

Agenda papers 23/11/2017 Item 10.13 Policy (Review) Code of Meeting Practice (Policy C07)

Submission re Code of Meeting Practice.

I am pleased to emphasise at the start that I think that Ballina Council is usually transparent.

1.1

8.4 Recording Deputations and Questions and Answers

I support whole heartedly the recommendation that Deputations and Question and answers at public question time be recorded along with the rest of Council Ordinary meetings. Question time and deputations are part of Council deliberations during the meeting and is significant that the public know what all the input, and Council consideration has been around those issues that the deputations present.

Questions at public question time is one of the few instances where a member of the public can call a member/section of/ or Council as a whole to account. As noted, it is not used often but that may serve more to emphasize the need for question time, eg, in my case I frequently get answers via direct query as the need for answers occurs. By implication then, public question time is especially important to me for questions that havent been answered that way.

Note: the recommended recording changes appear in item 8.4 but haven't been included in item 8.6(g) – need for Council to be consistent whatever is decided.

But, and there is usually a but, a few not transparent issues remain which I argue need to be.

1.1.2 Briefings and workshops. It is argued that these represent a time when Councillors and staff can discuss issues freely amongst themselves without the presence of observers. I don't accept this explanation.

a) Councillors and staff have many opportunities to discuss issues informally and serially if they want.

b) Planned informal discussion amongst Councillors and Staff is an important way for the public to gain insight into the thinking of people who govern in their name. Formal discussion in Council meetings is governed by rules that can disguise/limit a lot.

c) Significant information is given in workshops and briefings that if not confidential should not be denied to the public. Sometimes there is expert professional information including as well as that from Staff.

If it remains the opinion of Council that the briefings and workshops be denied to the public the information from such sessions needs to be made available asap in the interests of transparency. How otherwise can the public make informed submissions, questions and requests?

1.1.3 Confidential sessions of Council as a Whole.

a) I support a much shorter time than 10minutes for public objections to closure of the meeting. One minute seems too short. Sometimes the public

needs a small window for thinking time. I am prepared to see how one minute works out in practice but two minutes would a better time limit to trial.

b) There are parts of confidential matters that could be revealed and should be as part of transparency imperative. The exact nature of the problem to be discussed could be more clearly explained in the Agenda papers. Unless it is an ongoing issue where disclosure may be inappropriate, ahead of a court case for example, the resolutions of Council from the Confidential session the normal expectation should be that such resolutions be reported as the norm. Inconvenient for Council is not a sufficient reason. When the issue has been resolved the legal advice should be released.

2. Deputations Item 8.5

2.1. I support the recommended change that deputations of the same item should be grouped together. This is logical and should aid Councillors and public to consider together the issues raised more easily.

2.1.2 However, I think that the order should be the opposite of the recommended change, that is, affirmative first and opposition second. The staff report recommendations and/or Councillor motion will be supported by the affirmative both in the Agenda paper and in the debate in Council meetings. In principle it would be more equitable therefore, for the opposition to a motion to be able to take into the consideration the affirmative case where it can – in the Agenda papers and in the deputation. The debate in the affirmative still gives the affirmative the last word.

Summary

This submission:

- Approves recording extension to cover deputations and Q&A.
- Approves putting deputations on the same Item together.
- Approves much shorter time for the Public to oppose confidential session of the Committee as a Whole. Suggests two minutes not one.

- Requests consideration of changing order of presentations of Deputations to affirmative first and opposition second.
- Requests Briefings and Workshops to be open to the public and
- Request all information presented at briefings and Workshops to be made available to the public
- Request in confidence resolutions to be included in the minutes and legal advice to be made public under certain conditions.

Yours sincerely

Dr Lyn Walker
12th Jan 2018.



Council meeting procedure review
Submission from Lennox Head Residents Association
17 January 2018

Lennox Head Resident Head Residents Association (LHRA) request that these issues raised are considered under the current review of Council Meeting procedures.

1) Public gallery behaviour

2017 saw the public gallery disrupting the Council meeting procedure and simply ignoring any requests to quieten down, on a number of occasions. The threat of enforcing expulsion was disregarded by the perpetrators.

Therefore LHRA supports any notice of expulsion for interrupting procedures must be enforced.

2) Signs in the public gallery

As a flow in from disruptive gallery- No signage, from either side of an argument, to be permitted within the Council chambers or even better banned from the Council building.

3) Deputations

Currently, deputations are minuted as supporting or opposing a motion, however there is no record of these arguments content.

Recordings of Council meetings have provided a transparency of process, now needs to extend to the public deputations.

LHRA support the recording of deputations.

Thank you

Yours sincerely

A handwritten signature in black ink, appearing to read "Monica Wilcox".

Monica Wilcox

President, Lennox Head Residents' Association
for Lennox Head Residents' Association.

POLICY NAME: CODE OF MEETING PRACTICE
POLICY REF: C07
MEETING ADOPTED: 24 November 2016
 Resolution No: 241116/12
POLICY HISTORY: 240610/21; 260209/28; 240408/22;
 190106/029; 230103/028, 240113/2



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PART 1 - PRELIMINARY

OBJECTIVE

The Objectives of the Code of Meeting Practice are to ensure the following:

- that Council and Committee meetings are conducted in an orderly, consistent and efficient manner
- that Council and Committee meetings are conducted according to the principles of procedural fairness and due process
- that Councillors have an equal opportunity to fully participate in the meeting, with respect shown for differing views
- that Councillors fully understand their rights and obligations as participants in meetings of Council and
- that proceedings are transparent and understandable to all persons participating in and observing Council and Committee meetings.

BACKGROUND

The Code of Meeting Practice is made pursuant to section 360(2) of the Act. The Code incorporates relevant provisions of the Regulation and the Act.

In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Amendments to this Code must be advertised for a period of at least 42 days prior to any decision by the Council to ratify such amendments.

DEFINITIONS

In the Code of Meeting Practice the following definitions apply:

amendment	in relation to an original motion, means a motion moving an amendment to that motion.
chairperson	(a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by clause 3.6 (1) of this Code; and (b) in relation to a meeting of a committee of a council - means the person presiding at the meeting as provided by clause 7.8 of this Code.
committee	means a committee established under clause 7.2 of this Code or the council when it has resolved itself into a committee of the whole.
councillor	includes a member of the governing body.

record	refers to any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.
year	refers to the period from 1 July to the following 30 June.
the Code	refers to the Ballina Shire Council Code of Meeting Practice.
the Act	refers to the Local Government Act 1993 as amended.
the Regulation (Reg)	refers to the Local Government (General) Regulation 2005.

APPLICATION OF CODE

This Code applies to:

- Councillors
- Council employees
- Committees of Council
- Community members

This Code should be read in conjunction with the following documents which have been employed when preparing the Code:

- Council's Code of Conduct
- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2005
- The Local Government Planning Legislation Amendment (Political) Donations Act 2008
- DLG Model Code of Conduct & Guidelines (March 2013)
- DLG Meeting Practice Note No. 16 (August 2009)
- DLG Publication - Engaging with local Aboriginal communities: A resource Kit for Local Government in NSW (2007)

PART 2 - CONVENING OF AND ATTENDANCE AT COUNCIL MEETINGS

2.1 How often does Council meet?

- (1) The Council is required to meet a minimum of 10 times each year, each time in a different month. **(s365 of the Act)**
- (2) There will be one Ordinary Meeting of the Council, held on the fourth Thursday, each month, commencing at 9:00 am with the exception of the December meeting which will be held on the third Thursday. Meetings will be held in the Council Chamber, Corner of Cherry and Tamar Streets, Ballina.
- (3) Council can vary meeting times through the consideration of a Notice of Motion or consideration of a report on this matter.

