

CODE OF MEETING PRACTICE

May 2019

PREPARED BY:

GOVERNANCE, RISK AND COMPLIANCE UNIT



4-20 Eton Street,
Sutherland NSW 2232
T 02 9710 0333
sutherlandshire.nsw.gov.au

SUTHERLAND SHIRE

CONTENTS

1.	INTRODUCTION	5
2.	MEETING PRINCIPLES.....	6
3.	BEFORE THE MEETING	7
	Timing of ordinary Council meetings	7
	Extraordinary meetings.....	7
	Notice to the public of Council meetings	7
	Notice to Councillors of ordinary Council meetings	8
	Notice to Councillors of extraordinary meetings	8
	Giving notice of business to be considered at Council meetings	8
	Questions with notice	9
	Agenda and business papers for ordinary meetings	9
	Availability of the agenda and business papers to the public	10
	Agenda and business papers for extraordinary meetings	10
4.	PUBLIC FORUMS.....	11
5.	ATTENDANCE AT MEETINGS	12
	Attendance by Councillors at meetings	12
	The quorum for a meeting	12
	Entitlement of the public to attend Council meetings.....	13
	Webcasting of meetings	14
	Attendance of the Chief Executive Officer and other staff at meetings	14
6.	THE CHAIRPERSON	15
	The chairperson at meetings	15
	Election of the chairperson in the absence of the Mayor and Deputy Mayor	15
	Chairperson to have precedence	15
7.	MODES OF ADDRESS	16
8.	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	17
9.	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	18
	Business that can be dealt with at a Council Meeting	18
	Mayoral Minutes	18
	Staff reports	19
	Reports of committees of Council.....	19
	Questions	19
	Petitions.....	19
10.	RULES OF DEBATE.....	20
	Motions to be seconded	20
	Notices of motion	20
	Chairperson’s duties with respect to motions	20
	Motions requiring the expenditure of funds	20

	Amendments to motions	21
	Foreshadowed motions	21
	Limitations on the number and duration of speeches	21
	Motions of adjournment	22
11.	VOTING	23
	Voting entitlements of Councillors	23
	Voting at Council meetings	23
	Voting on planning decisions	23
12.	COMMITTEE OF THE WHOLE.....	24
13.	DEALING WITH ITEMS BY EXCEPTION	25
14.	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	26
	Grounds on which meetings can be closed to the public	26
	Matters to be considered when closing meetings to the public	26
	Notice of likelihood of closure not required in urgent cases	27
	Representations by members of the public	27
	Expulsion of non-Councillors from meetings closed to the public	28
	Information to be disclosed in resolutions closing meetings to the public	29
	Resolutions passed at closed meetings to be made public.....	29
15.	KEEPING ORDER AT MEETINGS	30
	Points of order	30
	Questions of order	30
	Motions of dissent.....	30
	Acts of disorder.....	30
	How disorder at a meeting may be dealt with.....	31
	Expulsion from meetings	31
	Formal censure of a Councillor for misconduct	32
	Suspension of a Councillor for misconduct	32
	Use of mobile phones and the unauthorised recording of meetings	33
16.	CONFLICTS OF INTEREST	34
17.	DECISIONS OF THE COUNCIL	35
	Council decisions.....	35
	Rescinding or altering Council decisions.....	35
	Recommitting resolutions to correct an error.....	36
18.	TIME LIMITS ON COUNCIL MEETINGS.....	37
19.	AFTER THE MEETING	38
	Minutes of meetings	38
	Access to correspondence and reports laid on the table at, or submitted to, a meeting	38
	Implementation of decisions of the Council	39

20.	COUNCIL COMMITTEES	40
	Application of this Part.....	40
	Council committees whose members are all Councillors	40
	Functions of committees.....	40
	Notice of committee meetings	40
	Pre-meeting briefing sessions	40
	Attendance at committee meetings	41
	Non-members entitled to attend committee meetings	41
	Chairperson and deputy chairperson of Council committees	41
	Procedure in committee meetings	41
	Closure of committee meetings to the public.....	42
	Disorder in committee meetings	42
	Minutes of Council committee meetings	42
21.	MISCELLANEOUS	43
22.	DEFINITIONS.....	44
	SCHEDULE 1 – General Order of Business	46
	SCHEDULE 2 – Order of Business – Extraordinary Meeting of the Council	47
	SCHEDULE 3 – General Order of Business for Standing Committees	48
	SCHEDULE 4 – Motion and Amendment Procedures.....	49

1. INTRODUCTION

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

This Code applies to all meetings of 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.

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

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

Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding or provide reference to relevant legislation.

2. MEETING PRINCIPLES

2.1 Council and Committee meetings should be:

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

3. BEFORE THE MEETING

Timing of ordinary Council meetings

3.1 The Council is required to meet at least ten times each year, each time in a different month.

Note: Clause 3.1 reflects section 365 of the Act.

