



New South Wales

# Local Government (Meetings) Amendment Regulation 1998

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*.

ERNIE PAGE, M.P.,

Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Local Government (Meetings) Regulation 1993*, which deals with the convening and conduct of council meetings:

- (a) to ensure that certain provisions dealing with the giving of public notice of council meetings are complied with, and
- (b) to make changes that are consequential on recent amendments to the Act with respect to agendas and associated business papers for meetings, who is entitled to attend meetings and the closure of parts of meetings.

The Regulation makes the following changes:

- 1 A new provision is inserted to require that notice of meetings of a council or a committee of a council (except for extraordinary meetings) must be published in a newspaper circulating in the local council area before the meetings take place.
- The term “business paper” is changed to “agenda” to reflect amendments to the Act.

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- A new provision is inserted to require the business papers for a council meeting to contain details of matters likely to be discussed when the meeting is closed to the public. This is consequential on the change of terminology from “business paper” to “agenda” and on an amendment to the Act that will prevent details of such a matter appearing on the agenda for a meeting.
- The provision that regulates the time when notice of business to be transacted at a meeting has to be given is amended to provide that the time is fixed in the first instance by the council’s code of meeting practice or (when there is no code of meeting practice or the code does not fix that time) by council resolution, rather than the other way around as at present.
- New provisions are inserted to require that verbal representations by members of the public about whether a part of a council meeting or council committee meeting should be closed to the public can only be made for a fixed period immediately after the motion for closure is moved and seconded.
- Cross-references to provisions of the Act are updated.

This Regulation is made under the *Local Government Act 1993*, including section 748 and Schedule 6, clause 2.

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## Local Government (Meetings) Amendment Regulation 1998

### 1 Name of Regulation

This Regulation is the *Local Government (Meetings) Amendment Regulation 1998*.

### 2 Commencement

This Regulation commences on 1 March 1998.

### 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 4 Amendments**

(Clause 2)

### **[1] Clause 4A**

Insert before clause 5:

#### **4A Notice of meetings**

- (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

### **[2] Clause 12 Agenda and business papers for council meetings**

Omit “business paper” from clause 12 (1) and (2) wherever occurring.

Insert instead “agenda”.

### **[3] Clause 12 (3) and (4)**

Omit the subclauses. Insert instead:

- (3) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.

**[4] Clause 13 Giving notice of business**

Omit clause 13 (1) (a). Insert instead:

- (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 or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and

**[5] Clause 14 Agenda for extraordinary meetings**

Omit "business paper" from clause 14 (1) and (2) wherever occurring.

Insert instead "agenda".

**[6] Clause 15 Official minutes**

Omit "business paper" from clause 15 (2).

Insert instead "agenda".

**[7] Clause 17 Notice of motion—~~absence of~~ mover**

Omit "business paper". Insert instead "agenda".

**[8] Clause 20 Motions of dissent**

Omit "business paper" from clause 20 (2).

Insert instead "agenda".

**[9] Clause 23AA**

Insert after clause 23:

**23AA 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 fixed period immediately after the motion to close the part of the meeting is moved and seconded.

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Schedule 1      Amendments

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- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the 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.

**[10] Clause 32 Non-members entitled to attend committee meetings**

Omit "business paper" from clause 32 (2) (a).  
Insert instead "agenda".

**[11] Clause 32A**

Insert after clause 32:

**32A Representations by members of the public—closure of part of meeting**

- (1) A representation at a committee 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 fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the 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.

**[12] Clause 38 Certain persons may be expelled from council committee meetings**

Omit "section 10 (2)". Insert instead "section 10A".

**[13] Clauses 25 (3), 26 (2), 38 (1), 42 (2)**

Omit "section 10 (4) (a) or (b)" wherever occurring.  
Insert instead "section 10 (2) (a) or (b)".