



CODE OF MEETING PRACTICE P3.0113.5

CODE OF MEETING PRACTICE

DIVISION: *CUSTOMER AND CORPORATE SERVICES*

BRANCH: *CUSTOMER SERVICE & GOVERNANCE*

CATEGORY: *1*

PREAMBLE / BACKGROUND:

This Code of Meeting Practice has the following objectives:

1. to ensure that all members of Council and its Committees are conducted in an orderly, consistent and effective manner;
2. to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
3. to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
4. to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council;
5. to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees;
6. to ensure that members of the public are aware of the values and behaviours that must be upheld in meetings of Council.

This Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993*, the *Local Government General Regulation 2005* and the objectives of this Code. The Code includes relevant references to sections of the *Local Government Act* and Regulations, as well as supplementary provisions adopted by Council.

Before adopting a Code of Meeting Practice, Council must prepare a draft code. Council must give public notice of the draft code after it is prepared. The period of public exhibition must not be less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council. Council must publicly exhibit the draft code in accordance with its notice.

After considering all submissions received by it concerning the draft code, Council may decide:

- i. to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360; or
- ii. to adopt the draft code as its code of meeting practice.

If Council decides to amend its draft code, it may publicly exhibit the amended draft, or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its Code of Meeting Practice (Section 362 of the *Local Government Act*).

Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice received from the NSW Office of Local Government.

The various clauses contained in the Code have been cross referenced in brackets to the relevant section of the Act, Regulation or supplementary policy provision of Council, where applicable.

This Code will be regularly reviewed in accordance with the requirements for public exhibition and consultation. Council will endeavour to review the Code every 2 years.

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1.0 PRELIMINARY

1.1 DEFINITIONS

In this Code:

- Amendment:** in relation to an original motion, means a motion moving an amendment to that motion.
- Chairperson:**
- a. in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the Act; and
 - b. in relation to a meeting of a Committee - means the person presiding at the meeting as provided by clause 5.9.
- Committee:** means a committee established under clause 5.2 of the Act, or Council when it has resolved itself into a committee of the whole.
- Cl:** refers to the relevant clause in the *Local Government (General) Regulation 2005*, as amended.
- Clause:** refers to a clause in this Code, unless otherwise specified.
- Closed Council:** is a meeting of Council or a Committee from which the media and public has been excluded by a resolution carried in accordance with section 10A of the Act.
- Councillor:** means a person elected or appointed to civic office and includes a Mayor.
- Council Chamber:** shall mean that area comprising the formal meeting floor and its meaning may be expanded in the following circumstances:
- a. For a Councillor expelled in accordance with this Code from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and the Civic Centre Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
 - b. For another person expelled in accordance with this Code from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and Civic Centre Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
 - c. For the purpose of Council undertaking business in Closed Council to consider matters of a confidential nature, Council Chamber shall include at the Chair's discretion, the room or any area used for those considerations.

Personally

Present: being within an area comprising the formal meeting floor of the Council Chamber.

Policy: refers to adopted Council Policy.

Quorum: means a majority of members who are not suspended and are personally present (*Section 368*)

Regulation: refers to the *Local Government (General) Regulation 2005*, as amended.

Section: refers to the relevant section in the Act, unless otherwise specified.

The Act: refers to the *Local Government Act 1993*, as amended.

2.0 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETING

2.1 NOTICE OF MEETING

(*Cl 232*)

- 2.1.1 This clause prescribes the manner in which the requirements outlined in section 9(1) of the Act, are to be complied with.
- 2.1.2 A notice of a meeting of Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- 2.1.3 The notice must specify the time and place of the meeting. Generally Council meets on the second and fourth Tuesday of each month at 6.00pm in Council's Civic Centre. This may vary for particular meetings if Council so resolves.
- 2.1.4 Notice of more than one meeting may be given in the same notice.
- 2.1.5 At least 3 calendar days before a Council or Committee meeting, Council's General Manager must send each Councillor a notice of the time, place and business on the agenda at the meeting.
- 2.1.6 The notice and business proposed for the meeting may be given to Councillors in electronic form.
- 2.1.7 If a notice of a meeting has been given, it must be held or at least opened. (*Clause 4.2.8 of OLG Practice Note 16*)
- 2.1.8 Council is required to meet at least 10 times each year, each time in a different month. (*Section 365*)
- 2.1.9 The day of issue and the day of the meeting are not to be counted as days of notice. (*Section 36 of the Interpretation Act 1987*)

2.2 QUORUM

(CI 233)

- 2.2.1 A meeting of 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.
- 2.2.2 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.
- 2.2.3 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.
- 2.2.4 If Council is unable to form a quorum due to pecuniary interests, the Councillors affected may apply to the Minister to allow them to participate in the discussion and vote on that matter. (*Section 458*)

2.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES

(CI 234)

- 2.3.1 Whenever an area is constituted or reconstituted, the Minister is required.
- a. to convene the first meeting of Council; and
 - b. to nominate the business to be transacted at the meeting; and
 - c. to give the Councillors notice of the meeting.
- 2.3.2 If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- 2.3.3 Council must transact the business nominated by the Minister for a meeting convened under this clause.

