



## CODE OF MEETING PRACTICE

### PART 1 - PRELIMINARY

#### Citation

- 1 This Code may be cited as the Lismore City Council Code of Meeting Practice.

#### Commencement

- 2 This Code commences on December 15, 1993.

#### Definitions

- 3 In this Code:

**amendment**, in relation to an original motion, means a motion moving an amendment to that motion;

**chairperson:**

- a) in relation to a meeting of a council - means the person presiding at the meeting as provided by Section 369 of the Act; and
- b) in relation to a meeting of a committee of a council - means the person presiding at the meeting as provided by clause 34 of this Code;

**committee**, in relation to a council, means a committee appointed or elected by the council in accordance with clause 29(1) or the council when it has resolved itself into a committee of the whole;

**councillor** includes a member of the governing body of a county council;

**record** means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the council and, in particular, includes the minutes of meetings of a council or of a committee of a council;

**the Act** means the Local Government Act 1993.

#### Notes in the Text

- 4 Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

- 7 -

- (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.

#### **Report of a Departmental representative to be tabled at council meeting**

- 16 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 that meeting; and
  - (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

#### **Notice of motion - absence of mover**

- 17 In the absence of a councillor who has placed a notice of motion on the business paper for a meeting of a council:
  - (a) any other councillor may move the motion at the meeting; or
  - (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

#### **Motions to be seconded**

- 18 A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 15(2) and 22(5).

#### **How subsequent amendments may be moved**

- 19 If an amendment has been rejected, a further amendment 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 one time.

#### **Motions of dissent**

- 20
  - (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 22, 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.

#### **Questions may be put to councillors and council employees**

- 21
  - (1) A councillor:
    - (a) may, through the chairperson, put a question to another councillor; and

### **Voting at council meetings**

- 23 (1) A councillor who is present at a meeting of a 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.

- (2) 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.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) 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.
- (5) The names of those who vote against motions will be recorded in the Council's minutes.

### **What constitutes a decision of the council?**

371 (Local Government Act)

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.

### **Rescinding or altering resolutions**

372 (Local Government Act)

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the council's 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 negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's 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 negatived 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 negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, 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 negatived motions do not apply to motions of adjournment.

## 2.05 ROAD WIDTHS

The minimum road reserve and carriageway widths as set out below shall be provided where ever a new road is opened.

Road Type	Reserve Width (m)	Carriageway Width Between Kerbs/Table Drains (m)	Formation Width (m)
<u>Land Zoned Residential or Village</u>			
Through Roads & Bus Routes (more than 360 lots)	20.00	13.00	
Feeder Roads (121 to 360 lots)	18.00	11.00	
Residential Streets (up to 120 lots)	16.00	9.00	
Cul-de-sacs (max. 10 lots)	16.00	6.00	
Cul-de-sac Turning Circle	14.00 Radius	10.00 Radius	
Hammer Heads	See S.D. No. 902		
<u>Land Zoned Industrial or Commercial</u>			
	Reserve Width Classification		
Distributor Roads	23.00	13.00	
Access Roads	20.00	10.00	
Through Road - Main	20.00	6.00 Seal	8.00
Through Road - Minor	20.00	5.00 Seal	7.00
Access Road and Cul-de-sacs	20.00	7.00 Gravel	7.00
Cul-de-sacs - more than 3 Lots	20.00	6.00 Seal	7.00
Cul-de-sacs - Not more than 3 Lots	20.00	5.00 Gravel	7.00
<u>Land Zoned for Small Holdings (1c)</u>			
Through Roads	20.00	7.00 Seal	9.00
Access Roads	20.00	6.00 Seal	8.00
Turning Circles	13.00 Radius	6.00 Radius	7.00 Radius