

COONAMBLE

SHIRE COUNCIL

CODE OF MEETING PRACTICE

2025

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1 INTRODUCTION

This Code of Meeting Practice for Coonamble Shire Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

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

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

Council's adopted Code of Meeting Practice incorporates some non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, this Code does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

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.

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.

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to Council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3 BEFORE THE MEETING

Timing of ordinary Council meetings

- 3.1 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 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 may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of Council meetings

- 3.4 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 Council.

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

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

Notice to councillors of ordinary Council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at Council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by 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 seven (7) business days before the meeting is to be held.

Note: Refer Appendix “A” for Notice of Motion template.

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

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of Council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of Council or a Committee of Council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute

to a meeting without notice under clause 9.7.

- 3.18 The general manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council.
- 3.19 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 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 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 the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Council and Committees of Council, are to be published on 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 Council, at the relevant meeting and at such other venues determined by Council.

Note: Clause 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business that the general manager has identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on 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 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless Council determines otherwise..

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25. Council must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the Mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of Council at which all councillors are present, even though due notice has not been given of the business, if Council resolves to deal with the business on the grounds that it is urgent and requires a decision by Council before the next scheduled ordinary meeting of Council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, Council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by Council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition on pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief Councillors on business listed on the agenda for meetings of Council or Committees of Council.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of Council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of Council.

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the General Manager about a matter to be considered at a meeting, provided

the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 PUBLIC FORUMS

- 4.1 Council may hold a public forum prior to meetings of Council and Committees of 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 meetings of other committees of Council.
- 4.2 Council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

- 5.2 Council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a meeting of Council or of a Committee of Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a councillor is unable to attend one or more meetings of Council or Committees of Council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that Council grant them a leave of absence from the relevant meetings.
- 5.5 Council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.5, Council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If Council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

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

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

The quorum for a meeting

- 5.8 The quorum for a meeting of Council is a majority of the councillors of 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 Council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in 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 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 health, safety or welfare of councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on Council's website and in such other manner that Council is satisfied is likely to 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, where practicable, at the next ordinary meeting of Council or at an extraordinary meeting called under clause 3.2.

Meetings held by audio-visual link

- 5.15 A meeting of Council or a Committee of Council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on Council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of Council and Committees of Council by audio-visual link with the approval of Council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of Council or a Committee of Council by audio-visual link may participate in the meeting by audio-visual link until Council or the committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of Council or a committee of Council by audio-visual link must be made by a resolution of Council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.25 If Council or the committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at Council's or the relevant committee's discretion. Council and committees of Council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.27 Council and committees of Council may refuse a councillor's request to attend a meeting by audio-visual link where Council or the committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of Council or a committee of Council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring Council or the committee into disrepute.

Entitlement of the public to attend Council meetings

- 5.31 Everyone is entitled to attend a meeting of Council and Committees of Council. Council must ensure that all meetings of Council and Committees of Council are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of Council or a Committee of Council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

- 5.34 On the adoption of this code and at the commencement of each Council term, Council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of Council and Committees of Council to expel persons from meetings. Clause 15.15 authorises chairpersons to expel any person, including a councillor, from a Council or committee meeting. Alternatively, clause 15.16 authorises chairpersons to expel persons other than councillors from a Council or committee meeting.

Livestreaming of meetings

- 5.35 Each meeting of Council or a Committee of Council is to be recorded by means of an audio or audio-visual device.

- 5.36 At the start of each meeting of Council or a Committee of Council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on Council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

- 5.37 The recording of a meeting is to be made publicly available on Council's website at the same time as the meeting is taking place.

- 5.38 The recording of a meeting is to be made publicly available on Council's website for at least 12 months after the meeting or for the balance of Council's term, whichever is the longer period.

- 5.39 Clauses 5.35 - 5.38 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.35 – 5.39 reflect section 236 of the Regulation.

- 5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.41 The general manager is entitled to attend, but not to vote at, a meeting of Council or a meeting of a Committee of Council of which all of the members are councillors.

Note: Clause 5.41 reflects section 376(1) of the Act.

- 5.42 The general manager is entitled to attend a meeting of any other Committee of Council and may, if a member of the committee, exercise a vote.

Note: Clause 5.42 reflects section 376(2) of the Act.