2.4 PRESENCE AT COUNCIL MEETINGS

(CI 235)

- 2.4.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting.
- 2.4.2 The General Manager is entitled to attend, but not vote at, a meeting of Council or a meeting of a Committee of which all the members are Councillors. (*Section 367(1)*)
- 2.4.3 The General Manager is entitled to attend a meeting of any other Committee and may, if a member of the Committee, exercise a vote. (*Section 376(2)*)
- 2.4.4 The General Manager may be excluded from a meeting of Council or a Committee while Council or the Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. (*Section 376(3)*)
- 2.4.5 Everyone is entitled to attend a meeting of Council and those of its Committees of which

all the members are Councillors, and Council must ensure that all meetings of Council and of such Committees are open to the public. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of Council or of such a Committee if expelled from the meeting by a resolution of the meeting, or by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion. (*Section 10*)

2.5 LEAVE OF ABSENCE

- 2.5.2 A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend. (*C/ 235A(2)*)
- 2.5.3 A resolution passed by Council or a Committee to accept an apology tendered by a Councillor for non-attendance at the meeting shall be deemed to be a grant of leave of absence to the Councillor for that meeting.
- 2.5.4 The civic office of a Councillor becomes vacant if the Councillor is absent from 3 consecutive Ordinary meetings of Council without:
- a. prior leave of Council; or
 - b. leave granted by Council at any of the meetings concerned. (*Section 234(1)*)
- 2.5.5 A Councillor who seeks leave of absence from 3 consecutive Ordinary meetings of Council should forward any application for leave of absence to the General Manager in writing either by email, facsimile or letter by no later than 5.00pm on the Monday preceding the first Ordinary meeting from which the Councillor intends to be absent, and include the meeting dates on which the Councillor intends to be absent. (*C/ 235A(1)*)
- 2.5.6 A Councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and Council may grant such leave in the absence of that Councillor. (*Section 234(2)*)
- 2.5.7 If a Councillor attends a Council meeting (whether or not an Ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting. (*Section 234(3)-(4)*)

2.6 EXTRAORDINARY MEETINGS

- 2.6.1 Council may resolve to hold additional meetings as considered necessary. Additional meetings of Council convened by resolution of Council are subject to 3 days' notice and must also be advertised in accordance with this Code.
- 2.6.2 If the Mayor receives a request in writing signed by at least 2 Councillors (one of whom may be the Mayor), the Mayor must call an extraordinary meeting of Council to be held as soon as practicable but in any event within 14 days after receipt of the request.
- 2.6.3 Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. (*Sections 366 & 367(2)*)

3.0 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS

(CI 236)

In the absence of the Mayor, the Deputy Mayor shall be the deputy chairperson of a Council or Committee Meeting. *(Council Policy)*

- 3.1.1 If no chairperson or deputy 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.¹
- 3.1.2 The election must be conducted:
 - a. by the General Manager or, in his or her absence, an employee of 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.
- 3.1.3 If, at an election of a chairperson, 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.
- 3.1.4 For the purposes of clause 3.1.3, 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.
- 3.1.5 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

3.2 CHAIRPERSON TO HAVE PRECEDENCE

(CI 237)

- 3.2.1 When the chairperson rises during a meeting of 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.

¹ Note: Section 369(2) provides for a Councillor to be elected to chair a meeting of Council when the Mayor and Deputy Mayor are absent.

3.3 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

(CI 238)

- 3.3.1 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.
- 3.3.2 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 3.3.3 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.
- 3.3.4 The chairperson must ensure that a division is called for all decisions so that 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 are identified in the Minutes.

3.4 ORDER OF BUSINESS

(CI 239)

- 3.4.1 The general Order of Business at a meeting of Council, (other than an extraordinary meeting) shall be:
- Prayer;
 - Acknowledgment of Country;
 - Recording of Council Meetings;
 - Apologies;
 - Declaration of Interest;
 - Public Addresses;
 - Confirmation of Minutes;
 - Mayoral Minute;
 - Agenda Reports;
 - Motions of Rescission;
 - Notice of Motion;
 - Closed Council;
 - Diary.
- 3.4.2 The Order of Business fixed under clause 3.4.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- 3.4.3 Despite clause 3.16, only the mover of a motion referred to in clause 3.4.2 may speak to the motion before it is put.

3.5 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS *(CI 240)*

- 3.5.1 The General Manager must ensure that the agenda for a meeting of Council states:
- a. all matters to be dealt with arising out of the proceedings of former 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. subject to clause 3.5.2, any business of which due notice has been given.
- 3.5.2 The General Manager must not include in the agenda for a meeting of Council any

business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

3.5.3 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. *(CI 240)*

3.5.4 The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.

3.5.5 Nothing in this clause limits the powers of the chairperson under clause 3.9. (Mayoral Minutes).

3.5.6 Business papers that have been included in the agenda of the meeting that have been sent to Councillors cannot be removed prior to the meeting. If it is proposed that the item of business not be dealt with at the meeting, Council must resolve to:

- a. defer the business at the meeting; or
- b. not consider the matter.