3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Extraordinary meetings

3.3 The Mayor may call extraordinary meetings of the Council.

3.4 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 3.4 reflects section 366 of the Act.

3.5 If the Mayor proposes to call an extraordinary meeting of the Council, all Councillors must be consulted by email and given a minimum of eight hours in which to respond prior to the Mayor setting a time for the proposed meeting. The notice to Councillors must include the proposed time and date of the meeting, the business to be transacted and the reason why the business cannot be dealt with at the next ordinary meeting of the Council.

3.6 If the Mayor fails, within one business day of receipt of a request pursuant to clause 3.4, to give a direction to the Chief Executive Officer for the sending of notices to Councillors for an extraordinary meeting to be held within the period specified in clause 3.4, the Chief Executive Officer must send a notice to each Councillor specifying that the meeting be held on the last business day that would fall within the period specified in clause 3.4.

Notice to the public of Council meetings

3.7 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

Note: Clause 3.7 reflects section 9(1) of the Act.

3.8 For the purposes of clause 3.7, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.9 For the purposes of clause 3.8, notice of more than one meeting may be given in the same notice.

Notice to Councillors of ordinary Council meetings

3.10 The Chief Executive Officer must send to each Councillor, at least seventy two hours prior to the commencement of each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.10 reflects section 367(1) of the Act.

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

Note: Clause 3.11 reflects section 367(3) of the Act.

Notice to Councillors of extraordinary meetings

3.12 Notice of less than seventy two hours may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.12 reflects section 367(2) of the Act.

Giving notice of business to be considered at Council meetings

3.13 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 or electronic mail and must be submitted by 12 noon of the Wednesday immediately preceding the meeting.

3.14 A Councillor will not be permitted to lodge more than three notices of motion to any ordinary meeting of the Council.

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

3.16 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 put forward a recommendation that the matter be deferred pending a report from officers. If in the opinion of the Chief Executive Officer a report needs to be presented to Council to assist Councillors with consideration of the notice of motion, and if time permits, the Chief Executive Officer may include a report in the business paper.

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

- 3.18 A Councillor may, by way of a notice submitted under clause 3.13, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.
- 3.19 A Councillor will not be permitted to lodge more than three questions with notice to any ordinary meeting of the Council.
- 3.20 A Councillor is not permitted to ask a question with notice under clause 3.18 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.
- 3.21 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.18 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.22 The Chief Executive Officer must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- 3.23 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 (or the Deputy Mayor if acting for the Mayor) is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.13.

3.24 Nothing in clause 3.23 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.

3.25 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.

3.26 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 3.26 reflects section 9(2A)(a) of the Act.

3.27 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.

- 3.28 Councillors are responsible for the secure disposal of any confidential material provided to them, any such material can be returned to the Governance, Risk and Compliance Unit for secure disposal.

Availability of the agenda and business papers to the public

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

Note: Clause 3.29 reflects section 9(2) and (4) of the Act.

- 3.30 Clause 3.29 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.26 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.30 reflects section 9(2A)(b) of the Act.

- 3.31 For the purposes of clause 3.29, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.31 reflects section 9(3) of the Act.

- 3.32 A copy of an agenda, or of an associated business paper made available under clause 3.29, may in addition be given or made available in electronic form.

Note: Clause 3.32 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.33 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.

- 3.34 Despite clause 3.33, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

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

- 3.35 A motion moved under clause 3.34(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.36 Despite clauses 10.21–10.32, only the mover of a motion moved under clause 3.34(a) can speak to the motion before it is put.

- 3.37 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.34(b) on whether a matter is of great urgency.

4. PUBLIC FORUMS

- 4.1 The Council may hold a public forum as part of each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at that meeting.

Note: Public Forums are to be administered and conducted in accordance with Council's Public Forum Policy.

5. ATTENDANCE AT MEETINGS

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.
- 5.2 A Councillor must take an oath of office or make an affirmation of office in the form prescribed under section 233A of the Act at or before the first meeting of Council after the Councillor is elected.
- 5.3 A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office is not entitled to attend a meeting as a Councillor, other than the first meeting at which the Councillor takes the oath or makes the affirmation of office.
- 5.4 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting.
- 5.5 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.6 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.7 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.8 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 they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.8 reflects section 234(1)(d) of the Act.**
- 5.9 A Councillor who intends to attend a meeting of the Council despite having been granted a 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

- 5.10 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.
- Note: Clause 5.10 reflects section 368(1) of the Act.**
- 5.11 Clause 5.10 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.
- Note: Clause 5.11 reflects section 368(2) of the Act.**

- 5.12 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.13 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.
- 5.14 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.
- 5.15 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.

