

DRAFT Code of Meeting Practice February 2019

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Black text – mandatory clauses from Model Code of Meeting Practice

Black italics text – non mandatory clauses from Model Code of Meeting Practice

Blue italics text – Northern Beaches Council tailored clauses from May 2018

Blue italics text – New Northern Beaches Council tailored clauses

1 Introduction

This Code of Meeting Practice is made under section 360 of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

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 the council determines otherwise.

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

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

The provisions of the Model Meeting Code that are not mandatory are indicated in italics

2 Meeting Principles

2.1 Council and committee meetings should be:

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

3 Definitions

<i>chief executive officer</i>	<i>means the person who carries out the role of the general manager of a council in accordance with the Local Government Act 1993.</i>
the Act	means the <i>Local Government Act 1993</i> .
the Regulation	means the <i>Local Government (General) Regulation 2005</i> .
act of disorder	means an act of disorder as defined in clause 16.10 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 7.1 and 7.2 of this code; and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 21.11 of this code.
this code	means the council’s adopted code of meeting practice
committee of council	means a committee established by the council in accordance with clause 21.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 13.1.
council official	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council.
day	means calendar day
division	means a request by two councillors under clause 12.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 11.16 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 11.15 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.
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.
year	means the period beginning 1 July and ending the following 30 June.
<i>urgent business</i>	<i>means a matter that requires a decision by the council before the next scheduled ordinary meeting of the council.</i>

4 Before the Meeting

Timing of ordinary council meetings

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

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

Extraordinary meetings

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

Note: Clause 4.2 reflects section 366 of the Act.

- 4.3 *The mayor or the chief executive officer, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.*

- 4.4 *For the purpose of clause 4.3, urgent business is any matter that, in the opinion of the mayor or the chief executive officer, requires a decision by the council before the next scheduled ordinary meeting of the council.*

Notice to the public of council meetings

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

Note: Clause 4.5 reflects section 9(1) of the Act.

- 4.6 For the purposes of clause 4.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 4.7 For the purposes of clause 4.5, notice of more than one meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 4.8 The chief executive officer must send to each councillor, at least three days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 4.8 reflects section 367(1) of the Act.

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

Note: Clause 4.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

Note: Clause 4.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 4.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by *12 noon, 7 days before the meeting is to be held*.
- 4.12 A councillor may, in writing to the chief executive officer, request the withdrawal of a notice of motion or question on notice submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 4.13 *The first two notices of motion submitted by each Councillor will be dealt with in the order they are received at an ordinary meeting. Any subsequent notices of motion will be dealt with in the order they are received once all of the councillors' first two notices of motion have been put to the meeting.*
- 4.14 *If the chief executive officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.*
- 4.15 *A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. **Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11. If the notice of motion does not identify a funding source, the chief executive officer must either:***
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or*
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.*

Questions with notice

- 4.16 A councillor may, by way of a notice submitted under clause 4.11, ask a question for response by the chief executive officer about the performance or operations of the council.
- 4.17 A councillor is not permitted to ask a question with notice under clause 4.16 that comprises a complaint against the chief executive officer or a member of staff of the council, or a question that implies wrongdoing by the chief executive officer or a member of staff of the council.
- 4.18 The chief executive officer or their nominee may respond to a question with notice

submitted under clause 4.16 by way of a report included in the business papers and minutes of a subsequent ordinary meeting of Council, or orally at the meeting. *If the preparation of a response is likely to divert significant time and resources of staff the response will be provided no later than the third ordinary meeting of council following the meeting that the question was published.*

Agenda and business papers for ordinary meetings

- 4.19 The chief executive officer must cause the agenda for a meeting of the council or a committee of the council is prepared as soon as practicable before the meeting.
- 4.20 The chief executive officer must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 4.11.
- 4.21 Nothing in clause 4.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 10.6.
- 4.22 The chief executive officer must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the chief executive officer, the business is, or the implementation of the business would be, unlawful. The chief executive officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 4.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the chief executive officer, is likely to take place when the meeting is closed to the public, the chief executive officer 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 4.23 reflects section 9(2A)(a) of the Act.**
- 4.24 The chief executive officer must ensure that the details of any item of business which, in the opinion of the chief executive officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of agenda and business papers to the public

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

at such other venues determined by the council.