3.6 PUBLIC ADDRESSES AT COUNCIL MEETINGS *(Policy)*

3.6.1 The public address session at a Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

3.6.2 The public address session at a Council meeting will be conducted in accordance with the Public Address Guidelines which are included in Appendix C to this Code.

3.6.3 A list of applicants speaking at the public address segment of the Council meeting, together with any information supplied by applicants, will be made available to Councillors at the meeting.

3.7 GIVING NOTICE OF BUSINESS & NOTICE OF MOTION *(CI 241)*

3.7.1 Council must not transact business at a meeting of Council:

- a. unless a Councillor has given notice of the business in writing (Notice of Motion) no less than 7 days prior to the meeting date; and
- b. unless notice of the business has been sent to the Councillors in accordance with section 367 – the Notice of Meeting/Business Paper is to be delivered to Councillors 3 days before each Meeting.

3.7.2 Clause 3.7.1 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 as provided by clause 3.1.1; or
- c. is a matter or topic put to the meeting by the chairperson in accordance with clause 3.9; or
- d. is a motion for the adoption of recommendations of a Committee of Council.

- 3.7.3 Despite clause 3.7.1, business may be transacted at a meeting of 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.

- 3.7.4 Despite clause 3.16, only the mover of a motion referred to in clause 3.7.3 can speak to the motion before it is put.

3.8 AGENDA FOR EXTRAORDINARY MEETINGS *(CI 242)*

- 3.8.1 The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting.

- 3.8.2 Despite clause 3.8.1, business may be transacted at an extraordinary meeting of 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.

- 3.8.3 Despite clause 3.16, only the mover of a motion referred to in clause 3.8.2 can speak to the motion before it is put.

3.9 OFFICIAL MINUTES (MAYORAL MINUTE) *(CI 243)*

- 3.9.1 If the Mayor is the chairperson at a meeting of 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 Council or of which Council has official knowledge.

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

- 3.9.3 A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by Council, a resolution of Council.

- 3.9.4 In accordance with clause 3.9.1, a Councillor may, by way of information, have included in any Mayoral Minute, an item of general interest to be drawn to the attention of Council.

3.10 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING *(CI 244)*

- 3.10.1 When a report of a Departmental representative has been presented to a meeting of Council in accordance with section 433 of the Act, Council must ensure that the report:
- a. is laid on the table at that meeting; and

- b. is subsequently available for the information of Councillors and members of the public at all reasonable times

3.11 NOTICE OF MOTION - ABSENCE OF MOVER AND GENERAL REQUIREMENTS

(CI 245)

- 3.11.1 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 move the motion at the meeting; or
 - b. the chairperson may defer the motion until the next meeting of Council at which the motion can be considered.
- 3.11.2 Notices of motion are to be in writing and are to be delivered, posted, emailed or faxed to the General Manager so that they are received by the General Manager no less than 7 days prior to the meeting date.
- 3.11.3 If the notice of motion to be moved is in relation to donations, a Councillor may move for donations up to a maximum of \$500. Any donations above that amount should be subject to a report to a future meeting of Council on the matter.
- 3.11.4 For the avoidance of doubt, the Mayor may also lodge a notice of motion in accordance with these provisions.

3.12 MOTIONS TO BE SECONDED

(CI 246)

- 3.12.1 A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 3.9.2 and 3.16.5.

3.13 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

(CI 247)

- 3.13.1 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 3.13.2 An amendment is a proposition to alter a motion that is being considered at a meeting.

An amendment must relate solely to the subject matter of the motion and not to something else. The chairperson shall reject an amendment if the proposed amendment:

- a. is a direct negative, or contradiction, of the motion or has that effect; or
- b. is beyond the scope of the motion; or
- c. does not relate to the motion; or
- d. is irrelevant; or
- e. appears designed to prevent the meeting coming to a decision on the matter; or
- f. is inconsistent with a resolution passed earlier at the meeting; or
- g. is of such nature that the original motion loses its identity. An amendment must be moved and seconded.

Each amendment is separately considered and voted on.

- 3.13.3 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with first.

3.13.4 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

3.13.5 To ensure the accuracy of decisions, Councillors should hand a copy of any lengthy motions or amendments in writing to the chairperson and minute taker.

3.14 MOTIONS OF DISSENT

(CI 248)

3.14.1 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.

3.14.2 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.

3.14.3 Despite clause 3.1.6, 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.

3.15 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES *(CI 249)*

3.15.1 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.

3.15.2 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.

3.15.3 The Councillor must put every such question directly, succinctly and without argument. Questions shall not call for action to be taken nor be used for political expedience (i.e. questions without notice). Each Councillor is permitted a maximum of 1 minute per item to put questions or a series of related questions.

3.15.4 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.

3.16 LIMITATION AS TO NUMBER OF SPEECHES

(CI 250)

3.16.1 A Councillor who, during a debate at a meeting of 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.

3.16.2 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.

3.16.3 A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 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 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 3.16.4 Despite clauses 3.16.1 and 3.16.2, 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 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 3.16.5 The chairperson must immediately put to the vote, without debate, a motion moved under clause 3.16.4. A seconder is not required for such a motion.
- 3.16.6 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 clause 3.16.1.
- 3.16.7 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.
- 3.16.8 Councillors must not interrupt another Councillor during debate unless they have a point of order.