- 5.16 Where a meeting is cancelled under clause 5.15, 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 clauses 3.3-3.6.

Entitlement of the public to attend Council meetings

- 5.17 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 5.17 reflects section 10(1) of the Act.

- 5.18 Clause 5.17 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.19 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 5.19 reflects section 10(2) of the Act.

- 5.20 Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

Webcasting of meetings

- 5.21 All meetings of the Council and Committees of the Council are to be webcast on the Council's website.
- 5.22 For the purpose of clause 5.21, a webcast will comprise an audio recording of the meeting which is to be uploaded on the Council's website by 1pm on the next business day following the meeting.
- 5.23 Clause 5.21 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.24 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.
- 5.25 A 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 three months. Recordings of meetings may be retained and disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and other staff at meetings

- 5.26 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 5.26 reflects section 376(1) of the Act.

- 5.27 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 5.27 reflects section 376(2) of the Act.

- 5.28 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 5.28 reflects section 376(3) of the Act.

- 5.29 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

6. THE CHAIRPERSON

The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

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

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

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

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

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

6.4 The election of a chairperson must be conducted:

(a) by the 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.

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

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

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

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the Council:

(a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council Officer is to be addressed by their official designation or as Mr/Ms [surname].
- 7.5 With the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking at a meeting of the Council.

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the Council shall be as fixed by this Code (Schedule 1).

- 8.2 The order of business as fixed under clause 8.1 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.

- 8.3 Despite clauses 10.21–10.32, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council Meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.13, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.10 in the case of an ordinary meeting or clause 3.12 in the case of an extraordinary meeting called in an emergency, or
 - (c) in the case of a motion to censure a Councillor, despite paragraphs (a) & (b), unless written notice of that motion has been given to the affected Councillor not less than seven days prior to 12noon of the Wednesday immediately preceding the meeting at which the proposed motion is to be put.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a Committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice but only after the business notified in the agenda for the meeting has been completed. Despite clauses 10.21–10.32, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor (or the Deputy Mayor, if acting for the Mayor) is, so far as it is adopted by the Council, a resolution of the Council.

- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the 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.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

Staff reports

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

Reports of committees of Council

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

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.13 and 3.18.

- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

Petitions

- 9.20 A Councillor may present a petition to the Council.
- 9.21 The chairperson must not permit discussion on the petition.

10. RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.
- 10.2 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

Note: A flowchart showing how Motion and Amendment procedures are dealt with is attached as Schedule 4 to this Code.

Notices of motion

- 10.3 A Councillor who has submitted a notice of motion under clause 3.13 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.4 If a Councillor who has submitted a notice of motion under clause 3.13 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.5 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

- 10.11 An amendment to a motion must be moved and seconded before it can be debated.
- 10.12 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.13 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.14 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.15 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.16 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.17 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 10.21 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.22 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

- 10.23 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. Any extension of time granted by the Council shall not exceed two minutes.
- 10.24 Despite clause 10.23, 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.
- 10.25 Despite clause 10.23, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.26 Despite clauses 10.21 and 10.22, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 10.27 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.26. A seconder is not required for such a motion.
- 10.28 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.21.
- 10.29 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.30 Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.
- 10.31 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.32 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.

Motions of adjournment

- 10.33 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 10.34 If a motion for adjournment is lost, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being lost.
- 10.35 A motion for adjournment may specify the time, date and place of the adjourned meeting, however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

11. VOTING

Voting entitlements of Councillors

- 11.1 Each Councillor is entitled to one vote.
Note: Clause 11.1 reflects section 370(1) of the Act.
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
Note: Clause 11.2 reflects section 370(2) of the Act.
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 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.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.
Note: Clauses 11.10–11.13 reflect section 375A of the Act.

12. COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.21–10.32 limit the number and duration of speeches.

12.3 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.

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

13. DEALING WITH ITEMS BY EXCEPTION

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

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

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

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

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or Committee.

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

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

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

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under clause 3.26 as a matter that is likely to be considered when the meeting is closed, but only if:

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

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

Representations by members of the public

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

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

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

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.26 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12noon on the day of the meeting at which the matter is to be considered.
- 14.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two speakers for and two speakers against any one item are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the 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 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.26 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the

meeting is moved and seconded. The chairperson is to permit no more than two speakers for and two speakers against any one item to make representations in such order as determined by the chairperson.

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

Expulsion of non-Councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

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

Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the councillor, at a meeting of the Council or a Committee of the Council:
- (a) contravenes the Act 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, or
- (f) reads at length from any correspondence, report or other document, without the leave of the Council, or
- (g) insults or engages in verbal abuse of a member of the public gallery.

