

ATTACHMENT A

**REVISED CODE OF
MEETING PRACTICE (2017)
(WITH DELETIONS SHOWN
IN ~~STRIKETHROUGH~~
AND
ADDITIONS IN *ITALICS*)**



Sydney2030/Green/Global/Connected



Code of Meeting Practice

August 2017

city of villages

City of Sydney

Code of Meeting Practice

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City of Sydney Code of Meeting Practice

INTRODUCTION TO THE CODE

OBJECTIVES

This Code of Meeting Practice has the following objectives:

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

INTERPRETATION

This Code may be cited as the City of Sydney Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993*, the *Local Government General Regulation 2005* and the Objectives of this Code.

The Code includes relevant references to sections of the *Local Government Act* and Regulations, as well as supplementary provisions adopted by Council.

References to the mayor in this Code should be interpreted to apply to the Lord Mayor of the City of Sydney.

References to the general manager should be interpreted to apply to the Chief Executive Officer of the City of Sydney.

GUIDE TO REFERENCES IN THIS CODE

The Code consolidates provisions in relevant Acts, Regulations and the City's Supplementary Provisions which are specific meeting provisions for the City of Sydney Council. References to relevant sections in the *Local Government Act* and regulations are included in the Code.

Clause = refers to Clauses within this Code

LGA Sec = refers to the *Local Government Act 1993* - Section Number

LGPLA Sec = refers to the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* – Section Number

Reg = refers to *the Local Government (General) Regulation 2005* – Regulation Number

Supp Prov = refers to specific City of Sydney Council supplementary provisions

Part 1 - The Code of Meeting Practice

1.1 Application of the Code

Conduct of meetings of council and committees

- (1) The regulations of the Local Government Act may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplement those regulations with provisions that are not inconsistent with them.
- (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

LGA Sec 360

1.2 Preparation of the Code of Meeting Practice

Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

LGA Sec 361

1.3 Adoption and Amendment of the Code

Adoption of draft code

- (1) After considering all submissions received by it concerning the draft code, the council may decide:
 - (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360 (*Clause 1.1*), or
 - (b) to adopt the draft code as its code of meeting practice.
- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division (*Part 1 of this Code*) or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

LGA Sec 362

Amendment of the Code

A council may amend a code adopted under this Part (*Part 1 of this Code*) by means only of a code so adopted.

LGA Sec 363

Revision of the Code

The Council authorises the Chief Executive Officer to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advices from the NSW Division of Local Government.

Supp Prov

1.4 Availability of the Code

Public availability of the code

- (1) The code of meeting practice under this Division adopted by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.
- (2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.

LGA Sec 364

Part 2.0 Before Council Meetings

2.1 Frequency of Meetings

How often does the council meet?

The council is required to meet at least 10 times each year, each time in a different month.

LGA Sec 365

Dates

Council adopts an annual schedule of dates for Council and Council Committee meetings.

Generally, Council will recess during school holiday periods.

Council meetings will generally commence at 5.00pm, but this commencement time may vary for particular meetings if the Council so resolves or if the Lord Mayor so directs under delegated authority (Council Resolution 14 March 2005).

Council will determine the commencement times for meetings of Committees.

The Lord Mayor has delegated authority to call and schedule meetings of Council and Committees, briefings for Councillors and site inspections by Councillors (Resolution of Council 6 June 2006).

Extraordinary meetings of Council will be held as and when required.

Supp Prov

2.2 Notice of Meetings to Councillors

Notice of meetings

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council (*or Committee*), a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

LGA Sec 367(1)

Days of Notice

The day of issue and the day of the meeting are not to be counted as days of notice (Sec 36 Interpretations Act 1987).

Supp Prov

Form of Notice

The notice and business proposed for the meeting may be given to Councillors in electronic form.

In addition to the meeting cycle adopted, Council may resolve to hold additional meetings as considered necessary.

Additional meetings of Council convened by resolution of Council are subject to the three days' notice rule and must also be advertised in accordance with Clause 2.4 of this Code of Meeting Practice.