3.17 VOTING AT COUNCIL MEETINGS

(CI 251)

- 3.17.1 A Councillor who is present at a meeting of Council, is entitled to one vote. *(section 370)* Any Councillor who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 3.17.2 If a Councillor has voted against a motion put at Council meeting, the General Manager must ensure that the Councillor's dissenting vote is recorded in Council's minutes. *(Policy)*
- 3.17.3 When a decision is put to a Council or Committee meeting, including meetings closed to the public, a division shall take place immediately and the General Manager shall record in the minutes of the meeting, the names of the Councillors who voted for and against the decision *(Policy and section 375A (planning decisions))*.
- 3.17.4 The chairperson of a Council or Committee meeting in the event of an equality of votes, shall have a casting vote, as well as an original vote *(Section 370)*.
- 3.17.5 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, Council may resolve that the voting in any election by Councillors for Mayor or deputy Mayor is to be by secret ballot.
- 3.17.6 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. (Section 371)²

3.18 RESCINDING OR ALTERING RESOLUTIONS (Cl 372)
(See Appendix for Pro Forma “Notice of Motion of Rescission”)

- 3.18.1 A resolution passed by 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
- 3.18.2 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.
- 3.18.3 If a motion has been negated by Council, a motion having the same effect, must not be considered unless notice of it has been duly given in accordance with this Code.
- 3.18.4 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 Council, must be signed by 3 Councillors, if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. Such notice of motion to alter or rescind must be received by the General Manager within 2 working days following the meeting of Council at which the resolution was carried.
- 3.18.5 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 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- 3.18.6 A motion to which this section applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.
- 3.18.7 The provisions of this clause 3.18 concerning negated motions do not apply to motions of adjournment.

² Note: Part 11 of the Regulation provides that 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. Ballot has its normal meaning of secret ballot. (Section 394 and Clause 3 of Schedule 7 of the Regulation)

3.19 REPRESENTATIONS BY MEMBERS OF THE PUBLIC — CLOSURE OF PART OF MEETING *(CI 252)*

- 3.19.1 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 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
- 3.19.2 Any member of the public may make representations about the closure of part of a meeting on the following basis:
- a. in writing to the General Manager prior to the commencement of the meeting; or
 - b. verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

3.20 CLOSING A MEETING

- 3.20.1 All meetings of Council will be held in public session, unless Council resolves that certain business should be conducted in closed session, with the press and public excluded.
- 3.20.2 Council may only conduct its business in closed session where the matter to be discussed meets the requirements of the Act.
- 3.20.3 If a part of a meeting of Council or a Committee is closed to the public in accordance with the Act, a person must not, without the authority of Council or the Committee, disclose (otherwise than to Council or a Councillor of Council) information with respect to the discussion at, or the business of, the meeting unless authorised to do so by section 664.
- 3.20.4 A person must not, without the authority of Council or the Committee, disclose (otherwise than to Council or a Councillor of Council) information with respect to a discussion at a Councillor briefing.

3.21 WHICH PARTS OF A MEETING CAN BE CLOSED *(CI 10A)*

- 3.21.1 Council, or a Committee of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- a. the discussion of any of the matters listed in clause 3.21.2; or
 - b. the receipt or discussion of any of the information so listed.
- 3.21.2 The matters and information are the following:
- a. personnel matters concerning particular individuals other than Councillors;
 - b. the personal hardship of any resident or ratepayer; or
 - 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;
 - ii. confer a commercial advantage on a competitor of the Council;
 - 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 any Code of Conduct requirements under section 440.

3.22 FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO THE PUBLIC *(CI 10B)*

3.22.1 A meeting is not to remain closed during the discussion of anything referred to in section 10A:

- 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, or 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. *(Section 10B(1))*

3.22.2 A meeting is not to be closed during the receipt and consideration of information or advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege unless the advice concerns legal matters that:

- a. are substantial issues relating to a matter in which Council or the Committee concerned is involved; and
- b. are clearly identified in the advice; and
- c. are fully discussed in that advice. *(Section 10B(2))*

3.22.3 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 concerned. *(Section 10B(4))*

3.22.4 In deciding whether part of a meeting is to be closed to the public, Council or the Committee concerned must have regard to any relevant guidelines issued by the Office of Local Government.

3.23 NOTICE OF LIKELIHOOD OF CLOSURE NOT REQUIRED IN URGENT CASES *(CI 10C)*

3.23.1 Part of a meeting of Council, or of a Committee of which all members are Councillors, 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 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 section 10A; and
- b. Council or the Committee, after considering any representations made by the public, 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.
(Section 10C)

3.24 GROUNDS FOR CLOSING PART OF A MEETING TO BE SPECIFIED

(CI 10D)

3.24.1 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. (Section 10D (1))

3.24.2 The grounds must specify the following:

- a. the relevant provisions of section 10A;
- b. the matter that is to be discussed during the closed part of the meeting; and
- 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 personnel 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. (Section 10D (2))

3.25 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

(CI 253)

3.25.1 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 part of the meeting has ended.