2.2 Notice of Meetings

To Councillors:

- (1) The General Manager of the Council must ensure that each Councillor receives, at least three days before each meeting of the Council, a notice specifying the time, place and date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than three days may be given to each Councillor of an extraordinary meeting called in an emergency, but in no case shall notice of less than 24 hours be given.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form. **(s367 of the Act)**

To the Public:

- (1) A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (2) The notice must specify the time and place of the meeting.
- (3) Notice of more than one meeting may be given in the same notice.
- (4) The requirement to advertise meetings does not apply to an extraordinary meeting of a Council or Committee. **(Reg 232)**

2.3 Quorum

The quorum for a meeting of the Council is a majority of the councillors of the Council who hold office for the time being and are not suspended from office. **(s368 of the Act)**

2.4 What happens when a quorum is not present

- (1) A meeting of the Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- (2) 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.
- (3) 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. **(Reg 233)**

2.5 Presence at Council meetings

A councillor cannot participate in a meeting of the council unless personally present at the meeting. **(Reg 235)**

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS
3.1 Order of business

- (1) Each Ordinary Meeting of Council will commence with the performance, by a school or other organisation, of the Australian National Anthem.
- (2) After the National Anthem, the Chairperson will provide an 'Acknowledgement of Country' to show respect for the Traditional Custodians of the land on which the meeting is taking place. ~~The following wording, as preferred by Jali Aboriginal Land Council, should be read by the Chairperson at the commencement of each Meeting:~~

~~*I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.*~~ – delete yellow section

An 'Acknowledgement of Country' is to be included in the order of business for all Reserve Trust and extraordinary meetings of Council.
- (3) At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by Regulation) as fixed by Schedule 1 of Council's Code of Meeting Practice or as fixed by resolution of the Council. (Schedule 1 attached).
- (4) The order of business fixed under subclause (3) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (5) Only the mover of a motion referred to in subclause (4) may speak to the motion before it is put. **(Reg 239)**
- (6) The order of business may be changed by the Chair, to assist Council in considering matters, in a timely manner, that have been raised through a deputation or are of interest to a major portion of the gallery present, subject to there being no opposition to that change from the Councillors present.

3.2 Agenda and Business papers for Council meetings

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - (b) if the Mayor (or the Deputy Mayor if acting for 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) subject to subclause (2), any business of which due notice has been given.
- (2) 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) The General Manager must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared and issued to Councillors before the meeting. **(Reg 240(1-3))**

3.3 Giving notice of business

- (1) The Council must not transact business at a meeting of the Council:
 - (a) unless a councillor has given notice to the General Manager of the business in writing by nine days preceding the meeting
 - (b) unless notice of business has been sent to the councillors
- (2) Subclause (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) is a matter or topic put to the meeting as a Mayoral Minute
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
- (3) Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Only the mover of a motion referred to in subclause (3) can speak to the motion before it is put. **(Reg 241)**
- (5) ~~Requests for funding of community groups or individuals from Section 356 of the Act cannot be dealt with by Motion on Notice – delete clause~~

3.4 Agenda for extraordinary meetings

- (1) The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- (3) Only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. **(Reg 242)**

3.5 Extraordinary meetings

- (1) The Mayor may call extraordinary meetings of the Council in accordance with clause 2.2 of this Code.
- (2) If the Mayor receives a request in writing signed by at least two councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after the receipt of the request. **(s366 of the Act)**

3.6 Chairperson of Council meetings

- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the Council. **(s369 of the Act)**
- (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. **(Reg 236(1))**
- (4) The election must be conducted:
 - (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or

- (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf. **(Reg 236(2))**

3.7 Chairperson to have precedence

When the chairperson rises, or if unable to rise, raises a hand 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. **(Reg 237)**

3.8 Chairperson's duty with respect to motions

- (1) 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.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected. **(Reg 238)**

3.9 Mayoral minutes

- (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to 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.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council. **(Reg 243)**

3.10 Notice of motion - absence of mover

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 move the motion at the meeting; or
- (b) the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered. **(Reg 245)**

3.11 Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded, except in the case of a Mayoral Minute, and a motion for a motion or an amendment to be now put. **(Reg 243(2), 246 and 250(5))**

3.12 Amendments to Motions

- (1) A motion may be amended by way of a proposal brought before the meeting during debate on the motion.
- (2) An amendment that creates a direct negative is not permissible.
- (3) An amendment must be seconded to permit its consideration.
- (4) No more than one motion and one proposed amendment can be before the Council at any one time.

However, amendments may be proposed (foreshadowed) to the proposed amendment for consideration in the event that the proposed amendment is defeated. No discussion on the foreshadowed amendment can take place until the amendment before the meeting has been dealt with.

- (5) If the proposed amendment (to the original motion) is carried it becomes the substantive motion. It would then be permissible for further amendments to be moved and seconded and debated.
- (6) If the proposed amendment (to the original motion) is lost a 'foreshadowed' amendment can then be moved, seconded and debated.

3.13 Motions of dissent

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- (3) 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. **(Reg 248)**

3.14 Questions may be put to Councillors and Council employees

- (1) A councillor:
 - (a) may, through the chairperson, put a question to another councillor; and
 - (b) may, through the General Manager, put a question to a Council employee.
- (2) However, 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.
- (3) The Councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause. **(Reg 249)**

3.15 Limitation as to number of speeches

- (1) A councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) 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.
- (3) 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. However, 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 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), a councillor who has not spoken on the subject 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.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) 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 his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment to be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed. **(Reg 250)**
- (8) The Chairperson will call for Councillors to speak on a for and against basis.

3.16 Voting at Council meetings

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. **(Reg 251)**

Note: Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

3.17 Recording of Voting on Planning Matters

- (1) In this section, planning decision means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, 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.
- (3) 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, and is to include the information required by the regulations.
- (4) This section extends to a meeting that is closed to the public. **(s375a of the Act)**

3.18 Decisions of the Council

A resolution 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. **(s371 of the Act)**

3.19 Rescinding or altering resolutions

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negated by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the council, must be signed by three councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be.

- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes.
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment. ***(s372 of the Act)***
- (8) Any such notice of rescission should be accompanied by a qualified motion outlining any alternative proposal.
- (9) The signatories of any such rescission motion will be given the first opportunity to speak to the motion.

3.20 Certain circumstances do not invalidate Council decisions

Proceedings at a meeting of the 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 a committee member; or
- (c) any defect in the election or appointment of a councillor or a committee member; or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- (e) a failure to comply with this Code. ***(s374 of the Act)***

PART 4 - CLOSURE OF MEETINGS

4.1 Representations by members of the public – closure of part of meeting

- (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period of 10 one minute immediately after the motion to close the part of the meeting is moved and seconded, however, this period may be extended by Council resolution to that effect. *(Reg 252 & 264)*

4.2 Closure of part of meeting

- (1) Council may resolve into Closed (Confidential) Session and exclude the public and the press during a meeting or part of a meeting. The grounds for closing part of a meeting are detailed in section 10A and 10D of the Act. Council's practice is to resolve into the Committee of the Whole while meeting in a Closed Session.
- (2) Any recommendations arising from the Committee of the Whole and Closed Session will be reported to the Public by the General Manager when Council moves into Open Council and out of Committee of the Whole. Council is not taken to have adopted the recommendations until a motion for adoption has been made and passed.