Supp Prov

2.3 Notice for Extraordinary Meeting

Calling of extraordinary meeting on request by councillors

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

LGA Sec 366

Notice of meetings

- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.

LGA Sec 367(2)

2.4 Public Notice of Meetings

Public notice of meetings

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.

LGA Sec 9(1)

- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause (*these public notice requirements*) does not apply to an extraordinary meeting of a council or a committee.

Reg 232(2)-(5)

An advertisement will be published in a suitable newspaper each year setting out the program of Council and Committee meetings adopted by Council.

Public notices of meetings will also be displayed on the Council's website.

Supp Prov

Part 3.0 Quorum and Attendance

3.1 Quorum for a Meeting

What is the quorum for a meeting?

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

LGA Sec 368

3.2 Councillor Presence at Council Meetings

Presence at council meetings

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

Reg 235

3.3 Quorum not Present

What happens when a quorum is not present

- (1) A meeting of a council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson; or
 - (b) in his or her absence - by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- (3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

Reg 233

3.4 Councillor Attendance at Meetings

When does a vacancy occur in a civic office?

- (1) A civic office becomes vacant if the holder (*Councillor*):
 - (d) is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under Section 482 (*Pecuniary interest disciplinary order*) without:
 - (i) prior leave of the council, or
 - (ii) leave granted by the council at any of the meetings concerned,

LGA Sec 234(1)(d)

3.5 Application for Leave of Absence

- (2) For the purposes of subsection (1)(d) (*Clause 3.4 of this Code*), a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.

LGA Sec 234(2)

- (1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.

3.6 Meeting Attendance while on Leave of Absence

- (3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.
- (4) Subsection (3) (*above*) above does not prevent the council from granting further leave of absence in respect of any future council meeting.

LGA Sec 234(3)-(4)

- (2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

Reg 235A(2)

3.7 Who is entitled to Attend Council Meetings

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee 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.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

LGA Sec 10

3.8 Attendance of General Manager

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.

LGA Sec 376

3.9 Attendance of Council Employees

The Chief Executive Officer shall arrange for the attendance of such council employees as are considered necessary by the Chief Executive Officer for the transaction of the notified council business.

Supp Prov

Part 4.0 Presiding over Meetings of Council

4.1 Chairperson and Deputy Chairperson of Council

Who presides at meetings of the Council?

- (1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor presides at meetings of the council.
- (2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

LGA Sec 369

4.2 Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a 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.
- (2) The election must be conducted:
 - (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) if neither of them is present at the meeting or there is no general manager or designated employee – by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

Reg 236

4.3 Chairperson to have Precedence

When the chairperson rises during a meeting of a council:

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

Reg 237

4.4 Chairperson's Duty with Respect to Motions

- (1) It is the duty of the chairperson at a meeting of a council to receive and to put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

Reg 238

4.5 Recognition of Chairperson

- (1) In addressing council, councillors and other persons addressing the council shall at all times speak through the chairperson.
- (2) Councillors and other persons addressing the council shall at all times show appropriate respect and observe the ruling of the chairperson.
- (3) A councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the chairperson.

Supp Prov

4.6 Mode of Address

- (1) To facilitate debate councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of council (except when prevented by disability or injury). This procedure does not need to be followed at meetings of committees, or in circumstances where the chairperson rules that standing is not required.
- (2) In addressing council, councillors and other persons addressing the council will use the appropriate mode of address to the mayor, deputy mayor, fellow councillors, employees of council and members of the public in attendance.
- (3) Councillors shall refrain from the use of offensive or inappropriate words in reference to any councillors, employees of council and members of the public consistent with the City's Code of Conduct.
- (4) Councillors shall not make imputations of improper motives or personal reflections on councillors, employees of council and members of the public consistent with the City's Code of Conduct.