3.26 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING

(CI 254)

3.26.1 The General Manager must ensure that the following matters are recorded in 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 is passed or lost.³

³ Note: Section 375(1) requires Council to ensure that full and accurate minutes are kept of the proceedings of a meeting of Council (other provisions of this Code and of the Act require particular matters to be recorded in a Council's minutes. This Section also requires the General Manager to record which Councillors vote for and against each planning decision of Council and to make this information publicly available (See clause 3.17)

3.27 DISCLOSURE OF INTERESTS (PECUNIARY INTERESTS/CONFLICTS OF INTEREST)

(Section 451)

- 3.27.1 A Councillor who has a pecuniary interest or conflict of interest in any matter with which Council is concerned and who is present at a meeting of Council or a Committee at which the matter is being considered must disclose the interest and the nature of the interest to the meeting as soon as practicable.
- 3.27.2 Where a pecuniary interest has been declared by a Councillor in a matter at a Council or Committee meeting, that Councillor must leave the meeting, be out of sight of the meeting and not participate in discussion or voting on the matter.
- 3.27.3 Where a non-pecuniary interest has been declared by a Councillor in a matter at a Council or Committee meeting and that non-pecuniary interest is considered by the Councillor to be significant, the Councillor must leave the meeting, be out of sight of the meeting and not participate in discussion or voting on the matter.
- 3.27.4 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee meeting and that non-pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/she believes the conflict requires no further action in the circumstances. The Councillor is therefore not required to leave the meeting and may participate in discussion and voting on the item.

3.28 WHAT IS A PECUNIARY INTEREST

(Section 442)

- 3.28.1 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.

3.29 INTERESTS THAT DO NOT REQUIRE DISCLOSURE

(Section 442)

- 3.29.1 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

3.30 WHO HAS A PECUNIARY INTEREST?

- 3.30.1 For the purposes of this Code and the Act, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- a. the person; or
 - b. the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - c. a company or other body of which the person, or a nominee, partner or employer of the person, is a member. *(Section 443)*
- 3.30.2 However, a person is not taken to have a pecuniary interest in a matter as referred to in this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. *(Section 457)*

3.31 REPORTABLE POLITICAL DONATIONS

3.31.1 Matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interest. Where a Councillor has received or knowingly benefitted from a reportable political donation made by a major political donor in the previous four years, where the major political donor has a matter before council, then the Councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and absent themselves from consideration of the matter. For these purposes:

- a. a “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*;
- b. “major political donor” is a “major political donor” for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

3.31.2 Political donations below \$1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non - pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them. If a Councillor has received or knowingly benefitted from a reportable political donation, that Councillor is not prevented from participating in a decision to delegate council’s decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law.

3.32 PROCEDURAL MOTION

3.32.1 Procedural motions are moved with one of a number of objectives as follows:

- a. to affect the way in which proceedings are conducted;
- b. to bring about an immediate vote to achieve a prompt decision on an issue;
- c. to postpone or defer a decision for the time being.

Examples of procedural motions under the Act and Regulations are shown on the following table:

MOTION	MOVED WITHOUT NOTICE	REQUIRES SECONDER	SPEAKERS/ DEBATE PERMITTED	RIGHT OF REPLY
Change the order of	Yes	Yes	Mover of motion only	No
Business without notice (matter of	Yes	Yes	Mover of motion only	No
Dissent from chairperson’s ruling on Point of Order	Yes	Yes	Only mover and chairperson may speak	No

MOTION	MOVED WITHOUT NOTICE	REQUIRES SECONDER	SPEAKERS/ DEBATE PERMITTED	RIGHT OF REPLY
Adjournment of meeting	Yes	Yes	No debate permitted	No
Limitation to number of speakers (matter to be put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question may be put immediately.	No
Deferment of a matter	Yes	Yes	Yes	Yes

3.32.2 A procedural motion, once moved and seconded where required, shall take precedence over all other questions before the Chair.

4.0 KEEPING ORDER AT MEETINGS

4.1 QUESTIONS OF ORDER

(CI 255)

- 4.1.1 The chairperson, without the intervention of any other Councillor, may call any Councillor or any other person present to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 4.1.2 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.
- 4.1.3 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of Council.
- 4.1.4 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

4.2 ACTS OF DISORDER

(CI 256)

- 4.2.1 A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee:
 - 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 Council or a Committee, or addresses or attempts to address 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 Councillor; or
 - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the Committee into contempt;
- 4.2.2. The chairperson may require a Councillor:
 - a. to apologise without reservation for an act of disorder referred to in clause 4.2.1 a. or b.; or
 - b. to withdraw a motion or an amendment referred to in clause 4.2.1 c. and, where appropriate, to apologise without reservation; or
 - c. to retract and apologise without reservation for an act of disorder referred to in clause 4.2.1 d. or e.
- 4.2.3 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 4.2.2. 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.
- 4.2.4 Councillors, in the course of debate, shall not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for introducing irrelevant material, he or she shall immediately cease speaking to that irrelevant material.