PART 5 - KEEPING ORDER AT MEETINGS

5.1 Questions of order

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. **(Reg 255)**

5.2 Acts of disorder

- (1) 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
 - (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 committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor; or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).

- (3) A councillor may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). 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. **(Reg 256)**

5.3 How disorder at a meeting may be dealt with

- (1) 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 chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- (2) A member of the public may as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting. **(Reg 257)**

5.4 Power to remove persons from meeting after expulsion

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held;

- (a) immediately after the Council has passed a resolution expelling the councillor or member of public from the meeting, or
- (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion – immediately after being directed by the person presiding to leave the meeting,

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 from re-entering that place. **(Reg 258)**

PART 6 - DISCLOSURE OF INTEREST

6.1 Conflict of Interests

- (1) A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- (2) You must avoid or appropriately manage any conflict of interests.

The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- (3) Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- (4) Private interests can be of two types: pecuniary or non-pecuniary.

6.2 What is a pecuniary interest?

- (1) A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- (2) A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- (3) Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - (a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - (b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - (c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- (4) Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.

- (5) Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

6.3 What is a non-pecuniary conflict of interests?

- (1) Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- (2) The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- (3) The political views of a councillor do not constitute a private interest.

6.4 Managing non-pecuniary conflict of interests

- (1) Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- (2) If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 6.4.1.
- (3) How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- (4) As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
 - (a) relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - (b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

- (c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- (5) If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
 - (a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - (b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply
- (6) If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- (7) If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- (8) ~~Despite clause 6.4.5(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 6.4.5(b) above – delete clause.~~

6.5 Disclosures to be recorded

A disclosure made at a meeting of the council or council committee must be recorded in the minutes of the meeting. **(s453 of the Act)**

PART 7 - COUNCIL COMMITTEES AND COMMITTEE OF THE WHOLE

7.1 Committee of the whole

- (1) All the provisions of this Code relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) 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 proceedings in full but any recommendations of the committee must be reported.
- (3) 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. **(Reg 259)**

7.2 Council may establish committees

- (1) The Council may, by resolution, establish such committees it considers necessary.
- (2) A committee can consist of the Mayor and such other councillors/staff and other persons as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of such a committee is to be:
 - (a) such number of members as the Council decides; or
 - (b) if the Council has not decided a number - a majority of the members of the committee. **(Reg 260)**

7.3 Functions of committees

A Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions. **(Reg 261)**

7.4 Notice of committee meetings to be given

- (1) The General Manager of the Council must send to each councillor, at least three days before each meeting of the Committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held; and

(b) the business proposed to be transacted at the meeting.

(2) However, notice of less than three days may be given of a committee meeting called in an emergency. **(Reg 262)**

7.5 Non-members entitled to attend committee meetings

(1) A councillor who is not a member of a committee of the Council is entitled to attend, and speak at, a meeting of the committee.

(2) However, the Councillor is not entitled:

(a) to give notice of business for inclusion in the agenda at the meeting, or

(b) to move or second a motion at the meeting, or

(c) to vote at the meeting. **(Reg 263)**

7.6 Procedure in committees

(1) Subject to subclause (3), each committee of the Council may regulate its own procedure.

(2) Without limiting subclause (1), a committee of the Council may decide that, 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.

(3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands). **(Reg 265)**

7.7 Committees to keep minutes

(1) Each committee of a Council must insure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes;

(a) details of each motion moved at a meeting and of any amendments moved to it,

(b) the names of the mover and seconder of the motion or amendment,

(c) whether the motion or amendment is passed or lost.

(2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting. **(Reg 266)**

7.8 Chairperson and deputy chairperson of committees

- (1) 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.
- (2) A 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.
- (3) If neither the chairperson nor the deputy chairperson of a committee of a 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.
- (4) The chairperson is to preside at a meeting of a committee of a 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. **(Reg 267)**

7.9 Absence from committee meetings

- (1) A member ceases to be a member of a committee if the member (other than the Mayor):
 - (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.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee. **(Reg 268)**

7.10 Reports of committees

- (1) If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

- (2) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) If a committee of a 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 or General Manager must;
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the Council. **(Reg 269)**

7.11 Disorder in committee meetings

The provisions of the Act and of the Regulation 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. **(Reg 270)**

7.12 Certain persons may be expelled from Council committee meetings

- (1) If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with Section 10(A) of the Act, any person who is not a Councillor may be expelled from the meeting as provided by Section 10(2)(a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her 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, committee 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. **(Reg 271)**

PART 8 - MISCELLANEOUS**8.1 Matters to be included in minutes of Council meeting**

The General Manager must ensure that the following matters are recorded in the Council's minutes:

- (a) details of each motion moved at a Council meeting, including 'Confidential Committee of the Whole' sessions and of any amendments moved to it.
- (b) the names of the mover and seconder of the motion or amendment.
- (c) whether the motion or amendment is passed or lost. **(Reg 254)**
- (d) All votes for and against a motion or amendment.
- (e) Full details of all pecuniary and non-pecuniary interests disclosures made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting. This is to include the type and nature of the interest.
- (f) Recording of Divisions.
- (g) Leave of absence.

***Note:** Section 375 (1) of the Act requires a Council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council (other provisions of this Regulation and of the Act require particular matters to be recorded in a Council's minutes).*

8.2 Inspection of the minutes of a Council or committee

- (1) An inspection of the minutes of a Council or committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. **(Reg 272)**

8.3 Access to records

Councillors have access to council's records under the provisions of the Government Information (Public Access) Act 2009 (GIPA). In addition, a councillor may have a common law right, independent of these provisions, to see a document which is necessary in the exercise of the councillor's duty. That right does not extend to matters in which a councillor merely has a curiosity rather than an appropriate civic responsibility.

8.4 Recording of meeting of Council or committees

- (1) A person may record the proceedings of a meeting of Council or a committee of Council only with the authority of the Council or Committee.
- (2) A person may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from the meeting of a council or a committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her 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.
- (4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not. **(Reg 273)**
- (5) Live video relay of Open Ordinary and Extraordinary Council meetings and Reserve Trust meetings are screened in the Foyer of Council's Customer Service Centre.
- (6) Council makes full audio and visual recordings of Ordinary and Extraordinary Council meetings and Reserve Trust meetings, excluding deputations, public question time and confidential session. In accordance with Proactive Release provisions of the Government Information (Public Access) Act 2009 these recordings are available to the public at a fee determined by Council. These recordings are also accessible free of charge on Council's website.

8.5 Deputations to Council – Guidelines

- a) Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Deputations will be limited to a maximum of two items on the agenda per person.

Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.

- b) Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

- c) The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of the deputation.

8.6 Public Question Time – Guidelines

- a) A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.
- b) The period for the public question time is set at a maximum of 15 minutes.
- c) Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.
- d) Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.
- e) The Chairperson will respond to questions indicating that either the matter will be referred to staff for rectification (where the matter is of a minor or urgent nature) or referred to staff for report to a later meeting of the Council or a Committee.
- f) The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.
- g) Recording of the questions will not be verbatim.
- h) The standard rules of behaviour in the Chamber will apply.
- i) Questions may be asked from the position in the public gallery.

8.7 Council Seal

- (1) The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.

