



GRPP.02.01.05

CODE OF MEETING PRACTICE

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Council Policy

Code of Meeting Practice

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GRP.02.01.05 - CODE OF MEETING PRACTICE

PART 1 INTRODUCTION

The Murrumbidgee Shire Council (MSC) Code of Meeting Practice is made for the purposes of section 360 of the *Local Government Act 1993* ("the Act"). Section 360 of the Act specifies the processes for Councils to conduct business on behalf of their communities. Section 365 of the Act requires Councils to meet on at least 10 occasions during a calendar year with each meeting to be held in a different calendar month.

This document serves to provide details of the purpose, processes and requirements for action as a result of adopting the Code of Meeting Practice. Any matters not specifically addressed within this Code will be governed by Practice Note No 16 (August 2009) of the NSW Division of Local Government, Department of Premier and Cabinet ISSN 1320-6788.

PART 2 PURPOSE OF THE CODE OF MEETING PRACTICE

The Code of Meeting Practice outlines how Murrumbidgee Shire Council will conduct its business, who is covered by the policy and what processes are associated with the policy.

This code applies to Council meetings, including Council committees, and should be read in conjunction with the Local Government (General) Regulation 2005 and the Local Government Act 1993 as well as Practice Note No 16.

The Code of Meeting Practice has been developed to assist council officials and staff to:

- Understand the protocols associated with conducting a meeting
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- Ensure meetings are conducted in such a way as to enhance public confidence in the integrity of local government.
- Ensure the decision making process is robust and complies with statutory requirements.

PART 3 PROCEDURE FOR THE CONDUCT OF MEETINGS

When will meetings be held?

Ordinary meetings of Council shall be held on the third Wednesday of every month at 2pm with the exception of the meetings scheduled for May and December. These meetings will be held on the second Wednesday of those months at 2pm.

Where will meetings be held?

The venue for ordinary meetings shall alternate between the Council Chambers, Darlington Point and the Council Meeting Room in Coleambally.

The day and time for ordinary meetings may only be altered by a resolution of Council or by the Mayor (or for the time being a Councillor acting in that position) where the Mayor considers circumstances warrant such a change.

Alterations to meeting day and/or time shall be advertised in a local newspaper circulating within the Shire and on the Council's webpage.

Extra-ordinary meetings of Council

The Mayor is delegated authority to call an extraordinary meeting of Council provided the requirements relating to notice of meeting are observed.

Section 366 of the Local Government Act provides that the Mayor must call an extraordinary meeting if a written request signed by at least two Councillors is received by the Mayor. The extraordinary meeting is to be held within 14 days after receipt of the request.

Meetings of Council Committees

Meetings of Committees of Council shall be held on a day and at a time and venue to be decided by Council resolution, Mayor or General Manager. Committee meetings may be requested by Councillors in writing if signed by at least two Councillors.

Dress Code

The dress code for Council meetings shall be smart business attire.

Use of mobile phones

All mobile phones should be turned off prior to a Council meeting and not turned back on until the end of the meeting.

PART 4 ORDER OF BUSINESS

Opening the Meeting

The Council meeting will be opened with the following prayer read by the Mayor:

*O Almighty and Eternal God,
give us the grace to faithfully fulfil the duties of our office.
Shed the light of Thy wisdom and Thy counsel upon us,
so that, strengthened by those heavenly gifts we may,
In the administration of the affairs of the Council,
always do what is right and just.
Grant, we beseech Thee, O Lord, that our
deliberations may be both fruitful and wise.
AMEN*

Order of Business of Council Meetings

The order of business at ordinary meetings of Council shall be as follows: -

- Apologies
- Confirmation of Minutes
- Business Arising from Minutes
- Declarations of Interest
- Information Reports – to include Incoming Correspondence, Work program, Mayor’s Report, Companion Animals Report, Development Applications approved under Delegation, Reports from Delegates
- Petitions and Presentations
- Mayoral Minute
- Minutes from Committees
- General Manager’s Report
- Motions Pursuant to Notice
- Questions Pursuant to Notice
- Councillor Questions
- In Committee Reports

The General Manager shall be delegated authority to change the Order of Business to accommodate matters to be considered in closed session.

Order of Business of Council Committees

The order of business at Council committee meetings shall be in accordance with the agenda for such meetings.

Notice of Business to be transacted at meetings

Notice of business to be transacted at Ordinary meetings of Council shall be delivered to the General Manager, in writing, no later than 12 noon on the seventh day preceding such a meeting.