- 5.43 The general manager may be excluded from a meeting of Council or a committee while 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 5.43 reflects section 376(3) of the Act.

- 5.44 The attendance of other Council staff at a meeting, (other than as members of the public) shall be determined by the General Manager in consultation with the mayor.

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 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 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 Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of 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 Council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A Council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

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

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 13 allows Council to deal with items of business by exception.

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, 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 Council must not consider business at a meeting of Council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) 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 of Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of Council at which all councillors are present even though due notice has not been given of the business to the councillors if Council resolves to deal with the business on the grounds that it is urgent and requires a decision by Council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, Council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by Council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the Mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on Council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by Council, a resolution of Council.

Staff reports

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

Reports of Committees of Council

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

Questions

- 9.13 A question must not be asked at a meeting of Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless Council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another Council employee to answer the question.
- 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 information. Where a councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of Council.
- 9.17 Councillors must ask questions 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 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless Council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of Council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of 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.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before 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.
- 10.10 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.

- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 10.12 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.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 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.
- 10.17 A councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, 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.
- 10.19 Despite clauses 10.15 and 10.16, 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.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 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 10.15.

- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 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.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

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 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 Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 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, Council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7 Council or a Council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before Council for a decision.

- 11.8 Where Council or a Council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.9 The general manager must keep a register containing, for each planning decision made at a meeting of Council or a Council committee (including, but not limited to a Committee of 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.
- 11.10 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.
- 11.11 Clauses 11.9–11.10 apply also to meetings that are closed to the public.

Note: Clauses 11.9–11.11 reflect section 375A of the Act.

Note: The requirements of clause 11.9 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.15–10.25 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of Council designated by the general manager, is responsible for reporting to 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 Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in Council's minutes. However, 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 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 where it considers it necessary to expedite the consideration of business at a meeting.

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

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 Council or a Committee of 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 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 Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of 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 Council's Code of Conduct.

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

- 14.2 Council or a Committee of 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 Council or the 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 Council or the committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice, and
- (d) are subject to legal professional privilege.

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 Council or the committee concerned, or to councillors or to employees of Council, or
 - (ii) cause a loss of confidence in Council or the committee.

Note: Clause 13.6 reflects section 10B(4) of the Act.

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of Council, or of a Committee of Council, may be closed to the public while Council or the committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 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) Council or the committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

- 14.9 Council, or a Committee of 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 Despite clauses 14.9 and 14.10, Council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 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 Council in a manner determined by Council.

Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of Council or a Committee of 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.

- 14.14 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 Council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

- 14.16 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 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If 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.
- 14.18 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 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on Council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with Council and any other affected persons before publishing information on Council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

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 the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.3 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 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 rejected 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 Council or a Committee of Council:
 - (a) contravenes the Act, the Regulation or this code, or

- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or the committee, or addresses or attempts to address Council or the committee on such a motion, amendment or matter, or
- (d) uses offensive or disorderly words, or
- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other Council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

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), (b), (d) (e) or (g), 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 any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. 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

- 15.15 All chairpersons of meetings of Council and Committees of 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.
- 15.16 Clause 15.15 does not limit the ability of Council or a Committee of Council to resolve to expel a person, including a councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under clause 15.11 or 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Members of the public attending a meeting of Council:
- (a) must remain silent during the meeting unless invited by the chairperson to speak,
 - (b) must not bring flags, signs or protest symbols to the meeting, and
 - (c) must not disrupt the meeting.
- 15.20 Without limiting clause 15.18, a contravention of clause 15.19 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.19.
- 15.21 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.
- 15.22 If a councillor or a member of the public fails to leave the place where a meeting of Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by Council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

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

- 15.23 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.24 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.25 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of Council and Committees of Council.
- 15.26 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of Council or a Committee of Council without the prior authorisation of Council or the committee.
- 15.27 Without limiting clause 15.18, a contravention of clause 15.26 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.26, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.28 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 Council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of Council and Committees of Council in accordance with Council's Code of Conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time

during which the matter is being considered or discussed by Council or the committee, or at any time during which Council or the committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

Note: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by 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 Council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

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

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

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

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

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

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than one (1) day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of Council may be moved on the report of a Committee of Council and any such report must be recorded in the minutes of the meeting of 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 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 at the meeting, and
 - (b) Council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by Council before the next scheduled ordinary meeting of Council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 16.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in Council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any

other provision of this code, only the mover of a motion referred to in clause 17.15, and the chairperson, if they are not the mover of the motion, 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 AFTER THE MEETING

Minutes of meetings

- 18.1 Council is to keep full and accurate minutes of the proceedings of meetings of Council.