Supp Prov

Part 5.0 Meeting Agenda and Business

5.1 Order of Business

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite clause 250 (*Speaking to Motions*), only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

Reg 239

Order of Business

Currently the order of business followed by Council is:

1. Prayer
2. Acknowledgement of Country
3. Apologies
4. Confirmation of minutes of previous meetings
5. Disclosures of Interest
6. Minutes by the Lord Mayor
7. Memoranda by the General Manager (Chief Executive Officer)
8. Matters for Tabling
9. Reports of Committees
10. Reports to Council
11. Questions on Notice
12. Supplementary Answers to Previous Questions
13. Notices of Motion
14. Confidential Items

Supp Prov

5.2 Business Paper for Council Meetings

Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under clause 243 (*referring to a Mayoral Minute*).

Reg 240

Agendas

The mayor has the authority to direct the Chief Executive Officer to include items on the agendas for all meetings, subject to the Act and Regulation. Provided that the council has by resolution determined a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution. (*Resolution of Council of 5 June 2006*).

Supp Prov

5.3 Distribution of Business Papers

Public notice of meetings

- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.

- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

LGA Sec 9(2)-(5)

Council Papers

Committee agendas and council business papers are available to the press and public on the City of Sydney website: www.cityofsydney.nsw.gov.au and through the One Stop Shop and Neighbourhood Service Centres and are available free of charge.

Supp Prov

5.4 Distribution of Other Materials

Public access to correspondence and reports

- (1) A council and a committee of which all the members are councillors 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.
- (2) This section does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed, or
 - (b) were laid on the table at, or submitted to the meeting,
- when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.

LGA Sec 11

5.5 Giving Notice of Business

- (1) A council must not transact business at a meeting of the council:
- (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act (*ie, an extraordinary meeting in an emergency*).
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.

Reg 241(1)-(2)

A councillor must give notice of business in writing no later than 12.00 noon on the Tuesday preceding the ordinary meeting.

Supp Prov

5.6 Dealing with matters Without Notice

Giving notice of business

- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 250 (*Speaking to Motions - Clause 8.4*), only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

Reg 241(3)-(4)

5.7 Lord Mayoral Minute

Official minutes

- (1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda (*business paper*) for the meeting. The chairperson (but only if the chairperson is the mayor) may move adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

Reg 243

5.8 Agenda for Extraordinary Meetings

- (1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.

Reg 242(1)

5.9 Dealing with matters without notice at an Extraordinary Meeting

Agenda for extraordinary meetings

- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite clause 250 (*Speaking to Motions*), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

Reg 242(2)-(3)

5.10 Members of the Public Addressing Council

Addressing Council

- (1) A member of the public who wishes to address a council meeting on a motion that the meeting be closed to the public for discussion on a confidential item may address the council for up to 2 minutes.
- (2) Apart from the circumstances referred to in the clause above, and in view of the opportunity provided to members of the public to address meetings of committees, no provision is made for members of the public to address meetings of council.

Supp Prov

5.11 Public Recording of Meetings prohibited without Council authority

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

Reg 273

Clause 5.11, as it applies to tape recordings and devices, also applies to photography at council or committee meetings.

Supp Prov

5.12 Audio Recording of Meetings by Council Staff

- (1) Audio recordings of Council and Council Committee meetings may be made by Council staff for the purpose of:
 - (a) assisting in the preparation of minutes;
 - (b) ensuring decisions are accurately recorded; and
 - (c) verifying the accuracy of minutes prior to their confirmation
- (2) Audio recordings will be stored until the minutes from the meeting to which they relate are confirmed by Council or three months after their creation, whichever is the later.

- (3) Access to audio recordings will only be provided for the purpose of:
- (a) preparing and verifying the accuracy of minutes of meetings;
 - (b) complying with court orders, warrants, subpoenas or legislation.

Supp Prov

Part 6.0 Declarations of Interests

6.1 What is a Pecuniary Interest?

What is a “pecuniary interest”?

- (1) For the purposes of this chapter, a “pecuniary interest” is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 (*Clause 6.2 below*).

LGA Sec 442

6.2 Interests that do not require disclosure

What interests do not have to be disclosed?

