

ITEM 6 PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

Following extensive consultation, the NSW Office of Local Government released a new Model Code of Meeting Practice for Local Councils in NSW in November 2021. The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed in the *Local Government (General) Regulation 2021* and comprises both mandatory and non-mandatory provisions. This report provides a summary of the mandatory provisions that have changed since the last iteration of the Model Meeting Code, as well as the non-mandatory provisions recommended for adoption.

RECOMMENDATION

Council place the draft Code of Meeting Practice on public exhibition for a period of not less than 42 days, inviting submissions from the public, after which time the policy shall be reported back to Council for adoption with a summary of submissions received.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Draft Code of Meeting Practice Policy
- 2 Model Code of Meeting Practice 2021

BACKGROUND

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of the local government elections. Council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. Council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

The Model Meeting Code contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. It is proposed to take on an amended version of these provisions to meet Council's own needs.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

An amendment has also been made to the Model Meeting Code implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

The repeal date for section 237 of the Regulation which exempts councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for Councillors to be personally present at meetings in order to participate in them has been extended to 30 June 2022. This is to allow councils time to exhibit and adopt new codes of meeting practice containing provisions allowing attendance by audio-visual link at meetings. If Council has not adopted a new meeting code that allows Councillors to attend meetings by audio-visual link, they will not be permitted to do so after 30 June 2022.

By publicly exhibiting and adopting a new Code of Meeting Practice prior to the 30 June 2022 deadline Council will ensure clarity of process on how Council will consider and approve attendance at meetings via audio-visual link.

PROPOSAL

A thorough review of both the new Model Code and Council's existing Code of Meeting Practice has been undertaken by Council's Governance Unit. A summary is provided below of significant changes proposed in the Draft Code of Meeting Practice:

Clause reference	Details	Action	Reason
cl3.10 of Draft Code	Amend clause to allow notice of less than 3 days (previously 7 days) for an extraordinary meeting called in an emergency.	Amendment to existing clause	Amended to be consistent with legislation, previous provision was restrictive
cl3.12 of Draft Code	New Clause to allow the General Manager to prepare a report in relation to a notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.	Non-Mandatory Clause recommended for inclusion	Allows the General Manager to outline legal, strategic, financial or policy implications which should be taken into consideration by the meeting
cl3.24 of Draft Code	New Clause to require a statement in all Business Papers reminding Councillors of their Oath/Affirmation of Office and their obligations to disclose and appropriately manage conflicts of interest.	Mandatory Clause	Mandatory clause introduced by OLG in response to recommendations from ICAC Operation Dasha
cl3.28 of current Code	Deletion of clause providing that 4 copies of the Agenda and Business Paper will be provided to public at each meeting	Delete clause	Due to COVID safety measures this practice has been discontinued for over 12 months. The Agenda and Business Paper are available on council's website.
cl3.37 to cl3.41 of Draft Code	New section confirming arrangements for Councillor Briefings, including confirming that conflicts of interest must be managed at briefings the same as they would for meetings	Non-Mandatory Clause recommended for inclusion	No change to existing process for briefings is recommended, however inclusion of this section provides transparency on operation of briefings
cl5.16 to cl5.30 of Draft Code	New section confirming arrangements for the application and approval process for individual Councillor attendance at meetings via audio-visual link	Non-Mandatory Clauses recommended for inclusion	From 30 June 2022 existing temporary amendments to the Local Government (General) Regulation 2021 will expire. Council must adopt provisions to show how it will manage remote attendance.
cl5.38 to cl5.43 of Draft Code	Amendment of existing webcasting clauses	Mandatory Clauses	Replacing existing wording with new wording of mandatory clauses in model code. No change in application or process
cl5.48 of Draft Code	New clause allowing attendance of General Manager and staff by audio-visual means	Mandatory Clause	New mandatory clause required to be adopted

cl9.11 of Draft Code	New Clause to allow the General Manager to prepare a report in relation to a Lord Mayoral Minute for inclusion with the business papers for the meeting at which the minute is to be considered by the Council.	Non-Mandatory Clause recommended for inclusion	Allows the General Manager to outline legal, strategic, financial or policy implications which should be taken into consideration by the meeting
cl11.05 to cl 11.08 of Draft Code	Amendment of existing voting clauses	Mandatory Clauses	Replacing existing wording with new wording of mandatory clauses in model code. No change in application or process
cl14.20 of Draft Code	New clause outlining obligations of councillors attending meetings by audio-visual link to ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.	Non-Mandatory Clause recommended for inclusion	New clause proposed to reinforce non-public attendance in situations where Councillors attend via audio-visual link
cl15.20 - cl15.21 of Draft Code	New clauses outlining how disorder by Councillors attending by audio-visual link will be dealt with	Non-Mandatory Clauses recommended for inclusion	New clauses proposed to outline how disorder of Councillors attending via audio-visual link will be dealt with, including circumstances when the audio-visual link will be terminated
cl16.2 of Draft Code	New clause outlining obligations of councillors attending meetings by audio-visual link in relation to conflicts interests	Non-Mandatory Clause recommended for inclusion	New clause proposed to reinforce conflicts of interest requirements where Councillors attend via audio-visual link
cl17.12 to cl 17.14 of Draft Code	Amendment of existing clauses relating to rescission motions being considered at the same meeting	Non-Mandatory Clauses recommended for amendment	Replacing existing wording with new wording of non-mandatory clauses in model code. No change in application or process
New Attachment 3	New Attachment to Policy New attachment will incorporate the procedure for nomination and election of Councillors to represent Council on Committees and external bodies which currently is contained in the <i>"Appointment of Councillor Delegates to Committees Policy"</i>	Procedure from existing Council Policy recommended for incorporation into the Code of Meeting Practice	As the nomination and election process occurs within the Council Meeting it is appropriate that the rules for conduct of the nomination and election process are contained in the Code of Meeting Practice, so that all matters relating to meetings are contained in the Code.

Appointment of Councillor Delegates to Committees Policy

Council has an existing *Appointment of Councillor Delegates to Committees Policy* that defines the nomination and election process for Councillors to represent Council on Committees and external bodies. As the nomination and election process occurs within the Council Meeting it is considered appropriate that the rules for conduct of the nomination and election process are contained in the Code of Meeting Practice. This will ensure that all matters relating to meetings are contained in the Code of Meeting Practice, as a single source of truth.

The Draft Code of Meeting Practice has included the procedures for the nomination and election of Councillors to Committees and external bodies from the existing policy and the revocation of the *Appointment of Councillor Delegates to Committees Policy* is recommended on the final adoption of the Code of Meeting Practice.

CONSULTATION AND COMMUNICATION

In accordance with s361 of the Local Government Act, 1993 Council must give public notice of the draft code after it is prepared and exhibit it publicly for a period not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council. A further report will be made to Council at the end of the public exhibition and submission period.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”.

It specifically delivers on core business activities as detailed in the Governance and Customer Service Plan 2021-22.

RISK MANAGEMENT

Until Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed in November 2021. If Council fails to adopt a new Code of Meeting Practice within this period, any provisions of the Council’s adopted meeting Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

There is a risk that failure to adopt a new Code of Meeting Practice by the end of May 2022 may lead to confusion as to the provisions that apply to Council meetings from that date. To mitigate this risk it is proposed that Council develop, publicly exhibit and adopt a new code of meeting practice prior to the end of May 2022.

FINANCIAL IMPLICATIONS

There are no direct financial implications from the proposed amendments to the Code of Meeting Practice.

CONCLUSION

Adoption of a new Code of Meeting Practice that is consistent with the provisions of the Model Meeting Code will ensure that Council Meetings are conducted in accordance with Legislative requirements and that Council meets its obligations to review the Code of Meeting Practice in the first 12 months of each new term of Council.



CODE OF MEETING PRACTICE COUNCIL POLICY

Adopted by COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

Council and Committees of the Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting Practice.