Notice of business to be transacted at extraordinary and Council committee meetings shall be delivered to the General Manager, in writing, no later than 12 noon on the fifth day preceding such a meeting.

Business Paper Items

Where a member of the public submits an item with the request that it be submitted to Council, the request will be complied with unless, in the opinion of the General Manager, the content of the item makes it inappropriate for publication. Items may be included in the business paper or information sheets at the discretion of the General Manager.

When the item is such that it will require investigation and report by Council staff, the item must be submitted sufficiently early to allow the investigation and report to be completed by the close of work on the Wednesday immediately preceding the meeting to ensure its inclusion in the business agenda.

Notice of Motion

Notices of Motion are to be submitted in writing no later than 12 noon on the seventh day preceding the meeting at which they are to be presented and are to be signed by the Councillor or Councillors submitting the motion. Councillors should use the "Notice of Motion" Form provided and submit the notice of motion electronically using a similar format.

Staff Reports to Meeting

When a report is requested on a subject it shall be the normal practice for the report to be submitted to the next meeting of Council or the committee at which the request originated unless an earlier or later meeting is specified.

Requests for reports are required to be authorised by a resolution of Council rather than a request from an individual Councillor.

Reports are to be accurate, containing relevant information that is clear, concise, complete and correct. Each clause is to contain an Executive Summary, Decisive Recommendation, Background, Comment, Considerations (Statutory Implications, Risk Assessment, Community Strategic or Operational Plan reference), Consultation and Options. Should it be necessary, attachments to support the report should also be included.

Supplementary Reports

Supplementary reports are not to be presented to meetings of Council unless deemed by the General Manager to be a matter of urgency and notice of the issue has been included in the meeting business paper.

Notice of Meetings

The notice of, agenda and business paper for ordinary meetings of Council are to be circulated to all Councillors by Friday afternoon preceding the meeting.

In the case of an extraordinary meeting of Council, notice is to be given to all Councillors at least three days prior to the meeting unless circumstances and the urgency of the situation require a notice of a shorter period to be given.

Addressing the Chair

Councillors are required to stand to address a meeting and must resume their seats if the Chairperson rises.

Councillor Questions

Each ordinary meeting of Council is to have a segment in which business for which notice has not been given may be brought forward, provided that no motions are to be moved during this segment unless the provisions of clause 13 of the Local Government (Meetings) Regulation have been observed. Councillors should use the "Councillor Question" Form to assist the accuracy of minutes and allow for task allocation to staff by the General Manager.

A motion may be moved during the Councillor Question segment (Under clause 241(3) of the Regulation) only if

- (a) the chairperson rules that the business is a matter of great urgency, and
- (b) a motion is passed to have the business transacted at the meeting.

Only the mover of the motion to have the business transacted at the meeting (refer (b) above) can speak to the motion before it is put. The address by the Councillor is to be limited to explaining why the issue should be dealt with at this meeting rather than being the subject of a notice of motion or report to a subsequent meeting.

Motions are to be brought forward only when they are genuinely urgent and cannot be deferred until the next meeting.

Councillors shall be limited to two questions during this segment of the meeting.

Correspondence Not To Be Presented at Council Meetings

Correspondence is to be addressed to the Mayor or the General Manager. Letters are not to be presented or read by Councillors at meetings. On receipt of a letter or a petition, a Councillor should hand the document to the General Manager to enable it to be dealt with in the normal manner. However, a list of incoming correspondence shall be included in the Information Report section of the business paper for the information of Councillors only.

Members of Public Addressing the Meeting

A person wishing to address a meeting on a matter in the business paper may do so provided proper notice is given. The preferred form of notice is a written request received in sufficient time, ie midday, two days prior to the meeting.

A resolution of Council is required to allow a member of the public to address a meeting of Council. This does not apply when a person other than a Councillor or a staff member is to

address a meeting of the Council and notice of such address is contained in the business paper for the meeting.

Unless invited by the Council or the committee to speak a second time, members of the public will be allowed to speak only once to the matter under discussion and to answer questions from Councillors or staff.

All members of the public addressing a meeting are to address the chair and maintain proper decorum.

Individuals and organisations addressing Council during Ordinary meetings will be granted a total of fifteen (15) minutes for presentation and question time.

Closure of Meeting – Objection to

Representations by a member of the public as to whether a part of a meeting should be closed to the public are to be limited to two minutes for each selected member making such a submission.

Such representations are to be made when a motion to close part of the meeting has been moved and seconded and before the motion is put to a vote.

How members of the public will be selected to speak on a closure motion shall be determined by resolution at the particular meeting.