Note: Clause 4.25 reflects section 9(2) and (4) of the Act.

- 4.26 Clause 4.25 does not apply to the business papers for items of business that the chief executive officer has identified under clause 4.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 4.26 reflects section 9(2A)(b) of the Act.

- 4.27 For the purposes of clause 4.25, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 4.27 reflects section 9(3) of the Act.

- 4.28 A copy of an agenda, or of an associated business paper made available under clause 4.25, may in addition be given or made available in electronic form.

Note: Clause 4.28 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 4.29 The chief executive officer must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 4.30 Despite clause 4.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency.
- 4.31 A motion moved under clause 4.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 4.32 Despite clauses 11.19–11.29, only the mover of a motion moved under clause 4.30(a) can speak to the motion before it is put.
- 4.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 4.30(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 4.34 *Prior to each ordinary meeting of the council, the chief executive officer will arrange a pre-meeting briefing session to brief councillors on the items of business to be considered at the meeting. **The pre-meeting session may include other matters as determined by the chief executive officer including, but not limited to, legal briefings and staff reports deferred from previous council meetings for further discussion.** Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.*
- 4.35 *Pre-meeting briefing sessions are to be held in the absence of the public.*
- 4.36 *The chief executive officer or a member of staff nominated by the chief executive officer is to preside at pre-meeting briefing sessions.*
- 4.37 *Councillors (including the mayor) are to make all reasonable efforts to attend pre-meeting briefing sessions.*

- 4.38 *Councillors (including the mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.*
- 4.39 ***It is the responsibility of*** *councillors (including the mayor) to declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.*

5 Public Forum & Public Address

Public Forum

- 5.1 *A public forum will be conducted at each ordinary council meeting for a period of 30 minutes (maximum of 10 speakers at 3 minutes each).*
- 5.2 *Public forum should not be used to raise routine questions, matters or complaints. Such matters should be forwarded in writing to council where they will be responded to by appropriate council officers.*
- 5.3 *Any question to Council must be submitted with the request to address Council and will be reviewed by staff prior to the meeting:*
 - (a) *If the question is deemed to be a routine matter it will be processed as a customer request and a response will be provided in accordance with customer service standards.*
 - (b) ***If the question is accepted staff and councillors are under no obligation to answer questions at the meeting however a written response will be provided in accordance with customer service standards.***
- 5.4 *The order of speakers at the public forum is determined by the order of receipted applications.*

Public Address

- 5.5 *Following the public forum, the council will hold a public address at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business, being mayoral minutes, reports to council and notices of motion, to be considered at the meeting. Public addresses may also be held at extraordinary council meetings and meetings of committees of the council if included on the order of business.*
- 5.6 *No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting. The order of speakers for each item is determined by the order of receipted "for" and "against" applications.*
- 5.7 *Councillors (including the mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business at public address.*

Conducting the Public Forum and Public Address

- 5.8 *For each meeting, a person may apply to speak during a public address on no more than two items of business on the agenda of the council meeting and no more than once at a public forum.*
- 5.9 *Legal representatives acting on behalf of others are not to be permitted to speak at a public address or public forum unless they identify their status as a legal representative when applying to speak at the public address.*
- 5.10 *To speak at the public forum or public address, a person must first make an application to the council in the approved form. Applications to speak must be received by 12pm of the date on which the Council meeting is to be held, and must identify:*
 - (a) *the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item, or*
 - (b) *the subject matter of what they would like to speak to at the public forum.*