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

Council's Code of Meeting Practice may incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however, must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

POLICY INTENT

The main objectives of this policy are to:

- ensure that all meetings of Council and its Committees are conducted in an orderly and proper manner.
- ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process.
- assist with the conduct of discussion and debate during Council and Committee meetings.
- increase Council's professionalism, transparency and accountability to the community.
- ensure that all Councillors understand their rights and obligations during Council and Committee meetings.
- ensure that all Councillors have an equal opportunity to participate fully in the meeting.
- ensure that Councillors participate in meetings that engender a positive meeting environment that is without malice and avoids insulting, improper or defamatory statements; and
- be an effective aid to good governance.

CODE OF MEETING PRACTICE

COUNCIL POLICY

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COUNCIL POLICY

PART 1 – INTRODUCTION

Conduct of meetings of Council and Committees

- 1.1. The regulations may make provisions with respect to the conduct of meetings of Council and Committees of Council of which all members are Councillors.
- 1.2. Council must adopt a Code of Meeting Practice which incorporates the regulations made for the purpose of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.3. Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

LGA 360

PART 2 – MEETING PRINCIPLES

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Model Meeting Code

PART 3 – BEFORE THE MEETING

Timing of ordinary Council meetings

- 3.1 Council is required to meet at least 10 times each year, each time in a different month.
- 3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

LGA 365

Model Meeting Code

Extraordinary meetings

- 3.3 If the Lord Mayor receives a request in writing signed by at least two Councillors (the Lord Mayor can be one of the two Councillors), the Lord Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event, no more than fourteen (14) days after receipt of the request.
- 3.4 The General Manager, in consultation with the Lord Mayor, may call an extraordinary meeting of Council if considered necessary and appropriate.

LGA 366

Council protocol

Notice to the public of Council meetings

- 3.5 The Council must give notice to the public of the times and places of meetings of Council, including extraordinary meetings, and committees of which all members are Councillors.

LGA 9(1)

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 3.6 For the purposes of clause 3.5, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.7 For the purposes of clause 3.5, notice of more than one meeting may be given in the same notice.
Model Meeting Code

Notice to Councillors of ordinary Council meetings

- 3.8 The General Manager must send to each Councillor, at least three (3) days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

LGA 367(1)

- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

LGA 367(3)

Note: Councillors are provided with Laptop computers for Council business. All papers provided electronically.

Notice to Councillors of extraordinary meetings

- 3.10 Notice of less than three days may be given of an extraordinary meeting called in an emergency.
LGA 367(2)

Giving notice of business to be considered at Council meetings

- 3.11 A Councillor may give notice of any business they wish to be considered by Council at its next ordinary meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5pm 13 calendar days before the meeting is to be held.

- 3.12 If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting has legal, strategic, financial (immediate or significant) or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council. Alternatively, the General Manager may include relevant information with the published version of the notice of motion

- 3.13 For the purposes of considering the application of clause 3.12, an immediate financial implication would include a notice of motion that would, if resolved, require an amendment to Council's adopted Operational Plan or Delivery Program.

Council Protocol

Withdrawal of a Notice of Motion

- 3.14 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Model Meeting Code

Note: For the purposes of Clause 3.14, written requests to withdraw a notice of motion must be received at least 8 days before a Council meeting to ensure it is removed from the public business paper.

Council protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

Questions with notice

- 3.15 A Councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the General Manager about the performance or operations of Council.
- 3.16 A Councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.
- 3.17 The General Manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Model Meeting Code

Agenda and business papers for ordinary meetings

- 3.18 The General Manager must cause the agenda for a meeting of Council or a committee of Council to be prepared as soon as practicable before the meeting.
- 3.19 The General Manager must ensure that the agenda for an ordinary meeting of Council states:
- a all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - b if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - d any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the Lord Mayor to put a Lord Mayoral minute to a meeting under clause 9.7.
- 3.21 The General Manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

Model Meeting Code

Agenda and business paper for closed session of Council

- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- a identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b states the grounds under section 10A(2) of the Act relevant to the item of business, which must be one of the following –
 - i personnel matters concerning particular individuals (other than Councillors).
 - ii the personal hardship of any resident or ratepayer.
 - iii information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - iv commercial information of a confidential nature that would, if disclosed –
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or

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- reveal a trade secret.
- v information that would, if disclosed, prejudice the maintenance of law.
- vi matters affecting the security of the Council, Councillors, Council staff or Council property.
- vii advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- viii information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- ix alleged contraventions of any Code of Conduct requirements applicable under section 440.

LGA 9(2A) and 10A(2)

- 3.23 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Model Meeting Code

Statement of Ethical Obligations

- 3.24 Business papers for all ordinary and extraordinary meetings of the Council and Committees of the Council must contain a statement reminding Councillors of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Meeting Code

Availability of the agenda and business papers to the public

- 3.25 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- 3.26 Clause 3.25 does not apply to the business papers for items of business that the General Manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.
- 3.27 For the purposes of clause 3.25, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
- 3.28 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form.

LGA 9 (2)-(5)

- 3.29 Council's agenda and business paper or individual reports may be obtained from Council's Customer Service Centre or the Libraries free of charge.
- 3.30 Councillors will receive Agendas and Business Papers electronically ten calendar days prior to an ordinary Council meeting.
- 3.31 Council will publish agendas and business papers to its website seven calendar days prior to an ordinary Council meeting, except where that day is a public holiday. In such cases, Council will publish the agenda and business papers on the next working day.

Council protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

Agenda and business papers for extraordinary meetings

- 3.32 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.33 Despite clause 3.32, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- a a motion is passed to have the business considered at the meeting, and
 - b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.34 A motion moved under clause 3.33(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.35 Despite clauses 10.24-10.34, only the mover of a motion moved under clause 3.33(a) can speak to the motion before it is put.
- 3.36 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.33(b) on whether a matter is of great urgency.

Model Meeting Code

Briefing sessions

- 3.37 The General Manager may hold briefing sessions to brief councillors on business that may be considered by Council at future meetings.
- 3.38 Briefing sessions are to be held in the absence of the public.
- 3.39 Briefing sessions may be held by audio-visual link.
- 3.40 Councillors must not use briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.41 Councillors (including the Lord Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing session, in the same way that they are required to do so at a council or committee meeting. Council will maintain a written record of all conflict of interest declarations made at briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

Council protocol

PART 4 – PUBLIC ACCESS FORUM

Public access forum – members of the public addressing Council

- 4.1 Members of the public will be permitted to address Council or a Committee of Council on matters falling within the jurisdiction and Charter of Council as outlined in the *Local Government Act 1993*. There will be a limit of six speakers / 30 minutes in total for such addresses.
- 4.2 Notwithstanding clause 4.1, applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper.
- 4.3 All addresses must be conducted in accordance with the requirements of this Code relating to the conduct of Council and Committee meetings.
- 4.4 Public forums are to be chaired by the Lord Mayor, or in their absence, the Chairperson of the meeting within which the public forum is being held.

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- 4.5 Council may determine that public forum will be conducted via an audio-visual link, rather than an in person address, in circumstances where public safety might be compromised by an in person address.
- 4.6 To speak at a public forum, a person must first make an application to the Council in the approved form, available on Council's website. Applications to speak at the public forum must be received by 12 noon on the working day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.7 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.8 The General Manager or their delegate may refuse an application to speak at a public forum.
- 4.9 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.10 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. Alternatively, the General Manager, or their delegate, is to determine who will address the Council at the public forum.
- 4.11 A person may apply to speak to no more than one item of the business agenda of the Council meeting.
- 4.12 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the matter they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument to clarify points raised by the speaker.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are limited to 2 minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.18 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Codes of Conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

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COUNCIL POLICY

- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.24 Councillors (including the Lord Mayor) must disclose and manage any conflict of interests they may have in relation to any item of business that is the subject of an address at a public forum in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflicts of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Eligibility criteria

- 4.25 Applicants seeking to address Council meetings must meet one of the following criteria:
- a a resident or owner of land within the City of Wollongong Local Government Area
 - b a person or entity entitled to vote in the City of Wollongong under the *Local Government Act 1993*, or where that voter is not a natural person, the nominee of the entity with its written authority
 - c the nominee of an entity owning land, conducting a business or providing a service in the City of Wollongong Local Government Area
 - d a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council (written authority must be provided)
 - e legal representatives acting on behalf of others must identify their status as a legal representative when applying to speak at the public forum.
 - f a person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute/six speaker provision outlined in clause 4.1 of this Code.
 - g a representative of a State or Federal Government Agency with a matter before Council.