PART 5 DISCLOSURE OF INTERESTS

Declarations of interest and the nature of such interest shall be declared:

1. at ordinary meetings of Council, immediately following the confirmation of minutes and matters arising from those minutes, and
2. at committee meetings, as the first item of business.

A Councillor declaring a pecuniary interest or a significant non-pecuniary interest at a meeting is required to vacate the chamber while the matter is under consideration.

A Councillor with a non-pecuniary interest who intends to participate in the debate or vote on an issue, is to make that intention known at the time the interest is declared.

Declarations shall be made by completing the “Conflict of Interest Declaration” Form provided to Councillors and, upon being read to the meeting, handed up for accuracy of the minutes.

PART 6 MINUTES OF MEETINGS

Minutes of council meetings are to contain only the record of attendance, the declarations of interests and the resolutions of such meetings (including mover and seconder), a record of the

number of votes, any expressions of dissent, voting in a division, reports of the Committee of the Whole and grounds for closing part of a meeting.

PART 7 ACTIONS ON RESOLUTIONS

Business arising from the meetings of Council is to be acted on as soon as practicable following the meeting and the following timeframe is regarded as the maximum acceptable period in which action is to be initiated:

- (a) matters arising from reports and correspondence contained in the business paper: ten working days following the meeting, and
- (b) matters arising from Councillor Questions: fifteen working days following the meeting.

A quarterly report is to be submitted outlining the action that has been taken on resolutions.

Any request for action to be undertaken by staff, including the preparation of reports, shall be authorised by a Council resolution.

PART 8 DEFINITIONS

In the Code of Meeting Practice the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	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
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005 The term “you” used in the Code of Conduct refers to council officials.

The phrase “this code” used in the Code of Meeting Practice refers also to the procedures for the administration of the Code prescribed under the Local Government (General) Regulation 2005.



CONFLICT OF INTEREST DECLARATION

Name.....

Meeting: Council Meeting Committee Meeting Council Workshop
 Other Matter

MATTER BEING CONSIDERED IN WHICH YOU WISH TO DELCARE AND INTEREST

DATE.....

AGENDA ITEM

TYPE OF CONFLICT

Less than significant non-pecuniary conflict of interest.

Required Action: Make a declaration, stay in the meeting, participate in the debate and vote on the item after describing why the conflict is less than significant.

Significant non-pecuniary conflict of interest

Require Action: Immediately make a declaration, do not participate in the item, leave the meeting during discussion and/or consideration of the matter. Not return until the matter is resolved after describing why the conflict is significant.

Pecuniary conflict of interest.

Require Action: Immediately make a declaration, do not participate in the item, leave the meeting during discussion and/or consideration of the matter. Not return until the matter is resolved after describing the conflict.

DESCRIPTION OF CONFLICT OF INTEREST

.....
.....
.....
.....
.....

DECLARATION

I HEREBY DECLARE THAT THE ABOVE DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND I MAKE THIS CONFLICT OF INTERESTS DISCLOSURE IN GOOD FAITH

SIGNATURE:

DATE:

PLEASE NOTE: In accordance with the Local Government (General) Regulation 2005, if a Councillor has declared a conflict of interest, remains in the Chamber and does not vote, it will be taken that they have voted against the motion.

PART 5 CONFLICT OF INTERESTS (extract for MSC Code of Conduct)

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. 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. 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. Private interests can be of two types: pecuniary or non-pecuniary.

What Is A Pecuniary Interest?

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*) 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*) 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*)

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. 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?

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

Managing Non-Pecuniary Conflict Of Interests

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. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12. How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

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.

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.

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. 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. 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.



NOTICE OF MOTION

Councillor's Name

Address

Mr Mathew Glover
General Manager
Murrumbidgee Shire Council
DARLINGTON POINT NSW 2706

Dear Mr Glover,

I hereby give notice of the following motion for the Council meeting to be held on

Wednesday,(date of Council meeting)

.....
.....
.....
.....
.....

Yours sincerely

.....

Councillor (Date)

Excerpt from Council's Code of Meeting Practice (GRPP.02.01.05):

Notices of Motion

Notices of Motion are to be submitted in writing no later than 12 noon on the seventh day preceding the meeting at which they are to be presented and are to be signed by the Councillor or Councillors submitting the motion.



COUNCILLOR QUESTION

Councillor's Name

For the Council meeting of Wednesday,(date of Council meeting)

QUESTION:.....

.....
.....
.....
.....

COMMENTS (OPTIONAL).....

.....
.....
.....
.....
.....

Councillor Signature

STAFF ACTION REQUIRED:

.....
.....
.....