4.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH (CI 257)

- 4.3.1 If disorder occurs at a meeting of Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. 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.
- 4.3.2 A member of the public may, as provided by section 10(2)(a) or (b), be expelled from a meeting of Council for engaging in or having engaged in disorderly conduct at the meeting.

4.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION (CI 258)

- 4.4.1 If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:
- a. immediately after Council has passed a resolution expelling the Councillor or member from the meeting, or
 - b. where 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,
 - c. a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

4.5 DEFAMATORY STATEMENT AT A COUNCIL MEETING

- 4.5.1 Councillors acting within their official capacity at meetings of Council or Council Committees may be protected from defamation claims by the defence of 'qualified privilege' but only to enable them⁴ to speak freely and publicly in undertaking their duties in council meetings.

4.6 BEHAVIOUR OF MEMBERS OF THE PUBLIC ATTENDING A COUNCIL MEETING

- 4.6.1 All Councillors, staff and community members participating in Council meetings must act with good intentions and behave to the standard of conduct expected by the community. (*Office of Local Government, Practice Note 16*)

⁴The NSW Ombudsman publication *Better Service and Communication for Councils*, available at www.ombo.nsw.gov.au, provides information about defamation and it states: "A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person". Councillors, staff and members of the public can seek legal compensation apology etc. if they are defamed however qualified privilege needs to be treated with great caution. It only covers statements made at a Council or Committee meeting when you are carrying out your duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice. Statement made outside a Council or Committee meeting will not be protected by qualified privilege, but may be protected under the *Defamation Act 1974* (NSW).

- 4.6.2 Members of the public must act in a way that is in keeping with Council’s duty under the *Work Health and Safety Act (2011) No.10* (as amended), to provide, as far as reasonably practicable, a safe place of work for its staff and a safe environment for other persons present during the Council meeting. This includes not placing Councillors, other members of the public or visitors at risk.
- 4.6.3 Members of the public attending meetings of Council are required to observe the following:
- a. addressing the chairperson courteously by their official title of “Mr Mayor”, “Madam Mayor”, “Mr Chairperson” or “Madam Chairperson” as appropriate, and not addressing other Councillors or staff directly unless requested to do so;
 - b. allowing all speakers to speak without interruption, heckling or comment;
 - c. avoiding threatening, aggressive, insulting or demeaning statements or actions, and defamatory statements;
 - d. leaving and entering the Council Chamber quietly and without disturbing others, and minimising unnecessary noise while in the Council Chamber;
 - e. complying with reasonable instructions from the chairperson or staff;
 - f. not engaging in behaviour that is bullying, harassing or discriminatory in nature;
 - g. generally behaving in a courteous and respectful manner to all attendees at meetings of Council including Councillors, staff and members of the public.
- 4.6.4 The chairperson may in their discretion determine, or seek the advice of Councillors on whether to determine, that a contravention of the requirements of clause 4.6.2 constitutes disorderly conduct.

5.0 COUNCIL COMMITTEES

5.1 COMMITTEE OF THE WHOLE *(CI 259)*

- 5.1.1 Council may resolve itself into a Committee to consider any matter before Council (*Section 373*).
- 5.1.2 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 provision limiting the number and duration of speeches.
- 5.1.3 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 proceedings in Committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 5.1.4 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.

5.2 COUNCIL MAY ESTABLISH COMMITTEES *(CI 260)*

- 5.2.1 A Council may, by resolution, establish such Committees as it considers necessary.
- 5.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by Council.
- 5.2.3 The quorum for a meeting of a Committee 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.

5.3 FUNCTIONS OF COMMITTEES *(CI 261)*

- 5.3.1 Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

5.4 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN *(CI 262)*

- 5.4.1 The General Manager of Council must send to each Councillor, at least 3 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.
- 5.4.2 However, notice of less than 3 days may be given of a Committee meeting called in an emergency.

5.5 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

(CI 263)

- 5.5.1 A Councillor who is not a member of a Committee is entitled to attend, and to speak at, a

meeting of the Committee.

5.5.2 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.

5.6 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING *(CI 264)*

5.6.1 A representation at a Committee 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 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.

5.6.2 Any member of the public may make representations about the closure of part of a meeting on the following basis:

- a. in writing to the General Manager prior to the commencement of the meeting; or
- b. verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

5.7 PROCEDURE IN COMMITTEES *(CI 265)*

5.7.1 Subject to clause 5.7.3, each Committee may regulate its own procedure.

5.7.2 Without limiting clause 5.7.1, a Committee 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.

5.7.3 Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).

5.8 COMMITTEES TO KEEP MINUTES *(CI 266)*

5.8.1 Each Committee must ensure 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.

5.8.2 As soon as the minutes of an earlier meeting of a Committee 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.

5.8.3 In relation to planning decisions in Committee, refer to clause 3.17.3 for the recording of voting.

5.9 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES

(CI 267)

5.9.1 The chairperson of each Committee 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.

5.9.2 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.

5.9.3 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.