- 5.11 *The chief executive officer or the Executive Manager, Governance and Risk may refuse an application to speak at the public forum or public address for the following reasons:*
- (a) *the application does meet the requirements of the Code of Meeting Practice*
 - (b) *there is a genuine and demonstrable concern relating to the applicant or their dealings with Council or their intentions.*
- 5.12 ***Speakers may use and distribute information such as photos, and maps and petitions to councillors to support of their address if submitted to and approved by the chief executive officer (or the Executive Manager Governance and Risk) by 12 noon on the day of the meeting.***
- 5.13 *Each speaker will be allowed three minutes to address the council. This time is to be strictly enforced by the chairperson with no extensions given.*
- 5.14 *Speakers at the public forum or public address must not digress from the item on the agenda of the council meeting or the subject matter they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.*
- 5.15 ***A councillor (including the chairperson) may through the chairperson, for the purpose of clarification only, ask a question of a speaker following their address at the public forum or public address. A question put to a speaker must be direct, succinct and without argument. Once the speaker has answered any questions there will be no further debate on the matter.***
- 5.16 *Speakers are under no obligation to answer a question put under clause 5.15. Answers by the speaker, to each question are to be limited to two minutes per question. A maximum of two questions may be asked of a speaker.*
- 5.17 *Speakers at the public forum or public address may ask questions of the council, councillors or council staff. **Councillors or council staff are under no obligation to answer questions at the meeting and a written response to questions will be provided in accordance with customer service standards.***
- 5.18 *When addressing the council, speakers must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.*
- 5.19 *If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 5.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.*
- 5.20 *Clause 5.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at the public forum or public addresses in accordance with the provisions of Part 16 of this code.*
- 5.21 *Where a speaker engages in conduct of the type referred to in clause 5.18, the chief executive officer or their delegate may refuse further applications from that person to speak at the public forum or public addresses for such a period as the chief executive officer or their delegate considers appropriate.*

Invited Speakers

5.22 *Other parties may be permitted to address an ordinary meeting of Council subject to:*

- (a) Notice of that person's attendance at the meeting being included by the chief executive officer on the relevant business paper **or advised to councillors via a memo prior to the meeting.***
- (b) Public forum not being considered the most appropriate forum in which to hear that person(s).*
- (c) Not more than ten (10) minutes in total being provided at any ordinary Council meeting to hear such person(s).*

6 Coming Together

Attendance by councillors at meetings

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

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

- 6.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 6.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 6.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 6.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 6.6 A councillor's civic office will become vacant if the councillor is absent from three consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 6.6 reflects section 234(1)(d) of the Act.**
- 6.7 A councillor who intends to attend a meeting of the council despite having been granted leave of absence should, if practicable, give the chief executive officer at least two days' notice of their intention to attend.

The quorum for a meeting

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

Note: Clause 6.8 reflects section 368(1) of the Act.

- 6.9 Clause 6.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 6.9 reflects section 368(2) of the Act.

- 6.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for

the meeting indicates that there will not be a quorum for the meeting, or

- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

6.11 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 chief executive officer.

6.12 The chief executive officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

6.13 If during a meeting of Council or a Committee, a quorum is not present, the Chairperson shall suspend the proceedings for a period of **five** minutes. If a quorum is not then present at the end of the **five**-minute suspension, the provisions of Clause 6.11 shall apply.

6.14 If the meeting is to resume on another day any decisions of Council made prior to the lapsing of the meeting are to be acted upon by staff and do not need to await the resumption of the adjourned meeting. The outstanding items are to be resubmitted to the adjourned meeting for determination.

6.15 *Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the chief executive officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.*

6.16 *Where a meeting is cancelled under clause 6.15, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 4.2.*

Entitlement of the public to attend council meetings

6.17 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 6.15 reflects section 10(1) of the Act.

6.18 Clause 6.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

6.19 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

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

Note: Clause 6.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 6.20 All meetings of the council and committees of the council are to be webcast on council's website. *Meetings are livestreamed (audio visual) via council's website and a copy uploaded to the website the day following the meeting.*
- 6.21 Clause 6.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 6.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 6.23 An audio visual recording of each meeting of the council and committee of the council is to be retained on the council's website for a minimum of **four** years. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 6.24 Written transcriptions of such proceedings shall not be made available.