15.12 The chairperson may require a Councillor:

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

How disorder at a meeting may be dealt with

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

Expulsion from meetings

15.14 If after the issuing of two warnings to a Councillor in respect of acts of disorder, the Councillor refuses to comply with a direction given by the chairperson under clause 15.12 and/or the disorderly conduct continues, all chairpersons of meetings of the Council and Committees of the Council are authorised under this Code to expel any Councillor, from a Council or Committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 If after the issuing of two warnings to a member of the public in respect of acts of disorder, the disorderly conduct continues, all chairpersons of meetings of the Council and Committees of the Council are authorised under this Code to expel any person, from a Council or Committee meeting, for the purposes of section 10(2)(b) of the Act.

15.16 Clauses 15.14 and 15.15 do not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under section 10(2)(a) of the Act.

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

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

- 15.19 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Formal censure of a Councillor for misconduct

- 15.21 A Council may by resolution at a meeting formally censure a Councillor for misconduct.
- 15.22 A Council may pass a formal censure resolution only if it satisfied that the Councillor has engaged in misconduct on one or more occasions.
- 15.23 The Council must specify in the formal censure resolution the grounds on which it is satisfied that the Councillor should be censured.
- 15.24 A motion for a formal censure resolution may, without limitation, 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. In such case the provisions of clauses 15.28 and 15.29 apply.
- 15.25 A Councillor who proposes to move a motion to censure a Councillor must give to the Chief Executive Officer written notice of the motion.

- 15.26 The Chief Executive Officer must give to the Councillor or Councillors in respect of whom a notice of motion to censure has been given pursuant to clause 15.25, a copy of that notice of motion not later than 24 hours after receiving same.
- 15.27 The Council must not consider any notice of motion to censure a Councillor unless there has been compliance with the provisions of clause 9.1(c) of this Code.
- 15.28 Prior to Council considering any notice of motion to censure, the affected Councillor may elect to have the matter dealt with at the next ordinary meeting of Council.
- 15.29 The affected Councillor may present any submission, orally or in writing, in opposition to the censure motion.

Suspension of a Councillor for misconduct

- 15.30 The process for the suspension of a Councillor from civic office is initiated by:
- (a) a request made by the Council by resolution communicated to the Chief Executive, Office of Local Government, in which the Council states its belief that grounds may exist that warrant the Councillor's suspension, or
 - (b) a request made by the Chief Executive, Office of Local Government to the Council for a report from the Council in relation to the Councillor's alleged misconduct, or
 - (c) a report made by the Independent Commission Against Corruption or the Ombudsman, in which the Commission or the Ombudsman states that the Commission or Ombudsman is satisfied that grounds exist that warrant the Councillor's suspension.

- 15.31 The Council must make a report to the Chief Executive, Office of Local Government requested under clause 15.30(b) before the date specified in the Chief Executive, Office of Local Government's request or any later date allowed by the Chief Executive, Office of Local Government.
- 15.32 This clause authorises such requests and reports to be made, and a reference in this section to a report made by the Independent Commission Against Corruption or the Ombudsman is a reference to a report made to the Chief Executive, Office of Local Government under the authority of this subsection or under any other provisions of the Local Government Act or any other Act.
- 15.33 Nothing in clauses 15.30-15.32 affects any function under any other provisions of the Local Government Act or any other Act that authorises the making of a report or recommendation concerning suspension of a Councillor from civic office.
- 15.37 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.

Use of mobile phones and the unauthorised recording of meetings

- 15.34 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.
- 15.35 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.
- 15.36 Any person who contravenes or attempts to contravene clause 15.35, may be expelled from the meeting as provided for under section 10(2) of the Act.

16. CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of 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.

17. DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act.

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

Rescinding or altering Council decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.13.

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

17.4 If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.

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

Note: Clause 17.5 reflects section 372(2) of the Act.

17.6 If in the opinion of the Chief Executive Officer substantive action has been commenced to put the resolution into effect, a motion to rescind or alter that resolution cannot be accepted.

17.7 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.13.

Note: Clause 17.7 reflects section 372(3) of the Act.

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

Note: Clause 17.8 reflects section 372(4) of the Act.

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

Note: Clause 17.9 reflects section 372(5) of the Act.

17.10 The provisions of clauses 17.7–17.9 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.10 reflects section 372(7) of the Act.

17.11 A notice of motion submitted in accordance with clause 17.8 may only be withdrawn under clause 3.15 with the consent of all signatories to the notice of motion.

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

Note: Clause 17.12 reflects section 372(6) of the Act.

17.13 Subject to clause 17.9, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

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

17.14 A motion moved under clause 17.13(b) can be moved without notice. Despite clauses 10.21–10.32, only the mover of a motion referred to in clause 17.13(b) can speak to the motion before it is put.

17.15 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.13(c).

