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New South Wales

Local Government Amendment (Meetings) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Section 10A of the *Local Government Act 1993* empowers a local council (and those of its committees of which all the members are councillors) to close part of a meeting to the public.

The objects of this Bill are:

- (a) to reduce the complexity of the procedure for closing such meetings and reporting certain details concerning such closures to the Minister and the Parliament under that section, and
 - (b) to simplify the process for providing access to business papers and minutes from parts of meetings closed to the public.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 [1] amends section 10A (4) of the Principal Act to enable a council, or a committee of a council, to decide whether to allow members of the public to make representations to or at a meeting as to whether any part of the meeting should be closed to the public.

Schedule 1 [2] omits section 10A (5) and (6) from the Principal Act. These provisions require councils to report to the Minister, and the Minister to report to Parliament, details of the amount of time (as a percentage of total time spent in meetings) during which parts of council meetings, and meetings of committees comprised wholly of councillors, were closed to the public.

Schedule 1 [3] omits section 10E (Minutes and business papers relating to closed parts of meetings) from the Principal Act. This provision currently requires councils to give persons reasonable access to business papers for, and minutes of, parts of council meetings, and meetings of committees comprised wholly of councillors, that have been closed. The provision also requires the council, or the committee, at the meeting that has been closed, to determine dates on and from which, access to those business papers and minutes is to be given. The council is required to keep a register of those documents and the dates on and from which access is allowed.

Schedule 1 [4] and [5] make consequential amendments to sections 12 and 664 of the Principal Act. After the omission of the specific method of access and inspection provided by section 10E, a member of the public will be entitled to immediately access the agenda, resolutions and recommendations of the closed meeting. Section 664 will prevent the disclosure of other information concerning the discussions at, or the business of, the meeting except with the consent of the council or committee, or in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Freedom of Information Act 1989*, or in the other circumstances referred to in that section.

Schedule 1 [6] and [7] insert savings and transitional provisions into Schedule 8 of the Principal Act that provide that section 10E of the Principal Act continues to apply to business papers for, and minutes of, closed parts of meetings held before the commencement of the relevant provision and enable the making of savings and transitional regulations.

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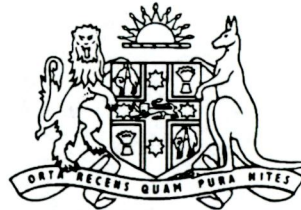


New South Wales

Local Government Amendment (Meetings) Bill 1998

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Local Government Act 1993 No 30	2
 Schedule 1 Amendments	 3



New South Wales

Local Government Amendment (Meetings) Bill 1998

No. , 1998

A Bill for

An Act to amend the *Local Government Act 1993* with respect to the closure of local council meetings and meetings of committees of which all members are councillors and public access to the business papers and minutes of such meetings; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 1.

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Schedule 1 Amendments

(Section 3)

- [1] **Section 10A Which parts of a meeting can be closed to the public?**
- Omit "Members of the public must be allowed" from section 10A (4). 5
Insert instead "A council, or a committee of a council, may allow members of the public".
- [2] **Section 10A (5) and (6)**
- Omit the subsections. 10
- [3] **Section 10E Minutes and business papers relating to closed parts of meetings**
- Omit the section.
- [4] **Section 12 What information is publicly available?**
- Omit the following from section 12 (1): 15
- agendas and business papers for council and committee meetings (but not including, until the relevant date determined under section 10E, business papers for matters considered when part of a meeting is closed to the public) 20
 - minutes of council and committee meetings, but restricted, until the relevant date determined under section 10E (in the case of any part of a meeting that is closed to the public), to the recommendations of the meeting 25

Local Government Amendment (Meetings) Bill 1998

Schedule 1 Amendments

- the register of business papers and minutes referred to in section 10E (6)
- Insert instead:
- agendas and business papers for council and committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public) 5
 - minutes of council and committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting 10

[5] Section 664 Disclosure and misuse of information

Insert at the end of section 664 (1B):

, or

- (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12. 15

[6] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of clause 1 (1) of the Schedule: 20

Local Government Amendment (Meetings) Act 1998

[7] Schedule 8

Insert in the Schedule (with appropriate Part and clause numbers):

**Part Provisions consequent on enactment of
Local Government Amendment (Meetings)
Act 1998**

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Saving of right to access and inspect documents

Section 10E continues to apply to, and in respect of, the business papers for, and the minutes of, parts of meetings closed before the commencement of this clause.