The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 (*Councillors' Expenses Policy*),
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee;
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

LGA Sec 448

6.3 Who has a Pecuniary Interest?

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person, or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (2) *Repealed.*
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):
 - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or

- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

LGA Sec 443

6.4 Disclosure of Pecuniary Interests and Presence in Meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448 (*Clause 6.2 of this Code.*)

Note. The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

LGA Sec 451

Declarations of Pecuniary Interest

A councillor who has a pecuniary interest in a matter being considered at a council or committee meeting must disclose the existence of the interest and also the nature of that interest. Councillors are requested to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to the meeting.

Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the Chair.

If a councillor becomes aware of an interest during a meeting, as soon as the councillor becomes aware of the interest the councillor must:

- (a) ***disclose the interest verbally at the council or committee meeting; and***
- (b) ***submit the interest in writing to the Chief Executive Officer as soon as possible after the council or committee meeting.***

A councillor, having disclosed a pecuniary interest, must not be present at the meeting when the matter is being considered, discussed or voted on.

A councillor with a pecuniary interest in a matter is not counted for the purposes of quorum on that matter.

Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.

Supp Prov

6.5 Sufficient General Disclosure

A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body, or
- (b) a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in the matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

LGA Sec 454

6.6 Disclosure of Non-Pecuniary Interests

- (1) A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned, and who **will be or** is present at a meeting of the council or committee at which the matter is being considered, must consider disclosing ~~a~~ **the** non-pecuniary interest, in accordance with the council's code of conduct, ~~to the meeting as soon as practicable~~ **in writing to the Chief Executive Officer before the commencement of each committee or council meeting.**
- (2) **Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the Chair.**
- (3) **If a non-pecuniary interest becomes apparent to a councillor during a meeting, as soon as the councillor becomes aware of the interest the councillor must:**
 - (a) **disclose the interest verbally at the council or committee meeting; and**
 - (b) **submit the interest in writing to the Chief Executive Officer as soon as possible after the council or committee meeting.**
- (4) A disclosure in accordance with Clause 6.6(1) **or 6.6(3)** must indicate the nature of the non-pecuniary interest.
- (5) If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. ~~This disclosure constitutes a disclosure in writing for the purposes of section 4.12 of the Code of Conduct.~~
- (6) **Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.**
- (7) Under section 6.29 of the City of Sydney's Code of Conduct, councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Supp Prov

6.7 Disclosure by Adviser

- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in a matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

LGA Sec 456

6.8 Circumstances Where Disclosure Rules are not Breached

A person does not breach section 451 or 456 (*Clauses 6.4 and 6.7 of this Code*) if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

LGA Sec 457

6.9 Disclosure to be Recorded in Minutes

A disclosure made at a council or committee must be recorded in the minutes of the meeting.
LGA Sec 453

Part 7.0 Questions and Tabling of Matters

7.1 Questions to Councillors and Employees

Questions may be put to councillors and council employees

- (1) A councillor:
 - (a) may, through the chairperson, put a question to another councillor, and
 - (b) may, through the general manager, put a question to a council employee.
- (2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.

Reg 249

7.2 Questions to Chief Executive Officer

- (1) The Chief Executive Officer may exercise the option to take on notice a question raised under Clause 7.1.
- (2) A question raised under Clause 7.1 and taken on notice may be answered in writing directly to the councillor raising the question or by way of inclusion in a Memorandum by the Chief Executive Officer at a subsequent meeting.

Supp Prov

7.3 Questions on Notice

- (1) Questions on Notice must be lodged in writing with the Chief executive Officer or specified delegate no later than 12.00 noon on the Tuesday preceding the meeting of council at which the Questions on Notice are to be considered.
- (2) Questions on Notice must directly relate to the business of council and must comply with the Local Government (General) Regulation 2005 which provides at Clause 249 that a "councillor must put every such question directly, succinctly and without argument".
- (3) Questions should not contain:
 - (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
 - (b) argument;
 - (c) inference;