Attendance of the chief executive officer and other staff at meetings

- 6.25 The chief executive officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 6.24 reflects section 376(1) of the Act.

- 6.26 The chief executive officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 6.25 reflects section 376(2) of the Act.

- 6.27 The chief executive officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the chief executive officer or the terms of employment of the chief executive officer.

Note: Clause 6.26 reflects section 376(3) of the Act.

- 6.28 The attendance of other council staff at a meeting, (other than as members of public) shall be with the approval of the chief executive officer.

7 The Chairperson

The chairperson at meetings

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

Note: Clause 7.1 reflects section 369(1) of the Act.

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

Note: Clause 7.2 reflects section 369(2) of the Act.

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

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

7.4 The election of chairperson must be conducted:

- (a) by the chief executive officer or, in their absence, an employee of the council designated by the chief executive officer to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the chief executive officer nor a designated employee is present at the meeting, or if there is no chief executive officer or designated employee.

7.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

7.6 For the purposes of clause 7.5, 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.

7.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

7.8 Any election conducted under clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

7.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

8 Modes of Address

- 8.1 *If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.*
- 8.2 *Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.*
- 8.3 *A councillor is to be addressed as 'Councillor [surname]'.*
- 8.4 *A council officer is to be addressed by their official designation or as Mr/Ms [surname].*
- 8.5 *A councillor shall address all remarks or questions, either through or to the chairperson.*

9 Order of Business for Ordinary Council Meetings

9.1 *The general order of business for an ordinary meeting of the council shall be:*

01 Acknowledgement of country

02 Apologies and applications for leave of absence by councillors

03 Confirmation of minutes

04 Disclosures of interests

05 Public forum & public address

06 Items resolved by exception

07 Mayoral minute(s)

08 Reports to council

09 Notices of motions

10 Matters of urgency

11 Notices of rescission

12 Questions with notice

13 Responses to questions with notice

14 Confidential matters

9.2 The order of business as fixed under clause 9.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 14 allows council to deal with items of business by exception.

9.3 Despite clauses 11.19 - 11.29, only the mover of a motion referred to in clause 9.2 may speak to the motion before it is put.

10 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 10.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 4.11, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 4.8 in the case of an ordinary meeting and clause 4.10 in the case of an extraordinary meeting.
- 10.2 Clause 10.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 10.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 10.3 Despite clause 10.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency.
- 10.4 A motion moved under clause 10.3(a) can be moved without notice. Despite clauses 11.19 - 11.29, only the mover of a motion referred to in clause 10.3(a) can speak to the motion before it is put.
- 10.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 10.3(b).

Late Items

- 10.6 *In exceptional circumstances reports not listed for consideration on the business paper may be tabled at an Ordinary Meeting. The chief executive officer is authorised to submit late agenda items.***
- 10.7 *Late reports should only be brought forward in the case of urgency and necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.***
- 10.8 *For matters not listed on the agenda of meetings and where less than three days' notice has been provided in accordance with clause 4.8, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.***

Mayoral minutes

- 10.9 Subject to clause 10.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of council, or of which the council has official knowledge.

- 10.10 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 10.11 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 10.12 A mayoral minute must not be used to put without notice matters that are routine and not urgent, **with the exception of staff recognition or Council awards and matters of significant community interest**, or matters for which proper notice should be given because of their complexity.
- 10.13 *Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. **The mayor should liaise with the chief executive officer for assistance in costing a mayoral minute and identifying potential funding sources.** If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the recommendation if adopted.*

Staff reports

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

Reports of committees of council

- 10.15 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 10.16 If in a report of a committee of the council distinct recommendations are made, the council may make separate decision on each recommendation.