Note: Clause 18.1 reflects section 375(1) of the Act.

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

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

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

Note: Clause 18.3 reflects section 375(2) of the Act.

- 18.4 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.

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

Note: Clause 18.5 reflects section 375(2) of the Act.

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

- 18.7 The confirmed minutes of a Council meeting must be published on Council's website. This clause does not prevent 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

- 18.8 Council and Committees of 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 18.8 reflects section 11(1) of the Act.

- 18.9 Clause 18.8 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 18.9 reflects section 11(2) of the Act.

- 18.10 Clause 18.8 does not apply if 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 18.10 reflects section 11(3) of the Act.

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 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 Council

- 18.12 The general manager is to implement, without undue delay, lawful decisions of Council.

Note: Clause 18.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

- 19.1 This Part only applies to Committees of Council whose members are all councillors.

Council committees whose members are all councillors

- 19.2 Council may, by resolution, establish such committees as it considers necessary.
- 19.3 A Committee of Council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by Council.
- 19.4 The quorum for a meeting of a Committee of Council is to be:
- (a) such number of members as Council decides, or
 - (b) if Council has not decided a number – a majority of the members of the committee.

Functions of committees

- 19.5 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

- 19.6 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.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

- 19.8 A councillor who is not a member of a Committee of 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

- 19.9 The chairperson of each Committee of 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 Council, or
 - (c) if Council does not elect such a member, a member of the committee elected by the committee.
- 19.10 Council may elect a member of a Committee of Council as deputy chairperson of the committee. If Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.11 If neither the chairperson nor the deputy chairperson of a Committee of 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.
- 19.12 The chairperson is to preside at a meeting of a Committee of 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

- 19.13 Subject to any specific requirements of this code, each Committee of Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of Council unless Council or the committee determines otherwise in accordance with this clause.
- 19.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless Council or the committee determines otherwise in accordance with clause 19.13.
- 19.15 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).

Mayoral minutes

- 19.16 The provisions of this code relating to mayoral minutes also apply to meetings of committees of Council in the same way they apply to meetings of Council.

Closure of committee meetings to the public

- 19.17 The provisions of the Act and Part 14 of this code apply to the closure of meetings of Committees of Council to the public in the same way they apply to the closure of meetings of Council to the public.
- 19.18 If a Committee of 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 Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.19 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 19.18 during a part of the meeting that is livestreamed where practicable.
- 19.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on Council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 19.21 The general manager must consult with the committee and any other affected persons before publishing information on Council's website under clause 19.20 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

- 19.22 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in Council meetings apply to meetings of Committees of Council in the same way as they apply to meetings of Council.

Minutes of Council committee meetings

- 19.23 Each Committee of Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 19.24 All voting at meetings of Committees of Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.25 The minutes of meetings of each Committee of Council must be confirmed at a subsequent meeting of the committee.
- 19.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.29 The confirmed minutes of a meeting of a Committee of Council must be published on Council's website. This clause does not prevent Council from also publishing unconfirmed minutes of meetings of Committees of Council on its website prior to their confirmation.

20 IRREGULARITIES

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

Note: Clause 20.1 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
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of 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 19.9 of this code
this code	means Council's adopted Code of Meeting Practice
committee of council	means a committee established by Council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or Council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of Council, administrators, Council committee members, delegates of Council and any other person exercising functions on behalf of Council
day	means calendar day
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

21 APPENDIX “A” – NOTICE OF MOTION TEMPLATE

Subject Heading:

Background:

Issues:

Relevance to Integrated Planning and Reporting Framework:

Financial Considerations:

Legal/Policy Implications:

Attachments:

Recommendation:

22 APPENDIX “B” – THE ROLE OF THE CHAIRPERSON

1. The Chairperson shall insist upon the proper conduct of debate.
2. The Chairperson should be impartial and consistent in rulings on all occasions regardless of their personal views and beliefs on the subject being discussed whether or not they have made their view known.
3. The Chairperson shall receive and put to the meeting any motion which is brought before the meeting in accordance with the Act, Regulation and Code of Meeting Practice.
4. The Chairperson should not permit discussion unless there is a motion before the meeting.
5. The Chairperson shall have no power to adjourn the meeting of his or her own accord except, but not limiting the provisions of the Act or the Regulation, the Chair can adjourn when the meeting lacks a quorum and when disorder arises.
6. The Chairperson shall have the right to rule out of order motions that do not relate to the business before Council and motions that are “ultra vires”.
7. The Chairperson may refuse to put motions and amendments that are not clear.
8. The Chairperson has the authority to advise and counsel the meeting.
9. The Chairperson shall preserve order and endeavour to prevent interference with speakers by private talk or heckling remarks, offensive statements and the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise.
10. The Chairperson of Council Meeting or Committees of which all Councillors are members shall have the right to exercise a casting vote.

23 APPENDIX “C” – MOTIONS AND AMENDMENTS

Motions:

1. A motion is a proposal, moved by one Councillor and seconded by another, calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council.

2. If that motion is passed it becomes a resolution of the Council or the Committee (within the Committee’s delegation).

The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.

3. Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it or suggesting changes to it.
4. If there is no objection to a motion before Council or Committee, there shall be no right of reply and the Chair shall put the motion.
5. Where there is a motion and an amendment, following debate on the amendment and then the motion, the mover of the motion has a right of reply prior to voting on the amendment taking place.
6. A motion should be very specific in its intention and must be capable of being implemented.
7. If possible, a motion should be qualified by referring to a timetable, financial implications, person required to take the necessary action, etc.
8. The motion should be simple and easy to understand so that there is no doubt about its meaning – it should be well structured and if it involves a number of different aspects then there should be different parts to the motion.
9. A Councillor seconding the motion is in effect saying “I support this proposal”. If no person present is prepared to second the motion it then lapses and should not be discussed further.
10. When a motion is complex in its wording and intent, to assist other Councillors of the Committee/Council, a Councillor shall submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting.
11. A motion should start with the word “THAT”, for example “THAT the road be closed”.
12. Motions should be written in a positive sense so that a “yes” vote indicates support for the action and a “no” vote indicates that no action should be taken.
13. The mover of the motion has the right to speak first and a general “right of reply” at the end of the debate. No new information or material should be argued during the “right of reply”.

14. The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
15. At the end of the debate, the Chairperson puts the motion to the meeting for voting by Councillors.

Amendments

1. An Amendment to a motion requires a mover and a seconder to put it forward.
2. The Amendment must be dealt with before voting on the main motion. Debate is allowed only in relation to the amendment and not the main motion – which is suspended while the amendment is considered.
3. If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
4. There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
5. Amendments may be in the form of additional words to a motion and/or the removal of words. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the motion. In any case, an Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

24 APPENDIX “D” – CALLING A POINT OF ORDER

1. A Point of Order may be called in the following circumstances:
 - (a) a matter is raised that does not relate to the subject being discussed;
 - (b) there is no quorum present in the Council Chamber;
 - (c) there has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate;
 - (d) a Council has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person’s motives or conduct;
 - (e) a speaker has exceeded the time limit for speeches;
 - (f) an amendment under discussion has not been seconded;
 - (g) a matter is raised which is outside the powers of the Council.
2. The Chairperson may rule a Councillor out-of-order in two (2) ways – generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or by the Chairperson on his or her own initiative making the ruling.
3. When a Councillor raises a point of order, the person speaking must stop until the point has been dealt with. The Councillor who raises the point of order shall, where possible, refer to the specific section of the Code of Meeting Practice. For example:

“Under section 8.4 of the Code of Meeting Practice...”
4. No other Councillor may speak on the Point of Order.
5. The Chairperson will then rule on the Point of Order, either by agreeing that the speaker is out-of-order or disagreeing and allowing the speaker to continue.
6. If there is an objection to the Chairperson’s ruling, a Councillor may move a Motion of Dissent.
7. A Point of Order must not be taken for the purposes of contradicting statements made by another Councillor or providing a personal explanation. It must only be concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.