- (d) imputation.
- (4) Questions should not ask for legal opinion to be provided at the council meeting.
 - (5) Questions should not refer to confidential matters that have been previously, or are yet to be, discussed by council in closed session, nor refer to confidential matters as listed in section 10A(2) of the Local Government Act 1993.
 - (6) The Chief Executive Officer or specified delegate may exclude from the agenda any Question on Notice which may have the effect of exposing a councillor, the council, or a member of staff, to an action for defamation.
 - (7) The Chief Executive Officer or specified delegate may return to a councillor any Question on Notice that does not comply with the Code of Meeting Practice and provide a written reason. The question may be rewritten and resubmitted in accordance with Clause 7.3(1).
 - (8) A councillor may appeal to the mayor against a decision of the Chief Executive Officer or specified delegate made under Clause 7.3(7). The mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.
 - (9) The mayor may rule that a Question on Notice does not comply with the Code of Meeting Practice, notwithstanding a decision made under Clause 7.3(7) - and in such cases the mayor is to provide a written reason for such a decision.
 - (10) The council business papers may include Supplementary Answers to Previous Questions, following Questions on Notice.
 - (11) Should a Question on Notice have any resource implications, financial or otherwise, the Chief Executive Officer will advise council. This advice will be included in the business paper. (*Resolution of Council 26 June 2006*).

Supp Prov

7.4 Matters for Tabling – Pecuniary Interests

Register and tabling of returns

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) The returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:
 - (a) in the case of a return lodged in accordance with section 449(1) – the first meeting held after the last day for lodgement under that subsection, or
 - (b) in the case of a return lodged in accordance with section 449(3) – the first meeting held after the last day for lodgement under that subsection, or
 - (c) in the case of a return otherwise lodged with the general Manager – the first meeting after the lodgement.

LGA Sec 450A

Disclosures in Business Paper

The business paper for a council **or committee** meeting will include a reference to any disclosure of interests of councillors and designated persons which are to be tabled at the meeting.

Supp Prov

7.5 Matters for Tabling – Correspondence and Petitions

- (1) The business paper may also include any correspondence which, in the opinion of the Chief Executive Officer or Lord Mayor, should be brought to the attention of Council. The Lord Mayor and Councillors may table original petitions, or copies of electronic petitions, at meetings of Council with or without notice.
- (2) Notice of Petitions may be included on Council's business paper provided that notice is given to the Chief Executive Officer (or their delegate) no later than 12 noon on the Tuesday preceding the meeting of Council at which the petition is to be considered. Notice must include the name of the petition and statement(s) to which the signatories are agreeing.
- (3) Councillors may debate the subject of the petition if notice has been given. However, the recommendation accompanying any Matters for Tabling, whether notice has been given or not, is "It is resolved that the petition be received and noted."
- (4) Should a Councillor wish Council to consider a motion in relation to a petition, they are able to provide notice of the motion in accordance with the requirements of the Code of Meeting Practice. The motion will then be listed on the Council agenda.
- (5) If notice of the petition has not been given, Council may only receive and note the petition and must not discuss the matter unless a motion is passed in accordance with section 8.11 of the Code of Meeting Practice. A Councillor may request that the petition be placed on the agenda for the next Council meeting to allow for debate.
- (6) Otherwise, once a petition has been received and noted, the Chief Executive Officer must ensure that the petition is appropriately considered by the City and in accordance with the Council's Petitions Scheme.

Supp Prov

7.6 Tabling a Report of Departmental Representative

Report of a Departmental representative to be tabled at council meeting

When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act (*that is, investigation of council ordered by the Director General of the Division of Local Government*), the council must ensure that the report:

- (a) is laid on the table at that meeting, and
- (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

Reg 244

Part 8.0 Motions

8.1 Notice of Motion

Notices of Motion

- (1) Notices of Motions must be lodged in writing with the Chief Executive Officer or their delegate no later than 12.00 noon on the Tuesday preceding the meeting of council at which the Notices of Motion are to be considered (*time and date set by this Code*).
- (2) The rules applying to the content of Questions also apply to the content of Notices of Motion.
- (3) Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.

