



New South Wales

Local Government (Meetings) Amendment Regulation 1996

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

E. T. PAGE MP

Minister for Local Government

Explanatory note

The object of this Regulation is to amend the *Local Government (Meetings) Regulation 1993* so as:

- (a) to specify the way in which votes are to be taken at council meetings (Schedule 1 [2]) and committee meetings (Schedule 1 [7]), and
- (b) to clarify the rights of councillors in relation to the meetings of council committees of which they are not members (Schedule 1 [5]), and
- (c) to insert additional provisions concerning the use of councils' seals (Schedule 1 [9]), and
- (d) to transfer a provision relating to mayors' membership of council committees from the clause dealing with the chairperson and deputy chairperson of those committees to the clause providing for the appointment of the committees (and to recast the latter clause) (Schedule 1 [3] and [8]), and
- (e) to make consequential amendments (Schedule 1 [1], [4] and [6]).

This Regulation is made under the *Local Government Act 1993*, and, in particular, under section 360 (Conduct of meetings of councils and committees) and section 748 and Schedule 6 (the general regulation-making power).

1996 No 596

Clause 1 Local Government (Meetings) Amendment Regulation 1996

**Local Government (Meetings) Amendment
Regulation 1996**

1 Name of Regulation

This Regulation is the *Local Government (Meetings) Amendment Regulation 1996*.

2 Commencement

This Regulation commences on 31 December 1996.

3 Amendment of Local Government (Meetings) Regulation 1993

The *Local Government (Meetings) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “appointed or elected by the council in accordance with clause 29 (1)” from the definition of *committee* in clause 3.

Insert instead “established under clause 29”.

[2] Clause 23 Voting at council meetings

Insert after clause 23 (4):

- (5) 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.

Note. The *Local Government (Elections) Regulation 1993* provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 120 and clause 3 of Schedule 3). Clause 3 of Schedule 3 also makes it clear that “ballot” has its normal meaning of secret ballot.

[3] Clause 29

Omit the clause. Insert instead:

29 Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

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Schedule 1 Amendments

- (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.

[4] Clause 30 Functions of committees

Omit “appointed or elected” from clause 30.

Insert instead “established”.

[5] Clause 32

Omit the clause. Insert instead:

32 Non-members entitled to attend committee meetings

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

[6] Clause 33 Procedure in committees

Omit “Each” from clause 33 (1).

Insert instead “Subject to subclause (3), each”.

[7] Clause 33 (3)

Insert after clause 33 (2):

- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

[8] Clause 34 Chairperson and deputy chairperson of committees

Omit clause 34 (5).

[9] Clause 43 Council seal

Insert after clause 43 (3):

- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.