- (2) The seal of a Council may be affixed to a document only in the presence of:
 - (a) the Mayor and the General Manager, or
 - (b) at least one Councillor (other than the Mayor) and the General Manager, or
 - (c) the Mayor and at least one other Councillor, or
 - (d) at least two Councillors other than the Mayor.
- (3) The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council. **(Reg 400)**

8.8 Food and Beverage

Food and beverage are not to be consumed in the Council Chambers during the course of Ordinary and Extraordinary meetings and Committee meetings, with the exception that Councillors are entitled to refreshments, excluding alcohol.

8.9 Mobile Phones

Mobile phones must be silenced during Council meetings.

PART 9 - REVIEW

The Code of Meeting Practice is to be reviewed within one year of the election of a new Council.

**SCHEDULE 1 - Order of Business
Ordinary Council Meeting Agenda**

- 1) Australian National Anthem
- 2) Acknowledgement of Country
- 3) Apologies
- 4) Confirmation of Minutes
- 5) Declarations of Interest and Reportable Political Donations
- 6) Deputations
- 7) Mayoral Minutes
- 8) Staff Reports
- 9) Public Question Time
- 10) Notices of Motion
- 11) Advisory Committee Minutes
- 12) Reports from Councillors on Attendance on Council's behalf
- 13) Confidential Session

Circular Details	Circular No 17-40 / 6 December 2017 / A573892
Previous Circular	16-46 <i>Development of a Model Code of Meeting Practice for Local Councils in NSW</i>
Who should read this	Mayors / Councillors / General Managers / Council governance staff
Contact	Council Governance Team – 02 4428 4100
Action required	Response to OLG

Consultation on the draft Model Code of Meeting Practice for Local Councils in NSW

What's new or changing

- Amendments made to the *Local Government Act 1993* (the Act) in August last year by the *Local Government Amendment (Governance and Planning) Act 2016* provide for a model code of meeting practice (Model Meeting Code) to be prescribed by regulation.
- The Office of Local Government (OLG), in consultation with councils, has prepared a consultation draft of the proposed Model Meeting Code. Once this is finalised, it will replace the meeting rules currently prescribed in the *Local Government (General) Regulation 2005* (the Regulation).
- Once the Model Meeting Code is finalised, councils will be given a period of 6 months in which to adopt a code of meeting practice based on the Model Meeting Code.

What this will mean for your council

- OLG is inviting submissions from councils and other stakeholders on the consultation draft of the Model Meeting Code.
- The consultation draft of the Model Meeting Code is available on OLG's website at www.olg.nsw.gov.au.
- Submissions may be made by email to olg@olg.nsw.gov.au.
- Submissions should be labelled "*Model Meeting Code Consultation*" and marked to the attention of OLG's Council Governance Team.
- Submissions should be made by COB **Friday 16 March 2018**.

Key points

- The Model Meeting Code has two elements:
 - It contains mandatory provisions (indicated in black font) that reflect the existing meetings provisions of the Act and adapt those currently contained in the Regulation. The existing meetings provisions of the Regulation have been updated and supplemented to reflect contemporary meetings practice by councils and to address ambiguities and areas of confusion in the existing provisions based on feedback from councils.
 - It contains non-mandatory provisions (indicated in red font) that cover areas of meetings practice that are common to most councils but where

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10.7 Policy (Review) - Code of Meeting Practice.DOC

there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions will also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.

- In making submissions on the draft Model Meeting Code, OLG would welcome feedback from councils on whether any of the proposed non-mandatory provisions should be mandated. If there is a sufficient body of support for these from councils, these may be made mandatory in the final version of the Model Meeting Code.

Where to go for further information

- For further information, contact OLG's Council Governance Team on (02) 4428 4100.



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Acting Chief Executive

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MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

December 2017



CONSULTATION DRAFT

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MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

December 2017

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Monday to Friday

9.00am to 5.00pm

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

All offices are wheelchair accessible.

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CONSULTATION DRAFT

3

1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993 (the Act)* and the *Local Government (General) Regulation 2005 (the Regulation)*.

This 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.

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.

3 Before the Meeting

Timing of ordinary council meetings

- 3.1** The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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.

Extraordinary meetings

- 3.2** 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 3.2 reflects section 366 of the Act.

- 3.3** The mayor or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.
- 3.4** For the purpose of clause 3.3, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the public of council meetings

- 3.5** 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 3.5 reflects section 9(1) of the Act.

- 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:
- a) published on the council's website, and
 - b) published:
 - i) where practicable, in a local newspaper or in a newspaper circulating throughout the state (or both), as determined by the council, or
 - ii) in such other manner as is determined by the council, with the object of bringing 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 (1) meeting may be given in the same notice.

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 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 3.8 reflects section 367(1) of the Act.

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.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.10 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 3.10 reflects section 367(2) of the Act.

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 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.

3.12 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.

3.13 A councillor may submit no more than **[number to be specified by the council]** notices of motion to be considered at each ordinary meeting of the council.

3.14 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 either:

- (a)** 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, 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.

- 3.15** 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, 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

- 3.16** 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 the council.
- 3.17** A councillor is not permitted to ask a question with notice under clause 3.16 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.
- 3.18** The general manager or their nominee may respond to a question with notice submitted under clause 3.16 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

- 3.19** 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.
- 3.20** 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 3.11.
- 3.21** Nothing in clause 3.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.22** 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.

3.23 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 3.23 reflects section 9(2A)(a) of the Act.

3.24 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.

Availability of 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.

Note: Clause 3.25 reflects section 9(2) and (4) of the Act.

3.26 Clause 3.25 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.26 reflects section 9(2A)(b) of the Act.

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.

Note: Clause 3.27 reflects section 9(3) of the Act.

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.

Note: Clause 3.28 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.29** 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.
- 3.30** Despite clause 3.29, 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.
- 3.31** A motion moved under clause 3.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.32** Despite clauses 10.19–10.27, only the mover of a motion moved under clause 3.30(a) can speak to the motion before it is put.
- 3.33** A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.30(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