Exclusions

- 4.26 Applications will not be accepted from nominated candidates at federal, state or local government elections and serving councillors.
- 4.27 Addresses will not be permitted on:
- a Issues relating to development applications, currently under assessment
 - b Matters where there have been opportunities through Council-run engagement activities for community members to publicly address a formal Council or Agency hearing and have views recorded for public record. These opportunities would include but not be limited to public meetings, public hearings and meetings of the Independent Hearing and Assessment Panel
 - c Any matter where the applicant has previously addressed Council on the same subject matter, as part of a Public Access Forum, within the previous 12 months
 - d Notices of Rescission
 - e Business paper items which have been 'laid on the table'
 - f Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.
 - g Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served:

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- i. a Statement of Claim
- ii. a Summons
- iii. a Subpoena to attend Court or produce documents
- h Staff related matters.

Council protocol

PART 5 – COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

Model Meeting Code

Leave of absence

- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A Councillor's request for leave of absence from Council meetings should, where practicable, identify (by date) the meetings from which the Councillor intends to be absent and the reason the absence is sought. This request is to be lodged with the General Manager and submitted to the next meeting of Council for determination.

- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

Model Meeting Code

- 5.6 A councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without the prior leave of the Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

LGA 234 (1) (d)

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

- 5.8 Clause 5.7 does not prevent Council from granting further leave of absence in respect of any future Council meeting.

LGA 234 (3)-(4)

CODE OF MEETING PRACTICE

COUNCIL POLICY

Quorum for a Meeting

- 5.9 The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.

LGA Sec 368(1)

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

LGA 368(2)

- 5.11 A meeting of the Council must be adjourned if a quorum is not present:

- a at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- b within half an hour after the time designated for the holding of the meeting, or
- c at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- a by the chairperson; or
- b in his or her absence – by the majority of the Councillors present; or
- c failing that, by the General Manager.

- 5.13 The General Manager must record in the Council minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

Model Meeting Code

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or public health emergency, the Lord Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3 or 3.4.

Model Meeting Code

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the General Manager determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The General Manager may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk.

- 5.17 Where the General Manager determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the to

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bring to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Model Meeting Code

Note: *Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.*

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.
- 5.20 The General Manager, following consultation with the Lord Mayor, may approve a request by a councillor for approval to attend a single meeting by audio-visual link, following a request made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person. The General Manager may place any request made under this clause before Council for approval by resolution.
- 5.21 The Council may approve by resolution, a Councillors request to attend more than one meeting by audio-visual link, or a consecutive meeting following attendance by audio-visual means at the previous meeting. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in that meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 With the exception of one off requests approved by the General Manager under clause 5.20, a decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link, made under clause 5.21, is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to

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appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Model Meeting Code

Entitlement of the public to attend Council meetings

- 5.31 Except as provided elsewhere in this Code:
- a everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors; and
 - b a Council must ensure that all meetings of the Council and of such Committees are open to the public.
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a Committee if expelled from the meeting:
- a by a resolution of the meeting; or
 - b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 5.34 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulations – refer Part 15 of this Code.

LGA Sec 10

Public attendance at closed Council meetings

- 5.35 Council is able to invite members of the public to address Closed Council meetings on specific matters where it is necessary for the provision of advice. Invited members would be required to leave the meeting prior to voting being undertaken on the matter.
- 5.36 In undertaking such action Council needs to be mindful that invitations may affect its appearance of impartiality and improper conduct in a matter.
- 5.37 All persons invited to a Closed Council meeting in accordance with this Clause are subject to the non-disclosure provisions of section 664 of the Act.

Council protocol

Webcasting of meetings

- 5.38 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

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- 5.39 At the start of each meeting the chairperson or their delegate is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.40 The recording of a meeting is to be made publicly available on the council's website:
- at the same time as the meeting is taking place, or
 - as soon as practicable after the meeting.
- 5.41 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.42 Clause 5.38 and clause 5.39 do not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.43 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Model Meeting Code

Attendance of the General Manager and other staff at meetings

- 5.44 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.
- 5.45 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the committee, exercise a vote.
- 5.46 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
- 5.47 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.
- 5.48 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

LGA 376

Model Meeting Code

PART 6 – THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Lord Mayor or, at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor presides at meetings of the Council.
- 6.2 If the Lord Mayor or Deputy Lord Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

LGA 369

Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

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- 6.4 The election must be conducted:
- a by the General Manager or, in their absence, an employee of Council designated by the general manager to conduct the election; or
 - b by the person who called the meeting or a person acting on their behalf if neither a General Manager nor a designated employee is present at the meeting.
- 6.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of 6.5, the person conducting the election must:
- a arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b then folds the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Model Meeting Code

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- a any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and;
 - b every Councillor present must be silent to enable the chairperson to be heard without interruption.

Model Meeting Code

PART 7 – MODE OF ADDRESS

- 7.1 To facilitate debate, Councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of Council, unless prevented from doing so by disability or injury. This procedure does not need to be followed at Committee meetings or in circumstances where the chairperson rules that standing is not required.
- 7.2 In addressing Council, Councillors and other persons addressing the Council will use the appropriate modes of address, being:
- a 'Lord Mayor' to the Lord Mayor
 - b 'Deputy Lord Mayor' to the Deputy Lord Mayor
 - c 'Mr or Madam Chair' (where the chairperson is not the Lord Mayor or Deputy Lord Mayor)
 - d 'Councillor [surname]' to fellow Councillors, and
 - e Council officers are to be addressed by their official designation or as Mr/Ms [surname].
- 7.3 Councillors will at all times conduct themselves in accordance with the general conduct obligations contained within Council's adopted Code of Conduct. Councillors will respect the right of their fellow Councillors to speak without interruption, will only speak when called upon by the chairperson and should speak through the chairperson, or the General Manager when addressing a question to staff.

Council Protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 8 – ORDER OF BUSINESS AT COUNCIL MEETINGS

Order of business at ordinary meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the Council.

8.2 The order of business at ordinary meetings of Council will be:

1. Opening meeting
2. Acknowledgement of traditional owners
3. Civic prayer
4. Apologies and applications for leave of absence by Councillors or attendance by audio-visual link for Councillors
5. Confirmation of minutes
6. Disclosures of interests
7. Petitions and presentations
8. Public access forum
9. Call of the agenda
10. Lord Mayoral minute
11. Urgent items
12. Reports to Council
13. Reports of committees
14. Items laid on the table
15. Notices of motion(s)/Questions with notice
16. Notice of Rescission or Alteration motions
17. Confidential Business
18. Conclusion of meeting

8.3 The order of business fixed under 8.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice and requires a seconder.