Questions

- 10.17 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 4.11 and 4.16.
- 10.18 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 10.19 A councillor may, through the chief executive officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the chief executive officer at the direction of the chief executive officer.
- 10.20 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 10.21 The councillor must put questions directly, succinctly, respectfully and without argument.
- 10.22 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

11 Rules of Debate

Motions to be seconded

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

Notices of motion

- 11.2 A councillor who has submitted a notice of motion under clause 4.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 11.3 If a councillor who has submitted a notice of motion under clause 4.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor is **encouraged to** withdraw the motion **prior to public address or at the latest** when it is before the council.
- 11.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may move the motion at the meeting, or
 - (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

Chairperson's duties with respect to motions

- 11.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 11.6 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.
- 11.7 Before ruling out of order a motion or an amendment to a motion under clause 11.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 11.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions Requiring the Expenditure of Funds

- 11.9 *A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. **Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11.** If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the motion if adopted.*

Amendments to motions

- 11.10 An amendment to a motion must be moved and seconded before it can be debated.
- 11.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 11.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 11.13 If an amendment has been lost, 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.
- 11.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 11.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 11.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 11.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and to any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 11.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 11.22 A councillor may speak only once on a motion or an amendment for a maximum of five minutes at any one time.
- 11.23 Despite clause 11.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 11.24 Despite clause 11.21, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- NOTE: (DRAFT TEXT) Council resolved on XX “That, as a matter of efficiency in council meetings, there be a standing reduction of all speeches from 5 minutes to 3 minutes with the option of an additional 2 minutes to conclude their speech where resolved by council.***
- 11.25 Despite clauses 11.20 and 11.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two councillors have spoken in favour of the motion or amendment and at least two councillors have spoken against it.
- 11.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 11.25. A seconder is not required for such a motion.
- 11.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 11.19.
- 11.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 11.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 11.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

12 Voting

Voting entitlements of councillors

12.1 Each councillor is entitled to one vote.

Note: Clause 12.1 reflects section 370(1) of the Act.

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

Note: Clause 12.2 reflects section 370(2) of the Act.

12.3 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

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

12.5 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, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

12.6 *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

12.7 The chief executive officer must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

12.8 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.

12.9 Clauses 12.7–12.8 apply also to meetings that are closed to the public.

Note: Clauses 12.7–12.8 reflect section 375A of the Act.

13 Committee of the Whole

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

Note: Clause 13.1 reflects section 373 of the Act.

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

Note: Clauses 11.19 - 11.29 limit the number and duration of speeches.

13.3 The chief executive officer or, in the absence of the chief executive officer, an employee of the council designated by the chief executive officer, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

13.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

14 Dealing with Items by Exception

- 14.1 *The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.*
- 14.2 *Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 14.1, the chairperson must list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.*
- 14.3 *The council or committee must not resolve to adopt any item of business under clause 14.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.*
- 14.4 ***Where a councillor wishes to commend council staff on an item of business due to be adopted under clause 14.1 a notation in the minutes can be included at the discretion of the chief executive officer. If councillors wish to include specific wording this must be submitted to the chief executive officer by 12 noon on the working day following the meeting.***
- 14.5 *Where the consideration of multiple items of business together under clause 14.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 9.2.*
- 14.6 *A motion to adopt multiple items of business together under clause 14.1 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.*
- 14.7 *Items of business adopted under clause 14.1 are to be taken to have been unanimously adopted.*
- 14.8 *Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a report that Councillor should remove themselves from the Council Chamber and not vote on the resolution to adopt the reports by exception.*

15 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

- 15.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 15.1 reflects section 10A(1) and (2) of the Act.

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

Note: Clause 15.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 15.3 A meeting is not to remain closed during the discussion of anything referred to in clause 15.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 15.3 reflects section 10B(1) of the Act.

- 15.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 15.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 15.4 reflects section 10B(2) of the Act.

- 15.5 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 15.2), 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 15.1.

Note: Clause 15.5 reflects section 10B(3) of the Act.

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

Note: Clause 15.6 reflects section 10B(4) of the Act.

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

Note: Clause 15.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 15.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 15.1, and
 - (b) the council or committee, after considering any representations made under section 15.9, 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 15.8 reflects section 10C of the Act.