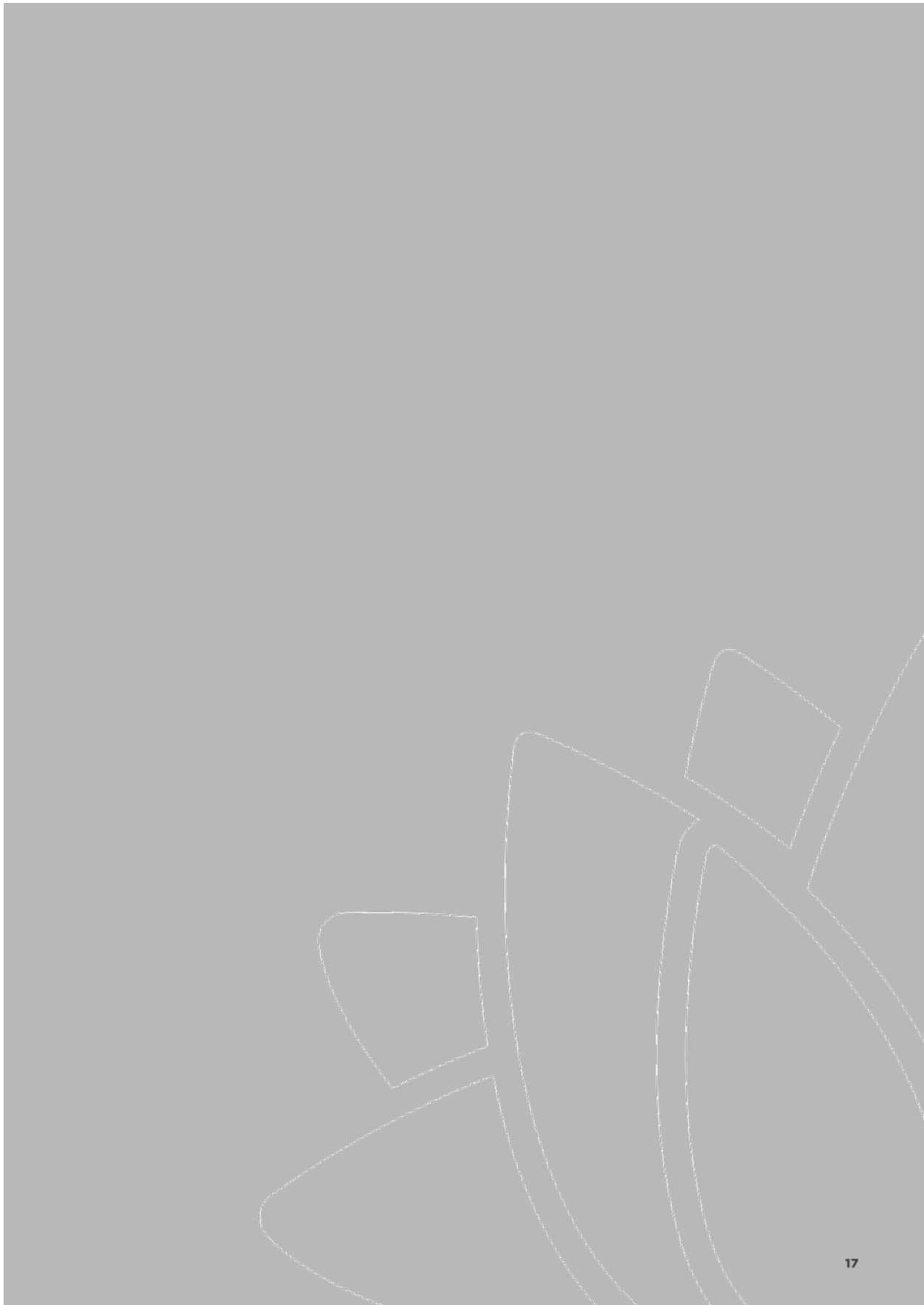
- 3.34** Prior to each ordinary meeting of the council, the general manager will arrange a pre-meeting briefing session to brief councillors on the items of business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.35** Pre-meeting briefing sessions are to be held in the absence of the public.
- 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 (including the mayor) are to make all reasonable efforts to attend pre-meeting briefing sessions.
- 3.38** 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.
- 3.39** Councillors (including the mayor) must disclose 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 at a council or committee meeting.

4 Public Forums

- 4.1** The council will 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 are to be chaired by the mayor or their nominee.
- 4.3** 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.
- 4.4** 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.
- 4.5** Nominated candidates at federal, state or local government elections and serving councillors are not permitted to speak at a public forum.
- 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.
- 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 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. 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** 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.
- 4.11** The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12** 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.
- 4.13** 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 so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14** 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.

- 4.15** Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.16** Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17** The general manager or his or her 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.
- 4.18** 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.
- 4.19** 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.
- 4.20** If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, 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.
- 4.21** Clause 4.20 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.
- 4.22** Where a speaker engages in conduct of the type referred to in clause 4.19, 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.
- 4.23** Councillors (including the mayor) must disclose 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 at a council or committee meeting.

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.



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.
- 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.
- 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, 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.
- 5.5** The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 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 prior leave of the council, or leave granted by the 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.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7** A councillor who intends to attend a meeting of the council despite having been granted 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

- 5.8** 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 5.8 reflects section 368(1) of the Act.**
- 5.9** Clause 5.8 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 5.9 reflects section 368(2) of the Act.**
- 5.10** A meeting of the council must be adjourned if a quorum is not present:
- (a)** within half an hour after the time designated for the holding of the meeting, or
 - (b)** at any time during the meeting.
- 5.11** 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.

5.12 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.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), 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 using such other means as will bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

5.15 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 5.15 reflects section 10(1) of the Act.

5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.17 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 5.17 reflects section 10(2) of the Act.

Note: If adopted, clauses 5.13 and 5.14 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 5.13 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 5.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.18** All meetings of the council and committees of the council are to be webcast.
- 5.19** Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20** At the start of each meeting the chairperson 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.

Audio recording of meetings

- 5.21** Audio recordings are to be made of all meetings of the council and committees of the council for the dominant purpose of assisting with the preparation of the minutes for meetings.

Attendance of the general manager and other staff at meetings

- 5.22** 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 5.22 reflects section 376(1) of the Act.

- 5.23** 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 5.23 reflects section 376(2) of the Act.

- 5.24** 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 5.24 reflects section 376(3) of the Act.

- 5.25** The attendance of other council staff at a meeting, (other than as members of public) shall be with the approval of the general manager.

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 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, if standing, immediately resume their seat, and
- (b)** every councillor present must be silent to enable the chairperson to be heard without interruption.

7 Modes of Address

- 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.

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8 Order of Business for Ordinary Council 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 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 Prayer
 - 04 Apologies and applications for leave of absence by councillors
 - 05 Confirmation of minutes
 - 06 Disclosures of interests
 - 07 Mayoral minute(s)
 - 08 Reports of committees
 - 09 Reports to council
 - 10 Notices of motions/questions with notice
 - 11 Confidential matters
 - 12 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

- 8.3** The order of business as fixed under clause [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 10.19–10.27, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

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 3.11, 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 and clause 3.10 in the case of an extraordinary meeting.
- 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.
- 9.4** A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.19–10.27, 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** 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 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, insofar 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.