8.4 Despite Clauses 10.24-10.34 only the mover of a motion referred to in 8.3 may speak to the motion before it is put.

Order of business at extraordinary meetings

8.5 The order of business at extraordinary meetings of Council, where required will be:

1. Opening meeting
2. Acknowledgement of Traditional Owners
3. Civic Prayer
4. Apologies and applications for attendance by audio-visual link for Councillors
5. Disclosures of interests
6. Public Access Forum¹
7. Call of the Agenda
8. Lord Mayoral Minute
9. Reports to Council
10. Notices of Motion(s)
11. Notice of Rescission motion
12. Urgent Items
13. Confidential Business

¹ Refer to clause 4.2 of this Code which states that applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper

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14. Conclusion of meeting

Model Meeting Code and Council protocol

PART 9 – CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

9.1 Council must not consider business at a meeting of the Council:

- a unless a Councillor has given notice of the business, as required by clause 3.11; and
- b unless notice of the business has been sent to the Councillors in accordance with Clause 3.8 in the case of an ordinary meeting or 3.10 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting if the business:

- a is already before, or directly relates to a matter that is already before the Council, or
- b is the election of a chairperson to preside at the meeting,
- c subject to clause 9.10, is a matter or topic put to the meeting by way of a Lord Mayoral minute, or
- d is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

9.3 Despite Clause 9.1 business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:

- a a motion is passed to have the business considered at the meeting, and
- b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.25-10.35, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Model Meeting Code

9.6 If, after the Councillor has addressed the Council, Council has resolved the business may be considered, and the chairperson has ruled the matter is of great urgency, then the motion is moved, seconded, debated and voted on.

Council protocol

Lord Mayoral Minutes

9.7 Subject to clause 9.10, if the Lord Mayor² is the chairperson at a meeting of the Council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.8 A Lord Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a Lord Mayoral minute without the motion being seconded.

² No other Councillor when chairing a meeting of the Council, except the Deputy Lord Mayor when acting in the official capacity as acting Lord Mayor during a period of the Lord Mayor's absence, may put forward a Lord Mayoral minute without notice.

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- 9.9 A recommendation made in a Lord Mayoral minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.10 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.11 If the General Manager considers that a Lord Mayoral Minute, submitted for consideration at an ordinary meeting has legal, strategic, financial (immediate or significant) or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the Lord Mayoral Minute for inclusion with the business papers for the meeting at which the Lord Mayoral Minute is to be considered by the Council. Alternatively, the General Manager may include relevant information with the published version of the Lord Mayoral Minute
- 9.12 For the purposes of considering the application of clause 9.11, an immediate financial implication would include a notice of motion that would, if resolved, require an amendment to Council's adopted Operational Plan or Delivery Program.

Council Protocol

Staff reports

- 9.13 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

- 9.14 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.15 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions to Councillors and employees

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 (notice of motion) and 3.15 (questions with notice).
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the general manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the general manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

Model Meeting Code

Laying an item 'on the table'

- 9.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off

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the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.

- 9.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.
- 9.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.

Splitting Motions for Debate

- 9.23 Where Council is considering a report of a complex nature or contains multiple recommendations a Councillor may move a Procedural Motion that the motions before the meeting be split and determined either in groups or individually. In this instance Council will record the names of the Councillors supporting and those opposing each of the split motions however only one Minute number for the report will be included in the Council Minutes.

[Council protocol]

PART 10 – RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notice of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of Council:
- a any other Councillor may, with the leave of the chairperson, move the motion at the meeting; or
 - b the chairperson may defer consideration of the motion until the next meeting of Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Model Meeting Code

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 10.9 The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

Council protocol

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillors who moved and seconded the original motion, i.e. the amendment becomes a variation to the original motion.
- 10.17 The amendment must be moved before debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 10.18 It is not in order to propose an amendment which is, in effect, the same as one already rejected or which reserves the intention of one already adopted.
- 10.19 Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

Model Meeting Code and Council protocol

Foreshadowed motions and amendments

- 10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.21 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.22 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Model Meeting Code

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 10.23 Foreshadowed motions and foreshadowed amendments are required to be moved and seconded before debate can commence.

Council protocol

Limitations on the number or duration of speeches

- 10.24 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put. Remarks in reply must be limited to discussion of issues raised in debate and no new material may be introduced.
- 10.25 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.26 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.
- 10.27 Despite clause 10.26, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on that motion or amendment, and for longer than five minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.28 Despite clause 10.27, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.29 Despite clauses 10.24 and 10.25, a Councillor may move that a motion or an amendment be now put:
- a if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - b if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 10.30 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.29. A seconder is not required for such a motion.
- 10.31 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.24.
- 10.32 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.33 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.34 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Model Meeting Code

PART 11 - VOTING

Voting entitlements of chairperson and Councillors

- 11.1 Each Councillor is entitled to one vote.
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

LGA 370

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Model Meeting Code

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 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.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, 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 recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

Model Meeting Code

Record of voting

- 11.10 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 11.11 Council will record all voting in a voting register available on its website at www.wollongong.nsw.gov.au.

Model Meeting Code

LGA 375A

Voting on planning decisions

- 11.12 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

LGA 375A.

PART 12 – COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

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LGA 373

Note: This refers to a 'Committee of the Whole' which is a Committee of Council comprised of all Councillors.

- 12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.24-10.34 limit the number and duration of speeches.

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

Model Meeting Code

PART 13 – DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interests they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Codes of Conduct.

Model Meeting Code

PART 14 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- a personnel matters concerning particular individuals (other than Councillors),
 - b the personal hardship of any resident or ratepayer,

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COUNCIL POLICY

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- d commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of the person who supplied it, or
 - ii confer a commercial advantage on a competitor of the Council, or
 - iii reveal a trade secret,
- e information that would, if disclosed, prejudice the maintenance of law,
- f matters affecting the security of the Council, Councillors, Council staff or Council property,
- g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- h information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- i alleged contraventions of the Council's code of conduct.

LGA10A(1) and (2)

14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

LGA 10A(3)

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- a except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- b if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

LGA 10B(1).

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- a are substantial issues relating to a matter in which the Council or committee is involved, and
- b are clearly identified in the advice, and
- c are fully discussed in that advice.

LGA 10B(2)

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.3), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

LGA 10B(3).

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- a a person may misinterpret or misunderstand the discussion, or
- b the discussion of the matter may:

CODE OF MEETING PRACTICE

COUNCIL POLICY

- i cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
- ii cause a loss of confidence in the Council or committee.

LGA 10B(4)

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

LGA 10B(5)

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:

- a it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- b the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - i should not be deferred (because of the urgency of the matter), and
 - ii should take place in a part of the meeting that is closed to the public.

LGA 10C

Representations by members of the public

14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

LGA 10A(4)

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon on the working day before the meeting at which the matter is to be considered in accordance with Part 4 of this Code.

14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than two speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.

14.15 The General Manager (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion

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to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Model Meeting Code

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Model Meeting Code

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- a the relevant provision of section 10A(2) of the Act,
 - b the matter that is to be discussed during the closed part of the meeting,
 - c the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LGA 10D

Resolutions passed at closed meetings to be made public

- 14.22 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.
- 14.24 For the purposes of 14.23, at the conclusion of business in Closed Council, Council must resolve that the meeting be open to the public.

Model Meeting Code and Council Protocol

CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 15 – KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Model Meeting Code

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Model Meeting Code

Motions of dissent

- 15.8 A Councillor can, without notice and without a seconder, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. A Motion of Dissent does not require a seconder.
- 15.9 If a motion of dissent is passed, 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 rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, 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.

Model Meeting Code

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- a contravenes the Act or any regulation in force under the Act or this code, or
 - b assaults or threatens to assault another Councillor or person present at the meeting, or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - d insults or makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or

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COUNCIL POLICY

- e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

15.12 The chairperson may require a Councillor:

- a to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- b to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- c to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

Model Meeting Code

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Model Meeting Code

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Model Meeting Code

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Model Meeting Code

Use of mobile phones and the unauthorised recording of meetings

- 15.22 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Order in the public gallery

- 15.26 Members of the public gallery are:
- a not permitted to interrupt meeting procedures or to engage in any disorderly conduct;
 - b not permitted to address or approach Councillors during the meeting, unless addressing Council via the Public Access Forum;
 - c not permitted to bring any items which are deemed to potentially cause discomfort or a safety risk to Councillors, Council staff or other members of the gallery;
 - d required to switch all mobile phones to 'off' or 'silent' during the course of the meeting;
 - e not permitted to take any food or drink into the Council Chambers.