Recommitting resolutions to correct an error

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

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

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

17.18 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.16(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.19 A motion moved under clause 17.16 can be moved without notice. Despite clauses 10.21–10.32, only the mover of a motion referred to in clause 17.16 can speak to the motion before it is put.

17.20 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.16.

17.21 A motion moved under clause 17.16 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and Committees of the Council are to conclude no later than 10:45pm.
- 18.2 If the business of the meeting is unfinished at 10:45pm, the Council or the Committee may, by resolution, extend the time of the meeting to 11:00pm.
- 18.3 If the business of the meeting is unfinished at 11:00pm, 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) defer consideration of the remaining items of business on the agenda to an extraordinary meeting of the Council called under clauses 3.3-3.6, or
 - (c) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a Committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the 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 the 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.

19. AFTER THE MEETING

Minutes of meetings

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

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

19.2 At a minimum, the 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,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Access to Council records will be in accordance with Council's Access to Information Policy, or the relevant legislation (as the case may be).

Implementation of decisions of the Council

- 19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

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

20. COUNCIL COMMITTEES

Application of this Part

20.1 Part only applies to Committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

20.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a Committee of the Council is to be:

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

Functions of committees

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

Notice of committee meetings

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a committee member, at least seventy two hours prior to the commencement of each meeting of the committee, a notice specifying:

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

20.7 Notice of less than seventy two hours may be given of a committee meeting called in an emergency.

20.8 The provisions of clauses 3.22 and 3.25 apply to the business papers of Committee meetings in the same manner as they apply to the business papers of meetings of the Council.

Pre-meeting briefing sessions

20.9 Prior to each meeting of a Committee of the Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting.

20.10 Pre-meeting briefing sessions are to be held in the absence of the public.

20.11 The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.

20.12 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal committee meeting at which the item of business is to be considered.

20.13 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a 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.

Attendance at committee meetings

- 20.14 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.
- 20.15 Clause 20.14 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

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

Chairperson and deputy chairperson of Council committees

- 20.17 The chairperson of each Committee of the Council must be:
- (a) the Mayor, or
 - (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
 - (c) if the Council does not elect such a member, a member of the committee elected by the committee.

- 20.18 The Council may elect a member of a Committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.19 If neither the chairperson nor the deputy chairperson of a Committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.20 The chairperson is to preside at a meeting of a Committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.21 Subject to any specific requirements of this Code, each Committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.22 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.21.
- 20.23 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.24 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

20.25 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.26 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.25 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of Council committee meetings

20.28 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,

- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.29 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the committee.

20.30 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.

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

20.32 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.

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

21. MISCELLANEOUS

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

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

Note: Clause 21.1 reflects section 374 of the Act.

22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.17 of this code
this Code	means the Council's adopted Code of Meeting Practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.6 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.19 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.18 of this code during debate on an original motion
misconduct	has the same meaning it has in the <i>Local Government Act 1993</i> (section 440F)
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	an audio broadcast of a meeting transmitted across the internet
year	means the period beginning 1 July and ending the following 30 June

SCHEDULE 1 – General Order of Business

1. Acknowledgment of Country
2. Opening Prayer / Religious Observance
3. Apologies
4. Disclosures of Interest
5. Public Forum
6. Confirmation of Minutes of Previous Meetings
7. Mayoral Minutes
8. Reports from Committees
9. Reports from Officers
10. Motions of Which Notice Has Been Given
11. Presentation of Petitions
12. Questions
13. Consideration of Business in Closed Session