Staff reports

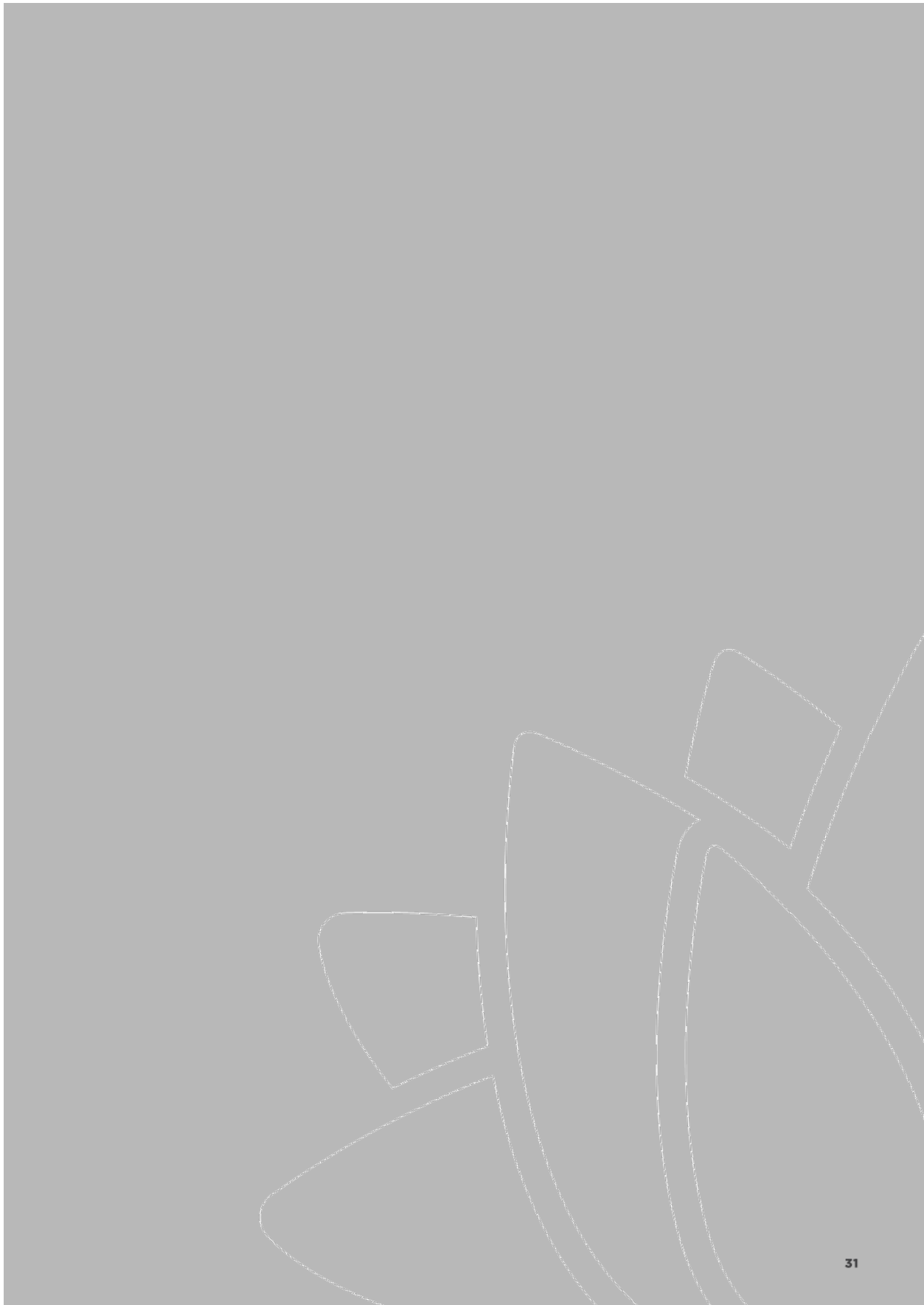
- 9.10** A recommendation made in a staff report is, insofar as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.11** The recommendations of a committee of the council are, insofar as they are adopted by the council, resolutions of the council.
- 9.12** If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13** 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 and 3.16.
- 9.14** A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15** 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.
- 9.16** 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.
- 9.17** The councillor must put every such question directly, succinctly and without argument.
- 9.18** The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



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 3.11 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 the council:
- (a)** any other councillor may move the motion at the meeting, or
 - (b)** the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

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 rejected.

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.
- 10.13** If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one (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 rejected, debate is to resume on the original motion.

Foreshadowed motions

- 10.16** A councillor may propose a foreshadowed motion 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.
- 10.17** 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.
- 10.18** 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

- 10.19** 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 to any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.20** 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.
- 10.21** 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. However, 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.
- 10.22** Despite clauses 10.19 and 10.20, 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.
- 10.23** The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.22. A seconder is not required for such a motion.
- 10.24** 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 10.19.
- 10.25** If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.26** 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.
- 10.27** Once the debate on a matter is closed and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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.**
- 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.

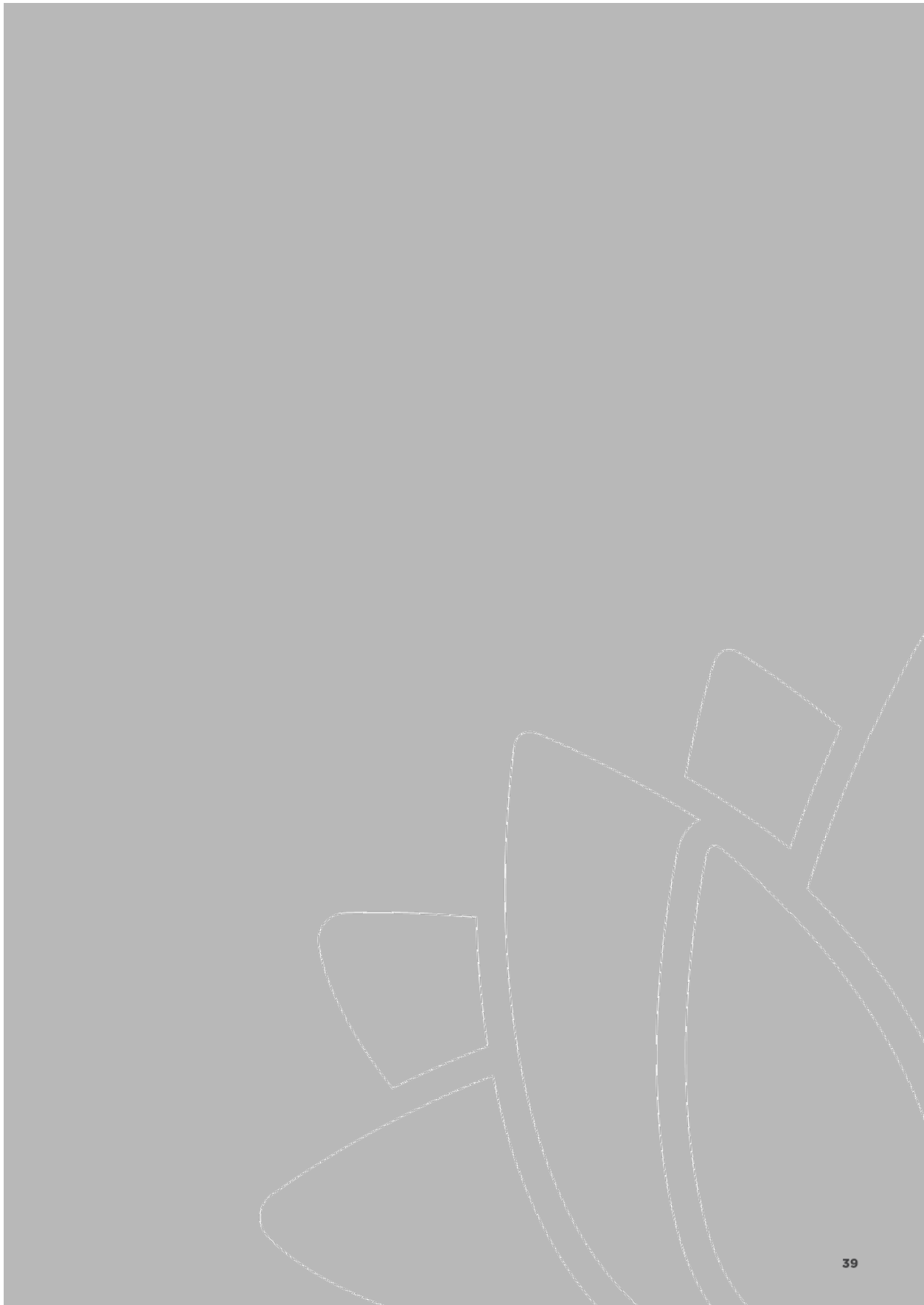
Voting at council meetings

- 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 mayor or deputy mayor is to be by secret ballot.
- 11.10** All voting at council meetings must be recorded in the minutes of the meeting with the names of councillors who voted for or against a motion or amendment being recorded as if a division had been called under clause 11.6.

Voting on planning decisions

- 11.11** 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.
- 11.12** 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.
- 11.13** 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.
- 11.14** Clauses 11.11-11.13 apply also to meetings that are closed to the public.