Representations by members of the public

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

Note: Clause 15.9 reflects section 10A(4) of the Act.

- 15.10 A representation under clause 15.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 15.11 Where the matter has been identified in the agenda of the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12pm on the day before the meeting at which the matter is to be considered.
- 15.12 The chief executive officer (or their delegate) may refuse an application made under clause 15.11. The chief executive officer or their delegate must give reasons in writing for a decision to refuse an application.
- 15.13 No more than two speakers are to be permitted to make representations under clause 15.9.
- 15.14 If more than the permitted number of speakers applies to make representations under clause 15.9, the chief executive officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 15.9, the chief executive officer or their delegate is to determine who will make representations to the council.
- 15.15 The chief executive officer (or their delegate) is to determine the order of speakers.
- 15.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 15.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.

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

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 15.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 15.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 15.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public will be made public by the chairperson under clause 15.21 ***by displaying the resolutions on the public screens during the meeting and on the livestream of the meeting webcast.***

16 Keeping Order at Meetings

Points of order

- 16.1 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.
- 16.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 16.3 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

- 16.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 16.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 16.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

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

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

16.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 16.10(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 16.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 16.10(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

16.15 *Clause 16.13, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.*

16.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 16.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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

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

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

Use of mobile phones and the unauthorised recording of meetings

- 16.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 16.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 16.22 Any person who contravenes or attempts to contravene clause 16.20, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 16.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

17 Conflicts of Interest

- 17.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

18 Decisions of the Council

Council decisions

18.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 18.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

18.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 4.11.

Note: Clause 18.3 reflects section 372(1) of the Act.

18.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, *or up to 12 noon on the working day following the meeting*, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 18.4 reflects section 372(2) of the Act (excluding italics text).

18.5 *Unless resolved otherwise, it is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/ or committee meeting.*

18.6 If a motion has been lost by the council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 4.11.

Note: Clause 18.5 reflects section 372(3) of the Act.

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

Note: Clause 18.6 reflects section 372(4) of the Act.

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

Note: Clause 18.7 reflects section 372(5) of the Act.

18.9 The provisions of clauses 18.5–18.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 18.8 reflects section 372(7) of the Act.

18.10 A notice of motion submitted in accordance with clause 18.6 may only be withdrawn under clause 4.12 with the consent of all signatories to the notice of motion.

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

Note: Clause 18.10 reflects section 372(6) of the Act.

- 18.12 *Subject to clause 18.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:*
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 18.13 *A motion moved under clause 18.11(b) can be moved without notice. Despite clauses 11.19–11.29, only the mover of a motion referred to in clause 18.11(b) can speak to the motion before it is put.*
- 18.14 *A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.11(c).*

Recommitting resolutions to correct an error

- 18.15 *Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:*
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution
- 18.16 *In seeking the leave of the chairperson under clause 18.14 to move to recommit a resolution adopted at the same meeting, the councillor is to propose alternative wording for the resolution.*
- 18.17 *The chairperson must not grant leave under clause 18.14, 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.*
- 18.18 *A motion moved under clause 18.14 can be moved without notice. Despite clauses 11.19–11.29, only the mover of a motion referred to in clause 18.14 can speak to the motion before it is put.*
- 18.19 *A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.14.*
- 18.20 *A motion moved under clause 18.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.*

19 Time Limits on Council Meetings

- 19.1 *A short break of not less than 10 minutes is to be taken within the first three hours at each ordinary and extraordinary meeting of council and committees of the council.*
- 19.2 *Meetings of the council and committees of the council are to conclude no later than 11.00pm.*
- 19.3 *If the business of the meeting is unfinished at 11.00pm the council or the committee of council may by resolution extend the time of the meeting **in two 30 minute intervals to a maximum of midnight, for the purpose of concluding the matter under consideration or the remaining items on the agenda.***
- 19.4 *If the business of the meeting is unfinished at **11.00pm** and the council does not resolve to extend the meeting **or at midnight at the latest** the chairperson must either:*
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or*
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.*
- 19.5 *Clause 19.4 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.*
- 19.6 *Where a meeting is adjourned under clause 19.4 or 19.5, the chief executive officer must:*
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and*
 - (b) publish the time, date and place at which the meeting will reconvene on council's website and in such other manner that the chief executive officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.*

20 After the Meeting

Minutes of meetings

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

Note: Clause 20.1 reflects section 375(1) of the Act.