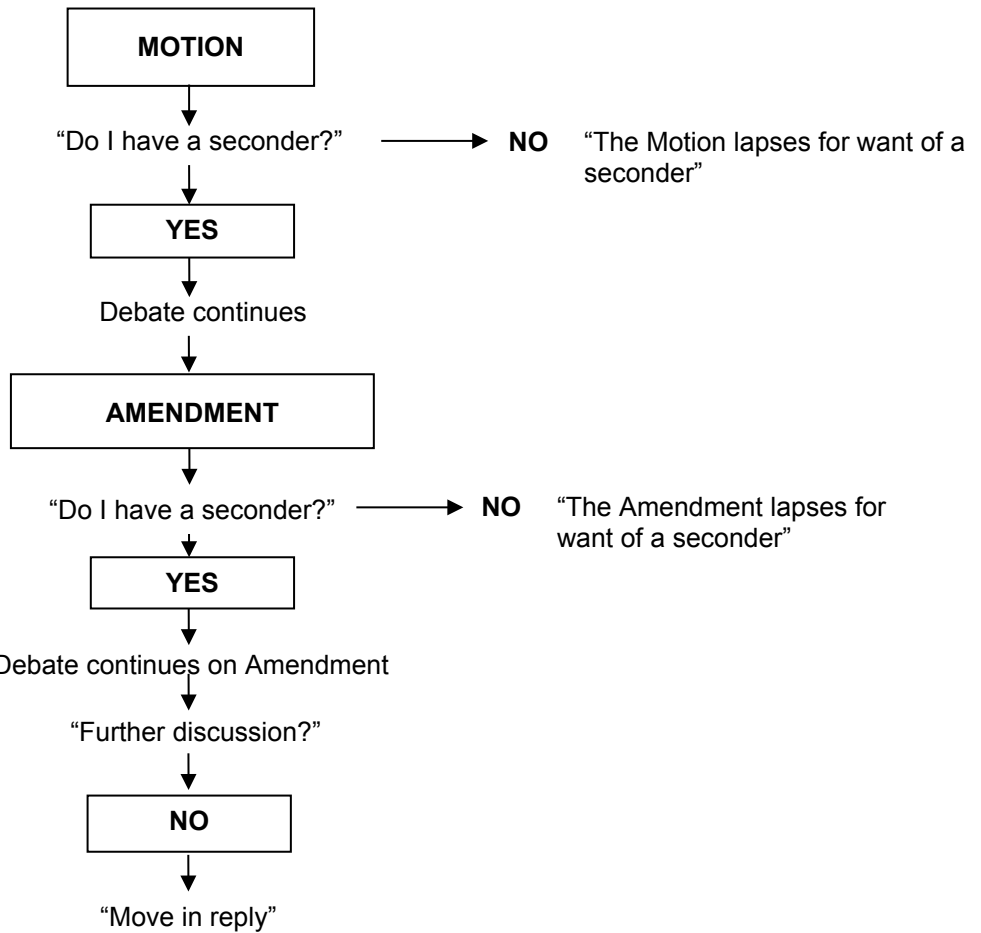
SCHEDULE 2 – Order of Business – Extraordinary Meeting of the Council

1. Apologies
2. Disclosures of Interest
3. Mayoral Minutes
4. Business for purpose for which the meeting was called
5. Other business as determined to be urgent by the Chief Executive Officer

SCHEDULE 3 – General Order of Business for Standing Committees

1. Apologies
2. Disclosures of Interest
3. Confirmation of Minutes of Previous Meetings
4. Presentations
5. Reports from Officers
6. Questions
7. Consideration of Business in Closed Session

SCHEDULE 4 – Motion and Amendment Procedures

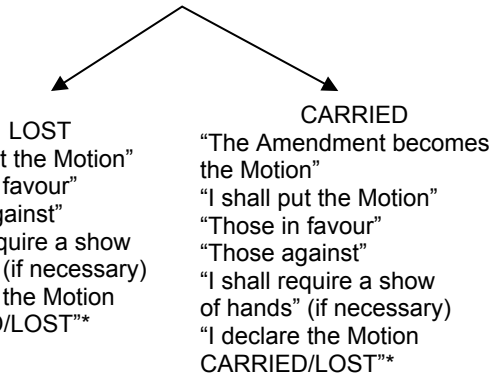


IF MOTION ONLY

MOTION ONLY
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

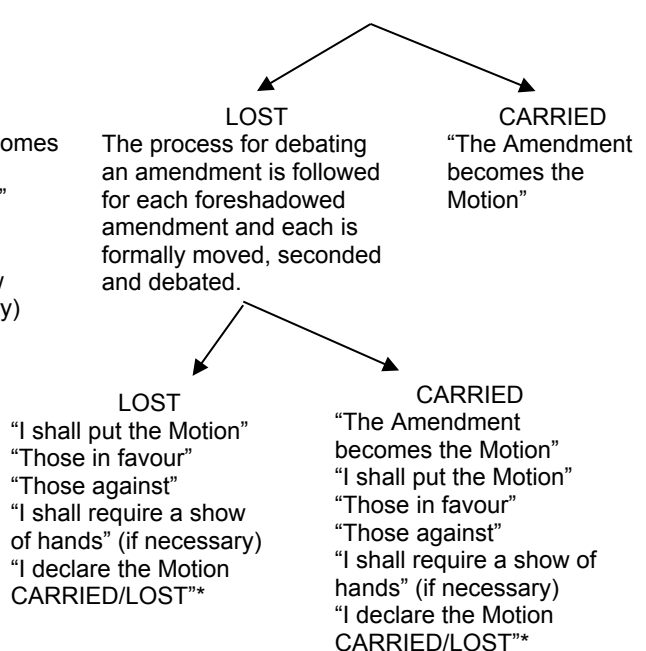
IF MOTION AND AMENDMENT

MOTION AND AMENDMENT
 "I shall put the Amendment"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "The Amendment is..."