Note: Clauses 11.11-11.14 reflect section 375A of the Act.



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, insofar 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 10.19–10.27 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.

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 is to list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson 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 wish 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 as having been unanimously adopted.
- 13.7** Councillors must ensure that they disclose 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.

CONSULTATION DRAFT

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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.

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 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 3.23 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 section 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 3.23 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.
- 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 applies 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 3.23 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 are to 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 so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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 person from that place and, if necessary restrain that person from re-entering that place.

Information to be disclosed in resolutions closing meetings to the public

14.20 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,

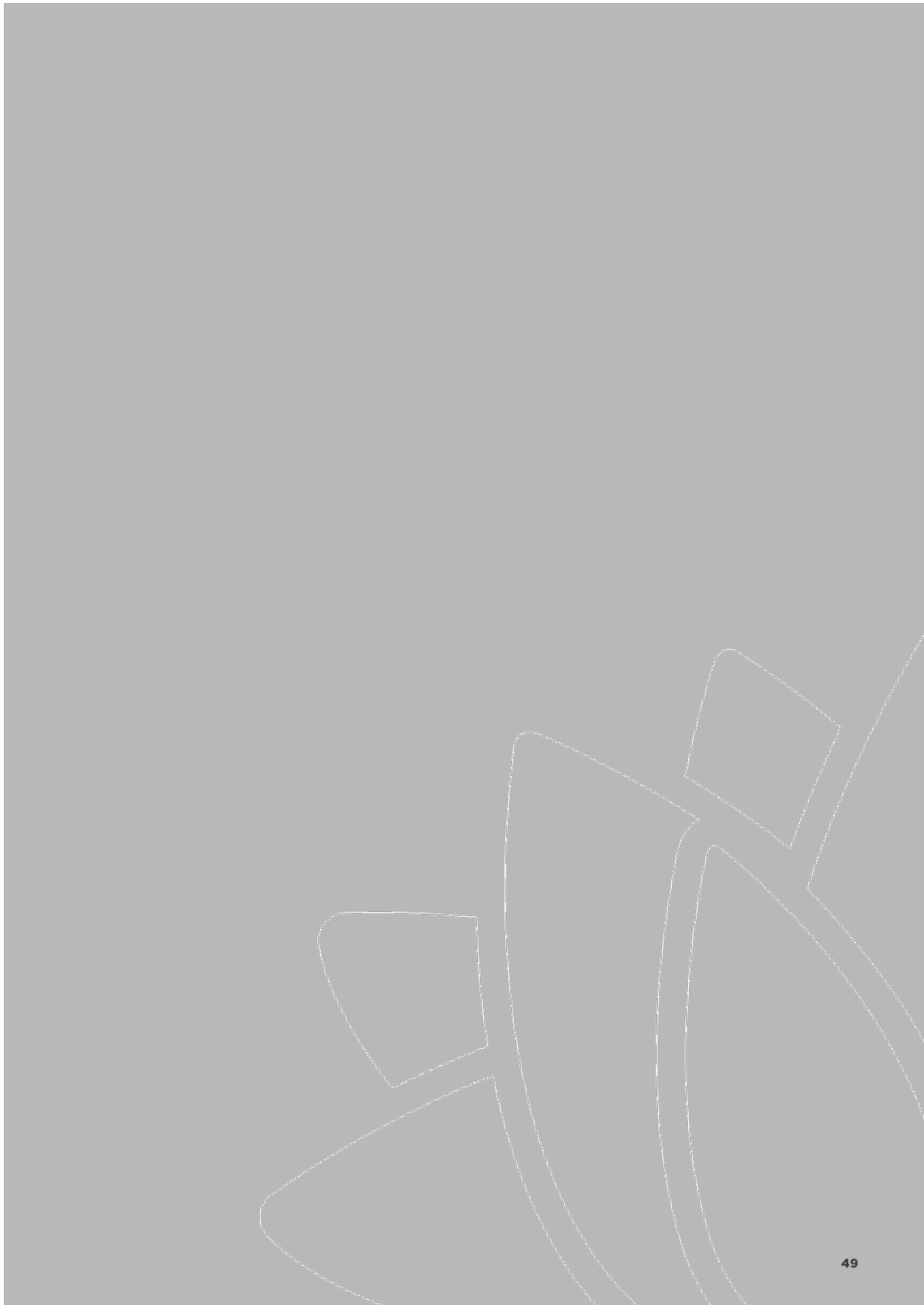
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.21 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.

14.22 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 14.21 during a part of the meeting that is webcast.



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 must be taken immediately it is raised. The chairperson must suspend 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

- 15.3** 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.
- 15.4** 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.
- 15.5** 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.
- 15.6** The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7** 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.
- 15.8** 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9** 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

15.10 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 personal reflections on 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 contempt.

15.11 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(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 15.10(d) and (e).

How disorder at a meeting may be dealt with

15.12 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

15.13 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.

15.14 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.

Note: Councils may use either clause 15.13 or clause 15.14.

15.15 Clause [15.13/5.14] **[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.

- 15.16** 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 15.11. 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.

Use of mobile phones and the unauthorised recording of meetings

- 15.20** 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.
- 15.21** A person must not use a tape 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.
- 15.22** Any person who makes a recording or attempts to make a recording of a meeting of the council or a committee of the council in contravention of clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23** 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.

16 Conflicts of Interest

- 16.1** All councillors and, where applicable, all other persons, must disclose 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.

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.

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 3.11.

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 rejected by the council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.

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

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

17.7 If a motion to alter or rescind a resolution has been rejected, or if a motion which has the same effect as a previously rejected motion is rejected, no similar motion may be brought forward within three (3) months of the meeting at which it was rejected. 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 rejected 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 3.12 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.

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.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.19–10.27, 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 to correct any error, ambiguity or imprecision in the council's resolution.