Supp Prov

Other motions

- (1) The rules applying to the content of Questions on Notice and Notices of Motion apply to the content of any other motion or amendment moved at a council or committee meeting.
- (2) Councillors are asked, where they propose to move an amendment to a staff recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies of the proposed amendment to the Chief Executive Officer at, or prior to, the start of the meeting, for circulation to all councillors and relevant staff.
- (3) Should a Notice of Motion have any resource implications, financial or otherwise, the Chief Executive Officer will advise council. This advice will be included in the business paper. (Resolution of Council 26 June 2006).

Supp Prov

8.2 Notice of Motion - Absence of Mover

In the absence of a councillor who has placed a notice of motion on the agenda (*business paper*) for a meeting of a council:

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

Reg 245

8.3 Motions to be Seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) (*Lord Mayor's Minute*) and 250(5) (*where a motion has been put*).

Reg 246

Debate on a motion or amendment commences once the mover has spoken to the motion or amendment.

If, however, the mover reserves his or her right to speak on the motion or amendment, the motion or amendment must be seconded for debate to proceed.

Supp Prov

Note: This provision will enable the mover of a motion to speak to a motion without it being seconded. If the motion is not seconded after the mover has spoken, it will lapse.

8.4 Speaking to Motions

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

Reg 250 (1)-(2)

8.5 Speaking to a Misrepresentation or Misunderstanding

- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Reg 250 (3)

Nothing in clauses 8.4 or 8.5 affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

Supp Prov

8.6 Variations to Motions

A councillor may seek to vary a motion by:

- obtaining the unanimous consent of council; or
- proposing an amendment to the motion.

Supp Prov

8.7 Variations by Consent

If a councillor, including the seconder to the original motion, proposes a variation to a motion, the chairperson shall ask whether any councillor objects to the variation.

If there is no objection, the proposed variation is adopted into the motion by consent of the council.

If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly.

If the variation is proposed by the seconder to the original motion, but not accepted by councillors, then a new seconder should be sought for the original motion.

Note: The intention of a variation by consent is to enable a change to a motion that is non-contentious, improves clarity or effects a correction. This is also consistent with the common law rule that a seconder to a motion cannot move an amendment but enables a seconder to move a variation.

Supp Prov

8.8 Amendments to Motions

- (1) An amendment is a proposition to alter a motion that is under consideration by the meeting and is not subject to the notice of motion requirements set out at clause 8.1.
- (2) An amendment must be moved and seconded.

- (3) To be accepted as an amendment, it must relate to the motion.
- (4) The amendment must also be moved before the debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- (5) An amendment cannot be accepted if it is a direct rebuttal of the motion it seeks to amend.
- (6) The proposed amendment must be relevant to the motion.
- (7) An amendment should not be moved that is substantially the same as an earlier rejected amendment on the motion.
- (8) An amendment that is in opposition to an amendment already accepted should not be moved or accepted for debate.
- (9) In the situation where a number of amendments have been foreshadowed, it is important that they should be considered in due succession ensuring the practicality of the motion.
- (10) Each amendment is separately considered and voted on.
- (11) Only one amendment may be considered by the meeting at any one time. Debate is confined to the amendment under consideration although during debate a councillor may foreshadow a motion or amendment.
- (12) Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

Supp Prov

8.9 How Subsequent Amendments may be Moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.

Reg 247

8.10 Foreshadowed Motions or Amendments

- (1) Foreshadowed motions and amendments will be considered in the order they were notified to the meeting.
- (2) The chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed motions or amendments.
- (3) Foreshadowed motions or amendments are still subject to the clause 8.3 (to be moved and seconded).

Supp Prov

8.11 Motions without Notice

Giving notice of business

- (3) Despite subclause (1) (*clause 8.1 Notices of Motion*), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this may only occur if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

Reg 241(3)

If, after the councillor has addressed the council, the chairperson has ruled the matter is of great urgency, then the motion is moved, seconded, debated and voted on.

If the chairperson rules the motion is not urgent, then no further debate on the matter is to be permitted.

If the chairperson rules the motion is not urgent, a councillor may move a motion of dissent.