5.9.4 The chairperson is to preside at a meeting of a Committee. 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.

5.10 ABSENCE FROM COMMITTEE MEETINGS

(CI 268)

5.10.1 A member (other than the Mayor) ceases to be a member of a Committee if the member:

- a. has been absent from 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.⁵

5.10.2 Subclause 5.10.1 does not apply in respect of a Committee that consists of all of the members of Council.

5.11 REPORTS OF COMMITTEES

(CI 269)

5.11.1 If in a report of a Committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.

5.11.2 The recommendations of a Committee are, so far as adopted by Council, resolutions of Council.

5.11.3 If a Committee 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:

- 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 Council.

⁵ Note: The expression 'year' means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

5.12 DISORDER IN COMMITTEE MEETINGS

(CI 270)

5.12.1 The provisions of the Act and of 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.

5.13 CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS

(CI 271)

5.13.1 If a meeting or part of a meeting of a Committee is closed to the public in accordance with section 10A, any person who is not a Councillor may be expelled from the meeting as provided by section 10(2)(a) or (b).

5.13.2 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 Council, a 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.

6.0 MISCELLANEOUS

6.1 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE

(CI 272)

6.1.1 An inspection of the minutes of Council or a Committee is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those minutes.

6.1.2 The General Manager must ensure that the minutes of Council and any minutes of a Committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

6.2 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY MEMBERS OF THE PUBLIC PROHIBITED WITHOUT PERMISSION

(CI 273)

6.2.1 A person may use a recorder to record the proceedings of a meeting of Council or a Committee only with the authority of Council or the Committee.

6.2.2 A person may, as provided by section 10(2)(a) or (b), be expelled from a meeting of Council or a Committee for using or having used a recorder in contravention of this clause.

6.2.3 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 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.

6.2.4 In this clause, **recorder** includes a video camera, still camera and any electronic device capable of recording speech, moving images or still images. In this clause, **recording** means making a temporary or permanent record in any medium, or engaging in or facilitating internet or local streaming of, or otherwise capturing, speech or images.

6.3 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY COUNCIL STAFF FOR ADMINISTRATIVE PURPOSES

Council Meetings are recorded in accordance with the following principles:

- 6.3.1 Recordings of meetings are only used for verifying the accuracy of minutes;
- 6.3.2 Recording of meetings are not made available to the public or disclosed to any third party, except as allowed under section 18(1) (c) or section 19(1) of the *Privacy and Personal Information Protection Act 1988* or where Council is compelled to do so by court order, warrant or subpoena or by any other law.
- 6.3.3 Recordings of meetings are to be destroyed as soon as their original purpose is served or three months after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the *State Records Act 1998*.
- 6.3.4 Appropriate signage is displayed in the public gallery or at the public entrance to Council Meetings and verbal statements made at the commencement of each meeting to notify the public of the matters required under IPP3. (*Section 10(a)-(e) of the Privacy and Personal Information Protection Act 1988*)

6.4 RECEIPT OF PETITIONS

- 6.4.1 A petition will only be valid if the General Manager is satisfied that the following have been complied with:
 - a. The petition contains a written statement requesting Council to do something or to refrain from doing something.
 - b. The petition contains a covering letter addressed to the General Manager containing a clear and concise statement identifying the subject matter of the petition along with the number of signatures contained and the full name, address, phone number and signature of the principal petitioner.
 - c. Each person who signed the petition has included their full name, address, signature and date of signature.
- 6.4.2 A person may not sign a petition on behalf of anyone else, except in cases of incapacity or sickness. Upon receiving a valid or invalid petition, the General Manager will advise all Councillors of its receipt including the subject matter and the number of signatures.
- 6.4.3 On receipt of a valid petition, a report will be submitted to the next available meeting of Council. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.
- 6.4.5 Councillors will be made aware of additional signatures to already reported petitions if they are received.
- 6.4.6 A submission is not a petition. A submission is a comment on an issue or a proposal that Council is considering or has on public exhibition. Submissions are usually requested from interested parties such as neighbours. Submissions do not have a minimum signature requirement and are considered as part of the planning process

6.5 CONDUCT OF COUNCILLOR BRIEFINGS

6.5.1 Council may hold regular briefings in accordance with its adopted meeting timetable. Councillor briefings are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such briefings shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such briefings, Council is cognisant of its obligations and responsibilities in terms of open decision making and transparency of process.

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:	<i>Local Government Act 1993</i> (Chapter 12, Part 2, Division1); <i>Local Government (General) Regulation 2005</i> ; Meetings Practice Note (Practice Note No 16) issued by the Office of Local Government in August 2009.
RELATED POLICIES, PLANS AND PROCEDURES:	Code of Conduct (P3.0109.31)
RESPONSIBLE DIRECTOR:	Director Customer & Corporate Services
APPROVALS:	Council
ATTACHMENTS:	Notice of Motion of Rescission Notice of Motion Public Address Session Guidelines
NEXT REVIEW DATE:	March 2018
RECORD KEEPINGNOTES:	All records relating to the policy are to be recorded in TRIM in accordance with Council's Records Management Policy

HISTORY:

Issue	Approved by	Changes made	Date	TRIM
1	Council	Adopted ORD 002/01	22 January 2001	486.01
2	Council	Minor amendments	28 October 2008	DM349051
3	Council	Minor amendments	27 July 2010	DM350542
4	Council	Minor amendments ORD37/12	14 February 2012	13/17377
5	Council	Amendments	28 June 2016	16/191058



APPENDIX A

NOTICE OF MOTION OF RESCISSION

(S 3.18)

We, the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to Item No _____ of Council Meeting of the _____

(date of meeting): _____

(title of report): _____

BERESCIENDED.