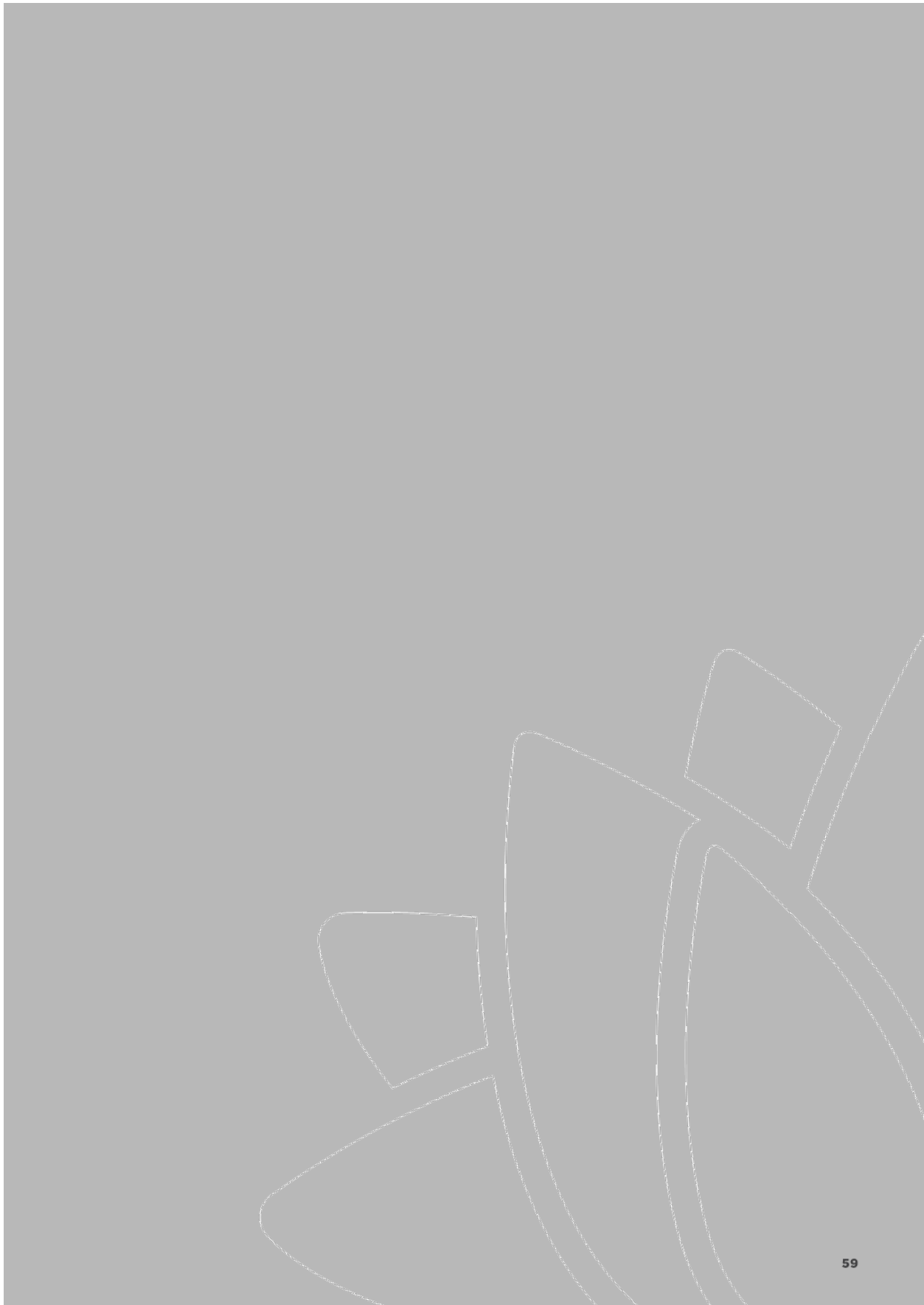
17.16 In seeking the leave of the chairperson under clause 17.15 to move to recommit a resolution adopted at the same meeting, the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave under clause 17.15, unless he or she is 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 10.19–10.27, 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.



18 Time Limits on Council Meetings

- 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 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:
 - (i)** on the council's website, and
 - (ii)** by using such other means that will bring notice of the time, date and place at which the meeting will reconvene to the attention of as many people as possible.

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) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) 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 that 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.

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.

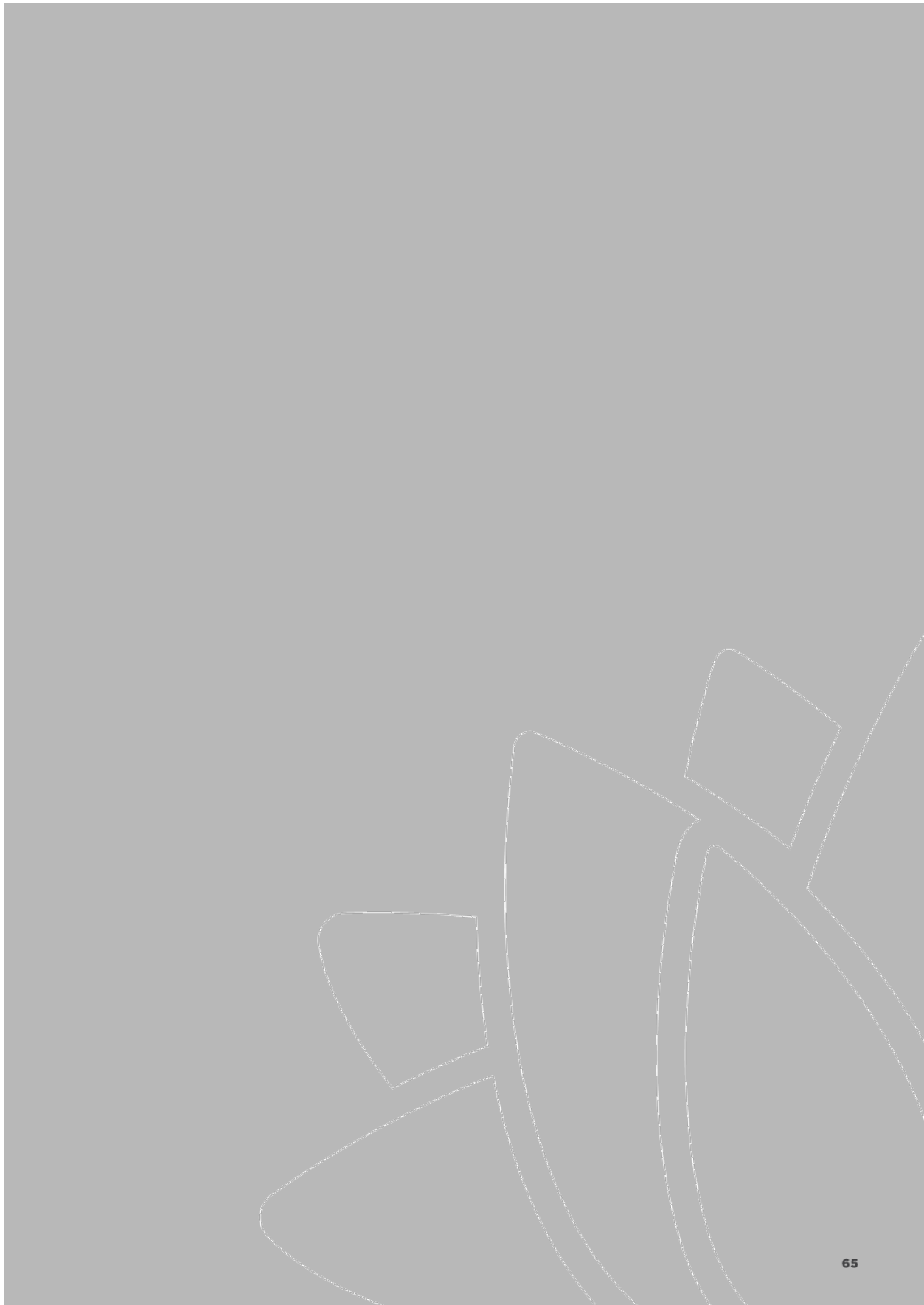
Note: Clause 19.10 reflects section 11(3) of the Act.

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.



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.

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.

20.16 Without limiting clause 20.15, 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.

20.17 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

20.18 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.

20.19 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.

20.20 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 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

20.21 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

20.22 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) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.23 All voting at meetings of committees of the council must be recorded in the minutes of the meetings with the names of councillors who voted for or against a motion or amendment being recorded as if a division had been called under clause 11.6.

20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.25 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.

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

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

20.28 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.

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 disclose 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.

21 Definitions

the Act	means the <i>Local Government Act 1993</i> .
act of disorder	means an act of disorder as defined in clause 15.10 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
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 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 as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council.
day	means calendar day.
division	means a request by two councillors under clause 11.6 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 10.17 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.16 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 2A of Part 6 of that Act.

10.7 Policy (Review) - Code of Meeting Practice.DOC

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 2005</i>
tape recorder	includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
year	means the period beginning 1 July and ending the following 30 June.

