at time that suits membership

Membership and Chair

Councillor Attendance not mandated.

Councillors may attend any meeting.

Members with expertise and/or lived experience in an area relevant to the Terms of Reference

Status Quo (insert from existing Terms of Reference and Operation Guidelines for each Committee)

Chairperson appointed by Group, Community participation encouraged.

Quorum

Five people which may comprise community members or Councillors

Decisions

Decisions are made by majority vote of members

Where a vote is tied, Chair has casting vote

Minutes must be referred to the Senior Management Team (SMT) & all relevant matters (including all proposed policy changes, new policy & expenditure of funds) shall be referred by the "SMT" to the next Council Policy Meeting & shall include all associated reports, comments & recommendations.

Agenda and report availability

Committee reports (business papers) shall be dispatched to members seven (7) days prior to the meeting. Late & urgent matters may be considered by members if resolved to be urgent.

Officer responsibility

Council Officers present at a Committee meetings (Tier 1 and Tier 2) shall draw the meetings attention to any proposal that is contrary to Council Policy or requires a budget decision not already covered within the existing budget.

Examples of Resident Precinct Committees

Annandale Precinct; Balmain Precinct; Birchgrove Precinct; Leichhardt Precinct; Rozelle / Iron Cove; Rozelle/Lilyfield; Rozelle/White Bay.

Tier 1: Facility Groups

Leichhardt 2025+ Key Service Areas: Community Wellbeing, Accessibility, Place where we live and work, Sustainable environment, Business in the Community, Sustainable services and assets.

Community Engagement Framework: Council INVOLVING community members in

Site specific matters and events: eg change of use; **Locality matters** eg Main street upgrade; **Service and Program Planning** eg: Actively participate in the annual capital works program, fees and charges, service delivery program and annual report

Terms of Reference

Terms of Reference - Scope/Purpose – linked to Community Strategic Plan Leichhardt 2025+ and Review of Community Facilities

Established to guide the operation and management of specific Council facilities and the services they provide and provide advice and feedback to Council in relation to specific aspects of the operation and management of those facilities and their services. Determine expenditure of any allocated budget. Provide feedback on any matters referred to it by staff/Council.

Committees and Groups are invaluable where used effectively to ensure the community has the opportunity to participate in open government. Council's Committee and Groups (excluding the Statutory Committees) are able and encouraged to:

- Enable more debate and discussion in a more informal environment than the formal Council meeting
- Workshop new ideas and policies
- Incubate and develop new ideas
- Receive feedback and provide a consultative framework
- Build support for a new idea, new policy or proposal. Review what Council does, seeking constant improvement
- Advocate for change and for new ideas and policies.

Noting that the concept and guiding principles developed by the Community to Community Committee have been effective in maintaining and promoting community harmony, and remain valuable:

- That Council refine these principles to be incorporated into the operating guidelines for committees

Guiding principles include:

Working openly and honestly with each other, accepting that we will not always agree, but focusing on the values that we share

- Working in good faith and consult, negotiate an compromise to achieve common objectives, and reach decisions through consensus
- Acknowledge and respect our religious, political or other differences and do not allow them to cause divisiveness on the committee

Code of Conduct applies to members.

Time of meeting

Can meet at time that suits membership

Membership and Chair

Councillor Attendance not mandated.

Councillors may attend any meeting.

Members with expertise and/or lived experience in relation to a specific facility and/or service it provides

Status Quo (insert from existing Terms of Reference/Operating Guidelines)

Chairperson appointed by Group, Community participation encouraged.

Quorum

Five people which may comprise community members or Councillors

Decision made by Committee

Decisions are made by majority vote of members

Where a vote is tied, Chair has casting vote

Committee minutes must be referred to the Senior Management Team (SMT) & all relevant matters (including all proposed policy changes, new policy & expenditure of funds) shall be referred by the "SMT" to the next Council Policy Meeting & shall include all associated reports, comments & recommendations.

Agenda and report availability

Committee reports (business papers) shall be dispatched to members seven (7) days prior to the meeting. Late & urgent matters may be considered by members if resolved to be urgent.

Examples of Facility Committees

Annandale Neighbourhood Centre

Balmain Town Hall

Clontarf Cottage

Hannaford (new)

Jimmy Little Community Centre (new)