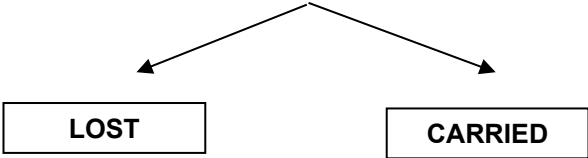
IF MOTION, AMENDMENT AND FORESHADOWED AMENDMENT

MOTION, AMENDMENT AND FORESHADOWED AMENDMENT
 "I shall put the Amendment"
 "Those in favour"
 "Those against"
 "I shall require a show of hands"
 "The Amendment is..."



NOTICE OF RESCISSION

The Notice of Rescission, on being put to the Meeting was:

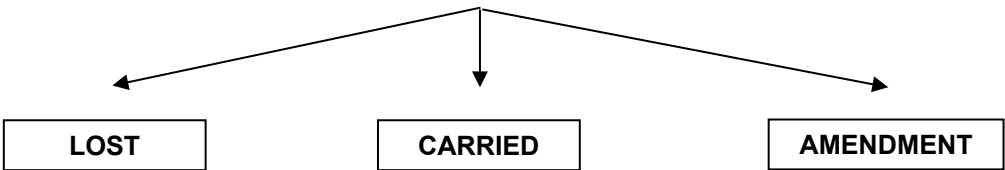


No further action required.
No further Notices of Rescission
can be lodged on the item for a
period of three months.

Then item follows Motion and
Amendment flowchart.

NOTICE OF ALTERATION

The Notice of Alteration, on being put to the Meeting was:



No further action required.
No further Notices of Alteration
can be lodged on the item for a
period of three months.

New Notice of Alteration is
the Council Resolution.

If an Amendment is
moved then this follows
the Motion and
Amendment flowchart.

DOCUMENT REVIEW AND APPROVAL

This document has been approved by:

	Approved by	Minute No.	Date Approved
1.	Finance, Resources & Management Committee FIN173-93	1126	15 November, 1993
2.	Finance, Resources & Management Committee	74	18 July, 1994
3.	Finance, Resources & Management Committee	97	8 August, 1994
4.	Finance, Resources & Management Committee	470	10 October, 1994
5.	Finance, Resources & Management Committee	413	3 October, 1995
6.	Finance, Resources & Management Committee	503	13 November, 1995
7.	Finance, Resources & Management Committee	597, 674	18 December, 1995
8.	Finance, Resources & Management Committee FIN142-97	1068	14 April, 1997
9.	Finance, Resources & Management Committee FIN142-97	1186	12 May, 1997
10.	Sutherland Shire Council CCL109-97	1219	12 May, 1997
11.	Sutherland Shire Council CCL029-98	431	13 October, 1997
12.	Sutherland Shire Council MOT066-98	1477	9 June, 1998
13.	Finance, Resources & Management Committee FIN121-99 & FIN122-99	544,545	30 November, 1998
14.	Finance, Resources & Management Committee FIN218-99	1034	19 April, 1999
15.	Finance, Resources & Management Committee FIN094-00	360	1 November, 1999
16.	Finance, Resources & Management Committee FIN217-00	966	3 April, 2000
17.	Finance, Resources & Management Committee FIN032-02	129	13 August, 2001
18.	Finance, Resources & Management Committee FIN070-02	421	8 October, 2001
19.	Finance, Resources & Management Committee FIN275-04	1044	21 June, 2004
20.	Finance, Resources & Management Committee FIN130-05	713	7 February, 2005
21.	Finance, Resources & Management Committee FIN207-05	962	11 April, 2005
22.	Finance, Resources & Management Committee FIN229-06	1098	26 June, 2006
23.	Planning Committee PLN010-07	27	24 July, 2006
24.	Finance, Resources & Management Committee FIN070-07	351	23 October, 2006
25.	Sutherland Shire Council MOT003-08	1477	3 September, 2007
26.	Finance, Resources & Management Committee FIN028-09	153	1 September, 2008
27.	Finance & Management Committee FIN045-14	244	16 September, 2013
28.	Corporate Governance Committee GOV008-17	190	19 December, 2016
29.	Sutherland Shire Council COR013-19	127	20 May, 2019

Revision history:

Version	Author	Date	Revision
1.	General Manager	1 November, 1993	Original Version
2.	General Manager	18 July, 1994	Council Seal; Clause 83
3.	General Manager	8 August, 1994	Expulsions; Clause 41
4.	General Manager	10 October, 1994	Adopt Amended Draft Code Mtg Practice
5.	General Manager	3 October, 1995	Amended Code Mtg Practice – Extraordinary Meetings
6.	General Manager	13 November, 1995	Casting Vote for Committee Chairman; Clause 43(2)
7.	General Manager	18 December, 1995	Meeting Procedures; Clause 21(a), (b); Extraordinary Meetings; Clause 6(2)
8.	Manager Legal Services	1 April, 1997	Reflect amendments to Local Govt Meetings Regulations
9.	Manager Administration	28 April, 1997	Time Limit & Direct Negatives; appoint alternate committee members to achieve quorum
10.	Manager Administration	13 October, 1997	Business Without Notice
11.	Council Decision	9 June, 1998	Extraordinary Meeting; Consideration of a Development Application; Order of Procedure of a Motion.
12.	Manager Administration	23 November, 1998	Additional Agenda; "Rescinding or Altering Resolutions" and Giving Notice of Business
13.	Manager Administration	29 March, 1999	Clause 19(1)(a) be adopted. Giving notice of business.
14.	Manager Administration	25 October, 1999	Clause 19 "Giving Notice of Business" - Additional point CI 39 "Acts of Disorder" - Additional 3 points
15.	Manager Administration	3 April, 2000	Additional Clauses – Application to Address Committee – Clause 53A - Presentations – Clause 53B - Replies / Questions – Clause 53C Alteration to Clause 37 Time limit on Council Meetings
16.	Local Government Act Amendments assented to 20 December 2000 commencing from 1 April 2001	1 April, 2001	Alterations to Clause 56 Alterations to Clause 57 – amendments to Sections (1), (3) and (6) Alterations to note on bottom of Clause 58 relating to S.458 of Local Government Act
17.	Manager Administration	6 August, 2001	Alteration to Clause 31(4) Amended Councillor may move Motion/ Amendment. (Points(a&b))
18.	General Manager	24 September, 2001	Alteration to Clause 53A Penultimate sentence: "An application may have been lodged." Amendment: Not allow any speaker to address a Special Committee
19.	Manager Administration	15 June, 2004	Tape Recording of Council Meetings
20.	Manager Administration	31 January, 2005	Amendment: Change to Section 65 (2) (a) ... "other than Councillors" Add Section 65 (2) (h)
21.	Manager Administration	4 April, 2005	Add to Clause 19(1) (c): Giving Notice of Business Add New Clause 41B, 1-6: Re: Notice of Motion to censure Add to Clause 2 Definitions: Misbehaviour of a Councillor means any of the following: (a) – (c) Add New Clause 41A: 1-5: Formal censure of Councillor misbehaviour Add new Part 60A: 1-4 Suspension of a Councillor for Misbehaviour

			Add 60B: 1-4 What are the grounds on which a Councillor may be suspended?
22.	Manager Administration	19 June, 2006	Add to Clause 19.5: If in the opinion of the General Manager.....
23.	Manager Administration	19 June, 2006	Amend Clause 53A. No further opportunity for presentation at Planning and Assessment Committee after addressing IHAP
24.	General Manager	16 October, 2006	Amendment - Chairman's power to expel Councillors and Public Delete CI 39(3) and new CI 40
25.	Council Decision	3 September, 2007	Add Note to Clause 19. Distribution late reports.
26.	Manager Administration	25 August, 2008	Insert Clause 33(8). Recording of votes on planning matters.
27.	Governance Manager	14 May, 2012	Policy reviewed under annual review process. No amendment necessary
28.	Governance Manager	26 June, 2013	Policy reviewed under annual review process. Minor updates made as follows: <ul style="list-style-type: none"> - Updated references to committee - Updated legislative references to reflect amendments to cited legislation - Changed references to Director – General to Chief Executive, Division of Local Government - Removed Clause 53A(6) (shown under) as this was deleted by decision on Mayoral Minute 07/12-13 (6) Presentations to the Environment and Planning Committee on applications that have previously been considered by the Independent Hearing and Assessment Panel (IHAP) will not be permitted.
29.	Governance Manager	8 July, 2013	Existing Clause 75 removed and replaced with Schedule 1 of the Government Information (Public Access) Regulation 2009 Clause 76 deleted from the Code. Clause 77 deleted from the Code. Clause 85 of the Code of Meeting Practice deals with access to records by Councillors and referred to Clauses 75, 76, 77. Due to the proposed changes to these clauses an updated Clause in relation to Councillors Access to Information has been drafted based upon Council's policy "Councillors Access to Information and Their Interaction with Staff". This new clause will be labelled Clause 76 in the updated Code.
30.	Manager Governance and Customer Service	6 September, 2016	Code re-written
31.	Corporate Governance Manager	2 May, 2017	Minor update to remove Acknowledgement of Country from Schedule 3 – General Order of Business for Standing Committees.
32.	Manager Governance, Risk and Compliance	13 May, 2019	Code re-written in accordance with the <i>Model Code of Meeting Practice for Local Councils in NSW 2018</i> .