20.2 At a minimum, the chief executive officer must ensure that the following matters are recorded in the council's minutes:

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

(i) *motions which are validly moved, but which lapsed for the want of a seconder; and*

(ii) *motions that are ruled out of order by the Mayor/Chairperson because they are;*

a) *not considered urgent*

b) *are considered unlawful*

c) *are considered to be outside of Council's jurisdiction.*

(Note: The wording of motions ruled out of order by the Mayor/Chairperson will not be included in the Minutes (in this case only the Mayors ruling will be included).

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

(c) whether the motion or amendment was passed or lost, and

(d) such other matters specifically required under this code.

20.3 *Notations in minutes requested by individual councillors, except those identified in clause 14.4, will only be included following a resolution of council approving their inclusion.*

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

Note: Clause 20.3 reflects section 375(2) of the Act.

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

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

Note: Clause 20.5 reflects section 375(2) of the Act.

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

20.8 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its

meetings on its website prior to their confirmation.

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

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

Note: Clause 20.8 reflects section 11(1) of the Act.

20.10 Clause 20.8 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 20.9 reflects section 11(2) of the Act.

20.11 Clause 20.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 20.10 reflects section 11(3) of the Act.

20.12 Correspondence or reports to which clauses 20.9 and 20.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

20.13 The chief executive officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 20.12 reflects section 335(b) of the Act.

21 Council Committees

Application of this Part

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

Council committees whose members are all councillors

21.2 The council may, by resolution, establish such committees as it considers necessary.

21.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

21.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

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

Notice of committee meetings

21.6 The chief executive officer must send to each councillor regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

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

Attendance at committee meetings

21.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three 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.

21.9 Clause 21.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

Chairperson and deputy chairperson of council committees

- 21.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 21.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 21.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 21.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 21.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 21.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 21.15.
- 21.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 21.18 The provisions of the Act and Part 15 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 21.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 21.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 21.19 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 21.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 21.23 *All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.*
- 21.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 21.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 21.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 21.27 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.
- 21.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

22 Irregularities

22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

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

Note: Clause 22.1 reflects section 374 of the Act.

Appendix One – Procedural Motions

Motion	Moved without Notice	Requires Secunder	Speakers / Debate Permitted	Right of Reply
(i) <i>Change the Order of Business</i>	Yes	Yes	<i>Mover of motion only</i>	No
(ii) <i>Business without Notice (matter of urgency) (clause 10.3)</i>	Yes	Yes	<i>Mover of motion only</i>	No
(iii) <i>Dissent from Chairperson's ruling on Point of Order</i>	Yes	Yes	<i>Mover & Chairperson only may speak</i>	No
(iv) <i>Adjournment of Meeting</i>	Yes	Yes	<i>No debate permitted</i>	No
(v) <i>Limitation to number of speakers (motion be now put)</i>	<i>Yes 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 if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.</i>	No	<i>No debate permitted. Motion must be put immediately after mover of original motion/amendment has right of reply.</i>	No
(vi) <i>Deferment of a Matter</i>	Yes	Yes	Yes	Yes
(vii) <i>Motion be dealt with in seriatim</i>	Yes	Yes	<i>Mover of motion only</i>	No

Version Control

Revision	Date	Change	Ref
1	22/11/2016	Northern Beaches Council Code of Meeting Practice adopted	2016/299769
2	22/05/2018	Northern Beaches Council Code of Meeting Practice adopted	2018/104009
3	19/2/2019	DRAFT incorporating prescribed Model Code of Meeting Practice clauses.	2019/019769