Council protocol

Security at Council and Committee Meetings

- 15.27 Attendance in the Public Gallery will be limited to the number of seats available. Council will provide arrangements for the attendance of disabled persons at Council meetings.
- 15.28 People attending meetings will not be permitted to stand in the Gallery area, or in or near any doorways and adjacent areas.
- 15.29 On occasions when public meetings are held, public access to the Council Chamber will be available until 9.00pm. Lifts in the Administration Building will be accessible only via security card after 9.00 pm on Council meeting nights.
- 15.30 If the Council Chamber has reached its seating capacity, the attendant on duty will liaise with the Security Officer stationed in the ground floor foyer, who will prevent further public access to Level 10.

CODE OF MEETING PRACTICE

COUNCIL POLICY

- 15.31 If a situation arises where the General Manager, Lord Mayor or Civic Attendant feels it is required, the Police will be called to assist in accordance with the Code of Meeting Practice.

Council protocol

PART 16 – CONFLICTS OF INTERESTS

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Model Meeting Code

PART 17 – DECISIONS OF COUNCIL

Council decisions

- 17.1 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.

LGA 371

- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Model Meeting Code

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.
- 17.4 If a 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.
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.
- 17.6 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 lost, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

LGA 372

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- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.

Model Meeting Code

- 17.10 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

LGA 372(6)

- 17.11 Subject to clause 17.7 a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, if brought forward in accordance with clause 17.6.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.24–10.34, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

[Council protocol]

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- a to correct any error, ambiguity or imprecision in the Council's resolution, or
- b to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.24–10.34, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Model Meeting Code

CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 18 – TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 10 pm³.
- 18.2 If the business of the meeting is unfinished at 10 pm, the Lord Mayor will move a Procedural Motion that the meeting be either extended or adjourned. Such a Procedural Motion does not require a seconder.
- 18.3 If the business of the meeting is unfinished at 10 pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- a defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - b adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- a individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - b publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Meeting Code

PART 19 – AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.
- LGA 375(1)*
- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
- a the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link
 - b details of each motion moved at a Council meeting and of any amendments moved to it,
 - c the names of the mover and seconder of the motion or amendment,
 - d whether the motion or amendment was passed or lost, and
 - e such other matters specifically required under this code.

Model Meeting Code

- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

LGA 375(2)

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

Model Meeting Code

³ Council protocol

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COUNCIL POLICY

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Model Meeting Code

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

LGA 11(1-3)

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Model Meeting Code

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

LGA 335(b)

PART 20 – COUNCIL COMMITTEES

Application of this Part This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council 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.

Model Meeting Code

Functions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Model Meeting Code

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- 20.6 Committees of Council comprised of Councillors only may have specific functions delegated to them by Council. Council may also be supported by Liaison and Advisory Committees which comprise Councillor and external membership and act in an advisory capacity.

Council Protocol

Notice of committee meetings

- 20.7 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:
- a the time, date and place of the meeting, and
 - b the business proposed to be considered at the meeting.

- 20.8 Notice of less than three days may be given of a committee meeting called in an emergency.

Model Meeting Code

Attendance at committee meetings

- 20.9 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:

- a has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- b has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- 20.10 Clause 20.9 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 20.11 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- a to give notice of business for inclusion in the agenda for the meeting, or
- b to move or second a motion at the meeting, or
- c to vote at the meeting.

Model Meeting Code

Chairperson and deputy chairperson of Council committees

- 20.12 The chairperson of each committee of the Council must be:

- a the Lord Mayor, or
- b if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- c if the Council does not elect such a member, a member of the committee elected by the committee.

- 20.13 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.14 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.15 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the

CODE OF MEETING PRACTICE

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chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Model Meeting Code

Procedure in committee meetings

- 20.16 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.17 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.16.
- 20.18 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Model Meeting Code

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Model Meeting Code

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 20.23 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- a The names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link
 - b details of each motion moved at a meeting and of any amendments moved to it,
 - c the names of the mover and seconder of the motion or amendment,
 - d whether the motion or amendment was passed or lost, including who voted in support of or against each motion and amendment,
 - e such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

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- 20.25 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

Model Meeting Code

PART 21 - IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- a a vacancy in a civic office, or
- b a failure to give notice of the meeting to any Councillor or committee member, or
- c any defect in the election or appointment of a Councillor or committee member, or
- d a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
- e a failure to comply with this code.

LGA 374

APPROVAL AND REVIEW

CODE OF MEETING PRACTICE

COUNCIL POLICY

Responsible Division	Governance and Customer Service
Date/s adopted	<i>Council</i> [To be inserted by Governance]
Date/s of previous adoptions	27/05/2019, 24/08/2015, 28/01/2014, 28/05/2012, 26/07/2011, 25/03/2008, 26/06/2006, 09/05/2006, 27/10/2003, 25/02/2002, 17/04/2000, 01/09/1999, 28/09/1998, 14/04/1998, 09/02/1998.
Date of next review	[Not more than two years from last adoption]

CODE OF MEETING PRACTICE

COUNCIL POLICY

ATTACHMENT 1 - DEFINITIONS

Term	Definition
the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
Code/the Code/this Code	means the Wollongong City Council Code of Meeting Practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
extraordinary meetings	Extraordinary Meetings are additional meetings to those in the adopted Council meeting cycle and include those called in an emergency.
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
General Manager	means the General Manager of Wollongong City Council
LGA	means the <i>Local Government Act 1993</i> . Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act.
motion	a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act

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COUNCIL POLICY

Term	Definition
Petitions	<p>Petitions for the purposes of this Code means petitions to be tabled at a meeting. A Petition is a written request seeking some form of action from Council in relation to a matter on which Council has the power to act or advocate on, that includes the full name, address and signature of at least four people from four different households.</p> <p>NOTE: Petitions are not subject to discussion or debate.</p>
Presentations	<p>Presentations for the purposes of this Code means:</p> <p>(a) <i>Invited speakers</i> Opportunity for invited speakers, eg auditors, to address Council, and/or</p> <p>(b) <i>Notice of receipt of awards and similar</i> Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards.</p> <p>NOTE: Presentations are not subject to discussion or debate.</p>
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
the Regulation	means the <i>Local Government (General) Regulation 2021</i> .
Relative	<p>relative, in relation to a person, means any of the following;</p> <p>(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner;</p> <p>(b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).</p>
Variation to a motion	is where a Councillor seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion.
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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COUNCIL POLICY

ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

Table of Procedural Motions and example motions	Seconded	Clause
Adjourn a meeting <i>Moved/seconded that the Meeting be adjourned to [specify date and time]</i>	YES	Clause 18.3
Dealing with Items by Exception (Call of the agenda) <i>Moved/seconded that [list items numbers] be resolved as a block</i>	YES	Part 13
Extend a speaker's speech time <i>Moved/seconded that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter</i>	YES	Clause 10.27
Extension of meeting time <i>I Move to extend meeting time to [10.30 pm]</i>	NO	Clause 18.2
Foreshadowed motion or amendment <i>I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment</i>	NO	Clause 10.21
Lay an item on the table, take item off the table <i>Moved/Seconded that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.</i> <i>Moved/Seconded that item [number and title] be taken off the table and: debate resumes where it left off OR the list of speakers be recommenced</i>	YES	Clause 9.20
Limit the number of speeches (motion or amendment be now put) <i>I Move the Motion be now Put</i>	NO	Clause 10.30
Motion of dissent <i>I Move to dissent from the ruling of the Chair</i>	NO	Clause 15.8
Motion to transact business without notice (urgency motion) <i>Moved/Seconded that the Council will consider the business without notice</i>	YES	Clause 9.3(a)
Point of order <i>I Move a point of Order that [specify point]</i>	NO	Clause 15.1
Split motions for debate <i>Moved/seconded that recommendation for item [number] be voted on separately as follows [points 1 and 2 OR points 1 and 2 together and points 3-5 together]</i>	YES	Clause 9.23
Suspend standing orders (changing order of business) <i>Moved/seconded that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].</i>	YES	Clause 8.3

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COUNCIL POLICY

ATTACHMENT 3 – PROCEDURE FOR THE APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES AND EXTERNAL BODIES

Appointments

- ⇒ Councillors are only to be appointed to Committees, and to represent Council on external bodies, by resolution of Council.