(Minute No. _____) (extract of Resolution)

Should the above Motion of Rescission be carried, it is our intention to move the following further motion:

..... (signature)

..... (signature)

..... (signature)

Date received by Council:



APPENDIX B

NOTICE OF MOTION

(Clause 3.7)

I, Councillor hereby give (name)
notice of my intention to move the following at the Council meeting of

.....:
(date)

.....
.....
.....
.....
.....
.....

..... (signature)

..... (date)

Date received by Council:

APPENDIX C PUBLIC ADDRESS SESSION GUIDELINES

Persons wishing to participate in the Public Address Session, must complete the required form by no later than 5.00pm on the working day prior to the day of the meeting, (see attached "Public Address –Application Form")

Council's policy guidelines in relation to the Public Address Session at Council Meetings are as follows:

- i. Residents of the Camden Council area and ratepayers (or a representative nominated on behalf of a resident or ratepayer) are permitted to make submissions to Council subject to these guidelines. Applications must be in respect of current meeting agenda items.
- ii. The General Manager or the Director Customer & Corporate Services may amend the required form from time to time.
- iii. All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.
- iv. Council may by resolution extend the time provided to any one speaker by up to 2 minutes on only one occasion.
- v. Speakers are limited to one topic per Public Address Session. Only 7 speakers can be heard at any meeting. A limitation of 1 speaker for and 1 speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed 7 at any given meeting.
- vi. Speakers must:
 - a. restrict their statements and comments to the subject of debate and topic of the address;
 - b. must only speak in relation to the subject stated on their application;
 - c. only speak on matters listed on the agenda/business paper for the Council meeting date stated on their application.
- vii. Speakers must not debate any issue with Councillors and staff and neither the Mayor nor Councillors will answer questions during the Public Address Sessions.
- viii. The chairperson is able to ask questions of the speaker on a point of clarification at any time.
- ix. Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting. Questions should not:
 - (a) seek legal opinion to be provided by Council;
 - (b) contain any names of persons unless they are necessary;
 - (c) contain argument, inferences, or imputation;
 - (d) refer to confidential matters that have or will be discussed by Council in closed session, or refer to any confidential matter as identified in section 10A (2) of the Act.
- x. Speakers at the Public Address Session may be stopped by a point of order ruling from the Mayor/Chairperson for any breach of the Public Address Session Guidelines.
- xi. Speakers should exercise particular care to comply with the Code of Meeting Practice.
- xii. Speakers must refrain from making personal criticisms and revealing the identity of staff members.
- xiii. Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

An Officer of Council will be available any working day to assist intending participants in completion of the forms (excluding the day of the meeting).

PUBLIC ADDRESS SESSION APPLICATION FORM

Note: Applications must be received by Council’s Governance Team by 5.00pm on the last working day prior to the Council meeting.

In submitting this application, I understand and agree to abide by the conditions of the Public Address Session in Council’s Code of Meeting Practice.

Council Meeting Date: _____ Name of Applicant: _____ Telephone: _____ Address: _____
 Email: _____
 Name of Speaker & Organisation (if applicable) _____

Business Paper Agenda Item No _____ Subject _____

I am for the recommendation in the report; OR
 I am against the recommendation in the report.

If I am permitted to speak at a Council meeting, I acknowledge that:
 my name will be recorded in the minutes of the meeting;
 Council meetings are recorded for minute taking purposes and I consent to my public address being recorded as part of the Council meeting;
 I have read the Code of Meeting Practice, Public Address Session Guidelines and agree to abide by the Code and the Guidelines;
 I agree to comply with all directions of the chairperson regarding my address to Council and shall withdraw from the Council Chamber upon his/her direction;
 I shall restrict my statements and comments to the subject of debate and topic of my address;
 I shall be personally liable for my behaviour and all statements made by me in the course of my address to Council;
 I shall refrain from revealing the name of any Council staff members and any personal criticisms of staff when addressing Council.

This form can be lodged –

Via email to publicaddress@camden.nsw.gov.au; or
 Online at www.camden.nsw.gov.au; or
 Dropped off at the Customer Service Desk, Ground Floor, 37 John Street, Camden; or
 Posted to PO Box 183, Camden NSW 2570.
 If posting, you need to allow sufficient time for your application to be received by Council, before the close off time of 5.00pm on the working day prior to the Council meeting.

Signature of Applicant _____
Signature not required when emailing document

Privacy Notification:

The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (“the Act”). The intended recipients of the personal information are officers within Council and any person wishing to inspect the application in accordance with the *Local Government Act 1993*. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 4654 7796.

OFFICE USE ONLY

Does the application relate to a report before Council?	
Has the application form been correctly completed?	

Approved: Yes No _____

Applicant advised by: Phone Email In person Time/Date: _____ Officer: _____