Number of Councillors to be appointed

- ⇒ The number of Councillors to be appointed to a Committee, or external body, is subject to the relevant Charter or Terms of Reference.

Term of appointment

- ⇒ Councillors are appointed annually unless otherwise determined by Resolution of Council. For example, some appointments may be for the Term of the Council, until the end of a specific project or for a longer or shorter period as required or determined by Council. No term of appointment may exceed a term of Council.
- ⇒ The election for Councillor Delegates to Committees is to be conducted on an annual basis, generally at the first Council meeting each September.

Nominations

- ⇒ Councillors will be invited to submit their nominations prior to the close of the Business Paper for the Council meeting where elections are scheduled to be held, with candidate names included in the business paper. Where the number of nominations received is less than the number of available positions, Councillors will be invited to nominate from the floor of Council.
- ⇒ Councillors may self-nominate for a position on a committee or external body, no seconder is required.
- ⇒ Councillors do not need to be present at the Council meeting where the election of councillor delegates to committees is held in order to be elected, however they must ensure their nomination is received by the Returning Officer prior to the commencement of the Council meeting.

Alternate delegates

- ⇒ Where a committee, or external body, requests an 'alternate delegate' to be appointed, elections will be conducted following the election of the 'delegates' to the committee. Alternate delegates do not have voting rights on a committee unless they attend on behalf of an absent delegate. Alternate delegates may attend Council's committee meetings as observers at other times with the consent of the committee.
- ⇒ Councillor delegates are responsible for advising an alternate delegate if they are unavailable for a meeting and request the alternate delegate to attend on behalf of Council.

Method of election

- ⇒ The Returning Officer is the General Manager or another person delegated by the General Manager.
- ⇒ The chairperson does not have a casting vote in an election.
- ⇒ Elections are to be conducted by open means, on a show of hands.
- ⇒ The process will be:

Opportunity to withdraw Nominations

- 1 The Returning Officer will ask if any candidate wishes to withdraw any nomination.
- 2 Candidates may not withdraw from the election process once Councillors are invited to cast their votes.

Number of nominations received is equal to the number of available vacancies

Where the Returning Officer has received a number of nominations that is equal to the number of vacancies on a committee or external body, they will declare those Councillors ELECTED.

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Number of nominations received is less than the number of available vacancies

Where the number of nominations received is less than the number of vacancies on that committee or external body, the Returning Officer will invite nominations from the floor of Council.

- If the number of nominations received is equal to the number of vacancies, the Returning Officer will declare those Councillors elected.
- If the number of nominations received is greater than the number of vacancies, the Returning Officer will proceed to a vote.
- Where the number of nominations received remains less than the number of available positions, those nominees will be declared ELECTED. Any remaining position/s will remain vacant until such time as Council resolves to fill them.

Number of candidates is greater than the number of available positions

Where the number of nominations received is greater than the number of vacancies on a committee or external body, the Returning Officer will proceed to a vote.

- 1 The Returning Officer will read out the names of the candidates in the order the nomination was received.
- 2 Councillors will be invited to vote for one candidate only.

Choosing by lot

- ⇒ The names of the candidates who have an equal number of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer.
- ⇒ The candidate whose name is on the drawn slip is either ELECTED or EXCLUDED depending on the purpose for which the LOT is drawn, as described in this Policy.

VOTING PROCESS

One Councillor to be elected (single vacancy)

This process is the same as that employed when electing the Deputy Lord Mayor, in accordance with the provisions of the *Local Government (General) Regulation 2021*.

Two candidates

- ⇒ The candidate with the highest number of votes is declared ELECTED.
- ⇒ Where the two candidates have an equal number of votes, the candidate chosen by LOT is ELECTED.

More than two candidates

- ⇒ The candidate with the absolute majority (ie 50% + 1) of votes is declared ELECTED.
- ⇒ In the event that no candidate has an absolute majority, the process followed is:
 - ❖ The candidate with the lowest number of votes is EXCLUDED.
 - ❖ Where two or more candidates have an equal lowest number of votes the candidate drawn by LOT is EXCLUDED.
 - ❖ The voting process involving the remaining candidates is repeated until only two candidates remain and the candidate with the highest number of votes is elected.

More than one Councillor to be elected (two or more vacancies)

One more candidate than number of vacancies

- ⇒ The candidate with the lowest number of votes is EXCLUDED and the remaining candidates are declared ELECTED.
- ⇒ In the event that there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED and the remaining candidates are declared ELECTED.

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Two or more candidates than number of vacancies

- ⇒ Where the number of candidates with an equal-highest number of votes is equivalent to the number of vacancies, those candidates are declared ELECTED, otherwise the process followed is:
 - ❖ The candidate with the lowest number of votes is EXCLUDED.
 - ❖ Where there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED.
 - ❖ This procedure is repeated until the number of candidates remaining is equal to the number of vacancies and those candidates are declared ELECTED.

Chairperson

- ⇒ Where a committee charter requires a Councillor to be elected as chairperson, elections will be conducted by open means on a show of hands, with nominations accepted from the elected Councillor delegates to that committee.

Removal or suspension of a Councillor from a committee

- ⇒ The removal or suspension of a Councillor from a committee or external body, where there has been an adverse finding against that Councillor by an appropriate investigative body (e.g. Office of Local Government, NSW Ombudsman, NSW Civil and Administrative Tribunal or the Independent Commission Against Corruption) and/or a breach of Council's Codes of Conduct, following a Code of Conduct Investigation, or for any other reason, requires a resolution of Council.
- ⇒ Removal or suspension of a Councillor from a committee or external body by resolution of Council does not prevent a Councillor nominating for that same committee, or any other committee at the next election of Councillor delegates to that committee, where a vacancy exists, and any suspension period has lapsed.
- ⇒ Formal removal or suspension of a member, for example by Order of the NSW Civil and Administrative Tribunal (NCAT) or the Office of Local Government, is not subject to the approval of Council.
- ⇒ Where a vacancy occurs due to removal or suspension of a Councillor, Council may seek nominations to fill the vacancy either until the next election of Councillor Delegates to that Committee or temporarily in the case of a suspension where the period of suspension lapses prior to the next scheduled election of Delegates.

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2021

MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

2021

ACCESS TO SERVICES

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(Special arrangements may be made if
these hours are unsuitable)

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Model Code of Meeting Practice for Local Councils in NSW

1 Introduction

2021

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

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2 Meeting Principles

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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3 Before the Meeting

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings]**.
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

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Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A) (a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

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Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A) (b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.31 Despite clauses 10.20-10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.

- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

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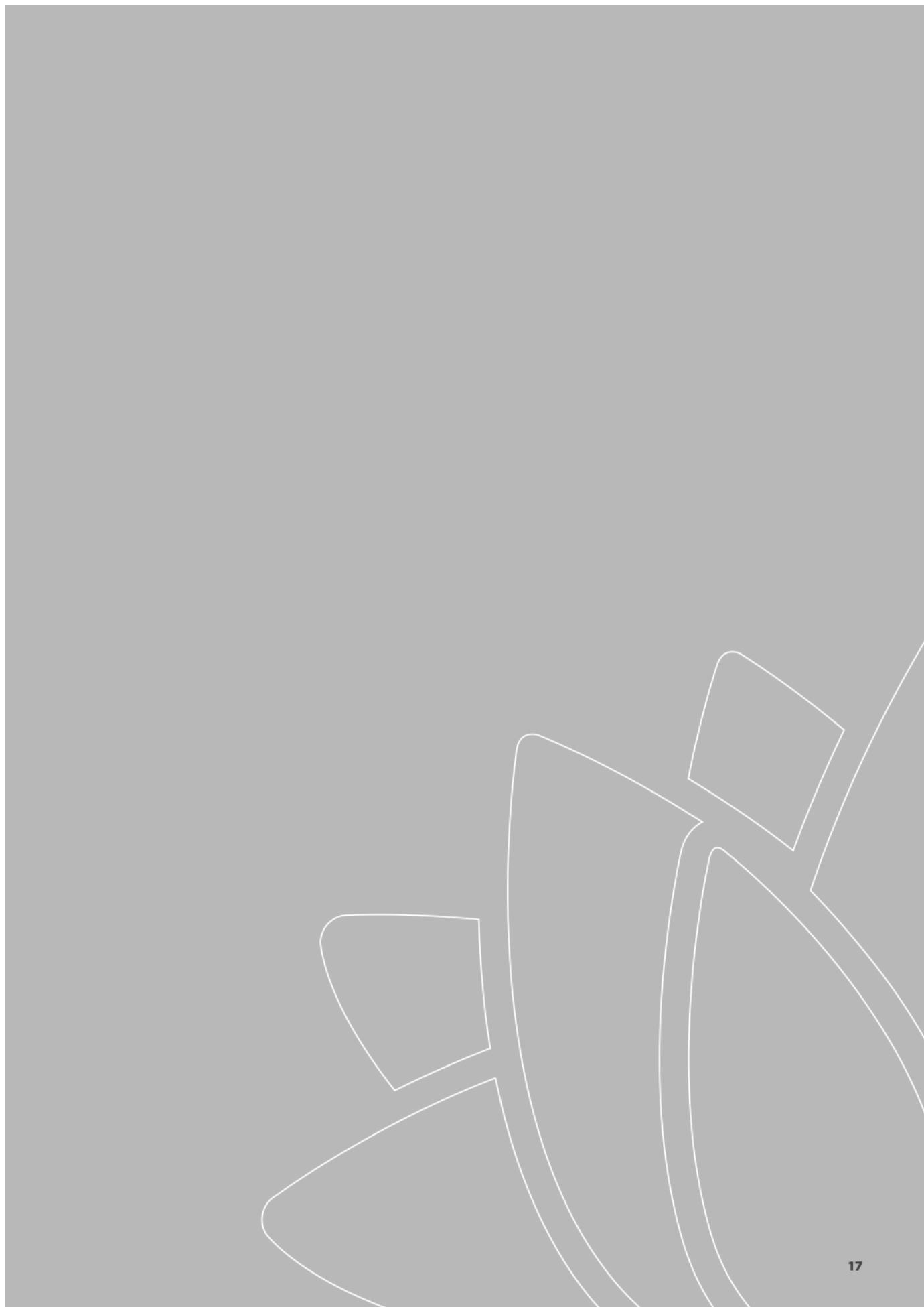
4 Public Forums

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- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

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- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



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5 Coming Together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making

an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1) (d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

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- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each

councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.
- Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-

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visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality, or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note: Clause 5.31 reflects section 10(1) of the Act.**
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.**
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.40 reflects section 376(1) of the Act.**
- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.41 reflects section 376(2) of the Act.**
- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.42 reflects section 376(3) of the Act.**
- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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6 The Chairperson

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

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7 Modes of Address

2021

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

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8 Order of Business for Ordinary Council Meetings

2021

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
- 04 Confirmation of minutes
- 05 Disclosures of interests
- 06 Mayoral minute(s)
- 07 Reports of committees
- 08 Reports to council
- 09 Notices of motions/Questions with notice
- 10 Confidential matters
- 11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

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9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

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9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

answer a question put to them through the general manager at the direction of the general manager.

9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

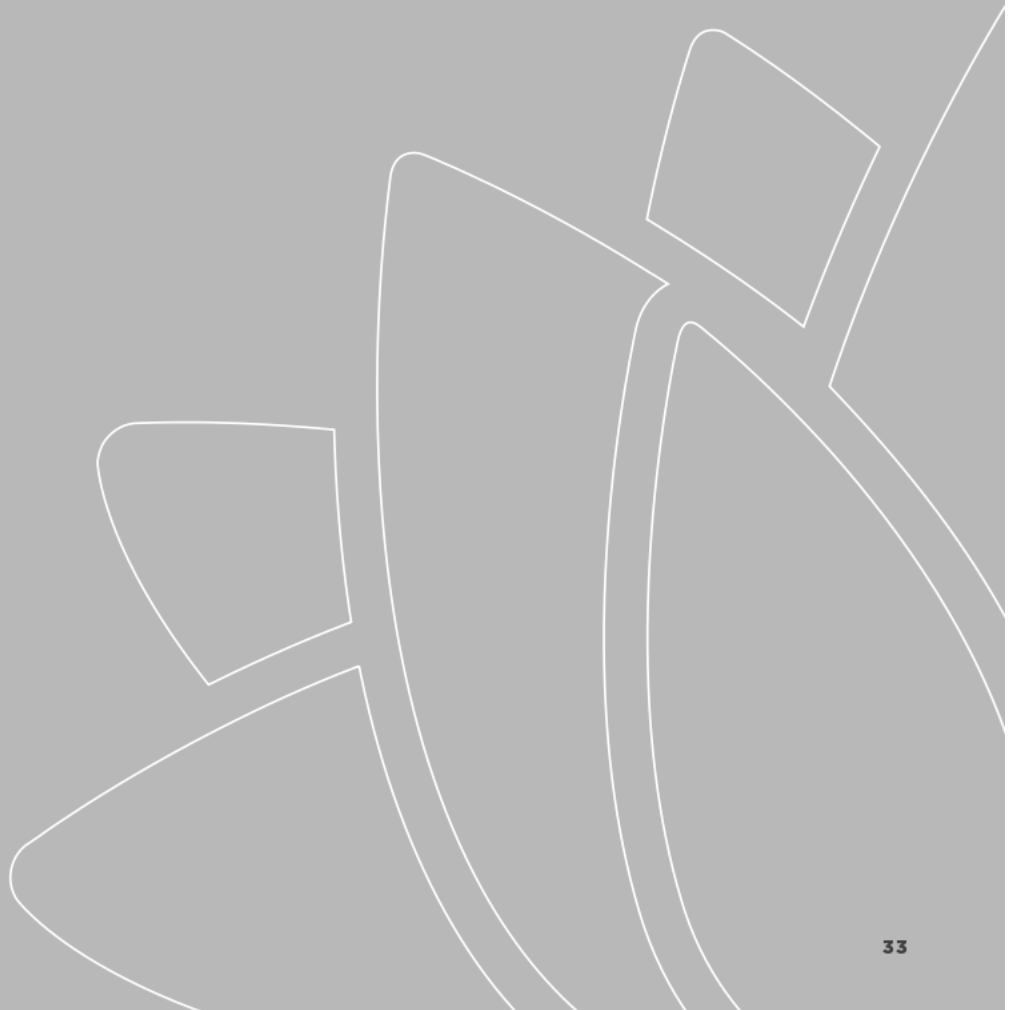
9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to



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10 Rules of Debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

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- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

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11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

- 11.6 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.

- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, 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 recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

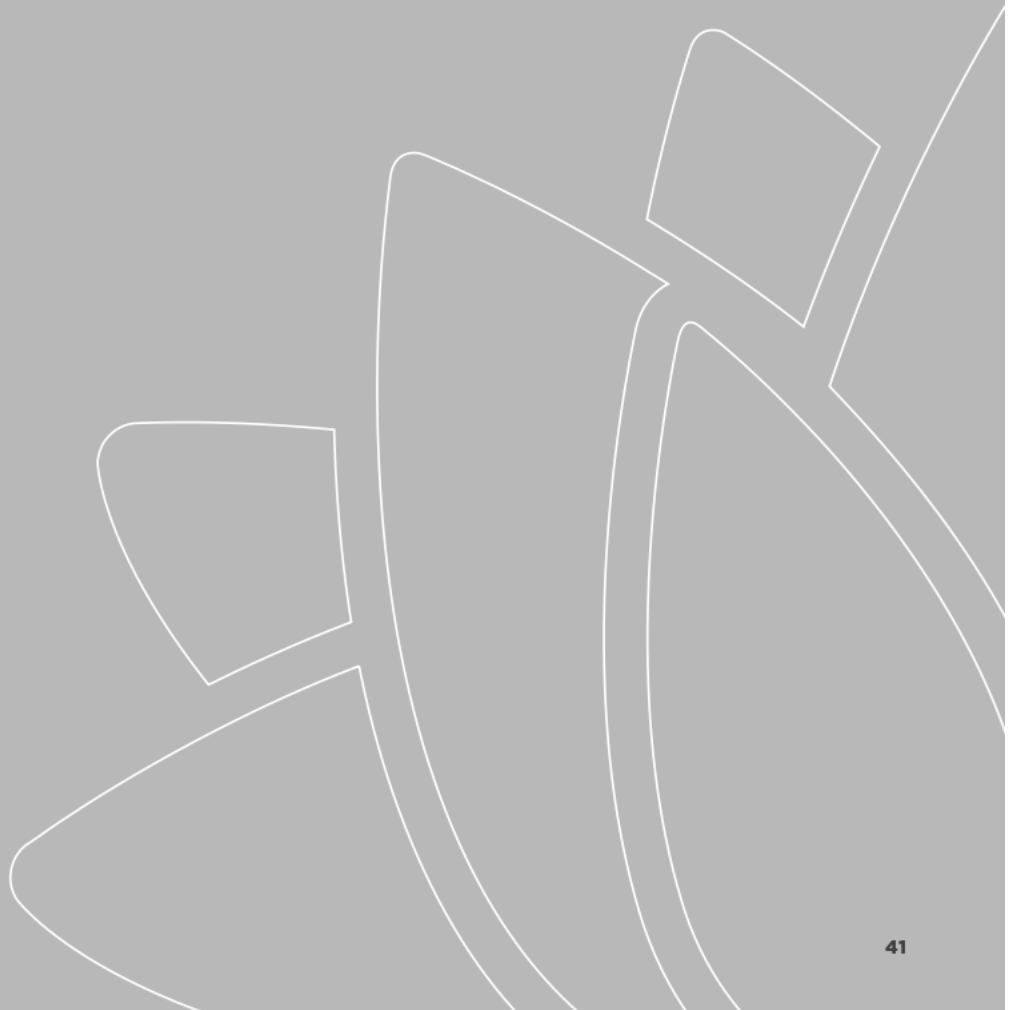
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Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12-11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12-11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.



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12 Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

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13 Dealing with Items by Exception

2021

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

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14 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

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- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.
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15 Keeping Order at Meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, 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 rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, 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.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

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(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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16 Conflicts of Interest

2021

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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17 Decisions of the Council

Council decisions

- 17.1 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.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a 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.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 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 lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

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17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or

- (b) to confirm the voting on the resolution.

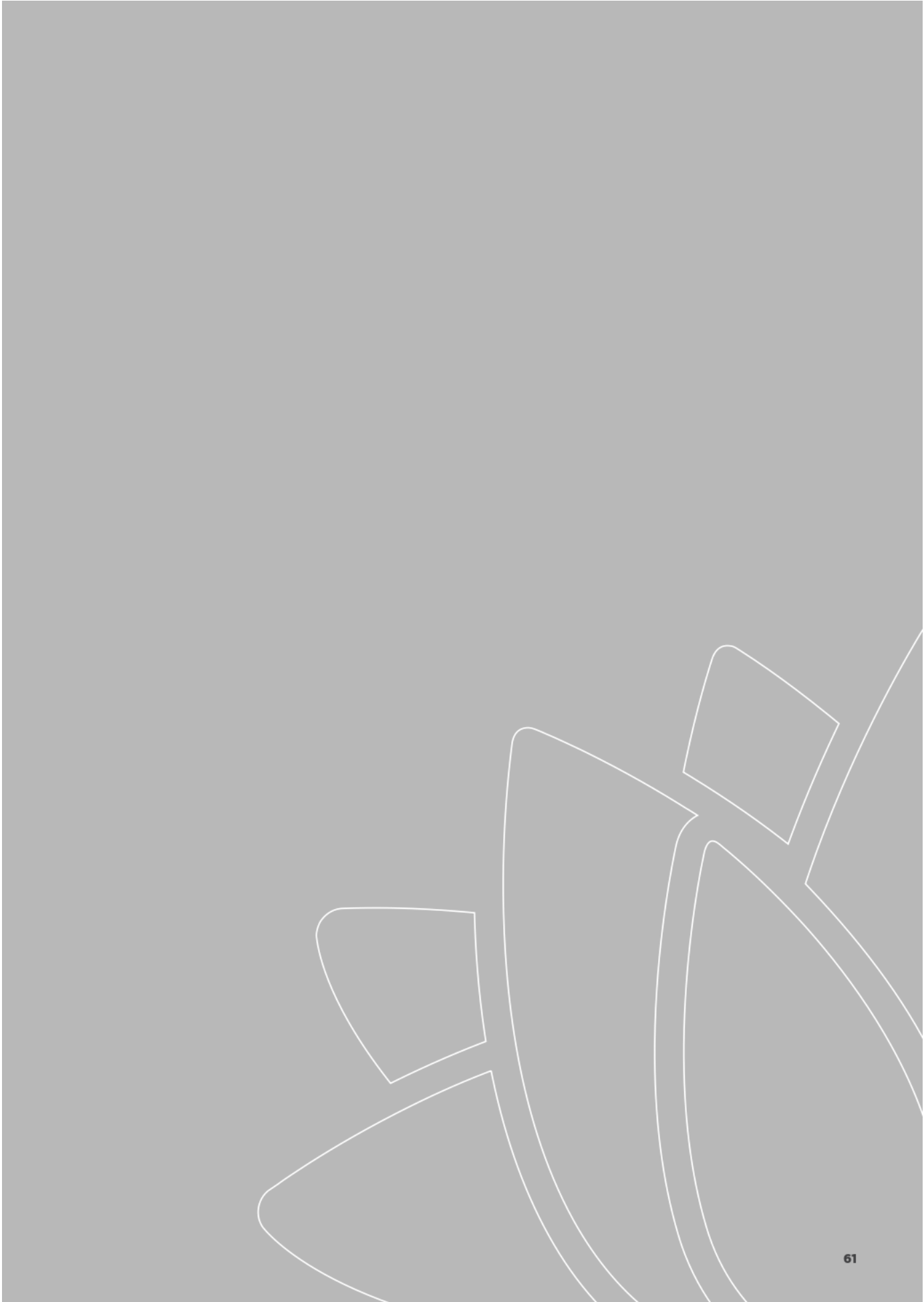
17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



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18 Time Limits on Council Meetings

2021

- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

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19 After the Meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been

confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

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- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.



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20 Council Committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council 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.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 20.17 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.

20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

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20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



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21 Irregularities

2021

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act

Model Code of Meeting Practice for Local Councils in NSW

performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