Supp Prov

Part 9.0 Procedural Motions

9.1 General Procedural Motions

- (1) A procedural motion is a motion that refers to the conduct of a meeting.
- (2) Procedural motions are not subject to the notice of motion requirements in clause 8.1.
- (3) In general, a procedural motion requires a seconder, unless stated to the contrary in the Code of Meeting Practice.
- (4) Unless stated to the contrary in this Code of Meeting Practice, there is no debate on a procedural motion.
- (5) A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

Supp prov

9.2 Point of Order

- (1) A Councillor may draw the attention of the chairperson to an alleged breach of the Code of Meeting Practice.
- (2) The councillor shall draw the attention of the chairperson by raising a 'point of order'. A point of order does not require a seconder.
- (3) A point of order must be taken immediately it is raised.
- (4) The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the meeting procedure(s) he/she believes has been infringed.
- (5) Immediately this has been done, the chairperson should rule - either upholding the point of order or overruling it.

Supp Prov

9.3 Motions of Dissent

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Reg 248

A motion of dissent does not require a seconder.

Supp Prov

9.4 Putting the Motion or Amendment

Limitation as to number of speeches

- (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply.
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

Reg 250(4)-(7)

Part 10.0 Order at Meetings

10.1 Observe the Code of Conduct and Code of Meeting Practice

- (1) Councillors, employees of council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of council.
- (2) Failure on the part of a councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct.
- (3) The chairperson of the meeting, a councillor, employee or any other person in attendance may report in writing to the Chief Executive Officer a complaint alleging a breach of the Code of Meeting Practice to the councillor.

Supp Prov

10.2 Questions of Order

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

Reg 255

10.3 Act of Disorder

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).

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

Reg 256

10.4 Disorder at Meetings - Adjournment

How disorder at a meeting may be dealt with

- (1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- (2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

Reg 257

10.5 Effect of Expulsion

Who is entitled to attend meetings?

- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee 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.

LGA Sec 10 (2)

10.6 Warning to Councillors

- (1) If the chairperson of the meeting is of the view that the ongoing behaviour of a councillor is disruptive to the good order of the meeting, the chairperson:
- (a) shall warn the councillor that he/she could face a motion to authorise removal from the meeting if he/she continues to breach the Code of Meeting Practice, and
 - (b) if a further breach occurs, seek the views of the meeting as to the removal of the councillor.

Supp Prov

10.7 Power to Remove Persons from Council Meeting

The power to expel a person or persons from a meeting is delegated to the mayor or to another chairperson of the meeting in respect of a council meeting and to the chairperson of each council committee of which all members are councillors in respect of a meeting of that committee (*Resolution of Council 2005*).

Supp Prov

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

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

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

Reg 258

Part 11.0 Adjournment of Meetings

11.1 Motion to Adjourn Meeting

- (1) A councillor may move the procedural motion “that the meeting be adjourned”.
- (2) The motion before being put to the vote must be seconded by a councillor.
- (3) The mover of the motion may address the meeting on the motion.
- (4) No further debate on the motion is permitted.

Supp Prov

11.2 Amendment to Adjourn Meeting Motion

- (1) Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.
- (2) Amendments to the motion to adjourn a meeting are to be moved and seconded.
- (3) The mover of the amendment may address the meeting as to the content of the proposed amendment.
- (4) Any address to the motion of adjournment or amendment is limited to three minutes.

Supp Prov

11.3 Re-convening an Adjourned Meeting

- (1) The Notice of Meeting provisions do not apply to a re-convened meeting.
- (2) A re-convened meeting will commence in accordance with any motion or amendment and will continue as if there had been no break in the proceedings of the meeting.
- (3) To the extent that it is practical, public notice of the re-convened meeting is to be given.
- (4) In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, council will deal with any unfinished business for which notice was given at the next ordinary meeting of council.

Supp Prov

Part 12.0 Closed Meetings

12.1 Motion to Close Part of the Meeting

Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2) (*clause 12.2*), or
 - (b) the receipt or discussion of any of the information so listed.

LGA Sec 10A(1)

12.2 Grounds to close meetings

- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (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 any Code of Conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, 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.

LGA Sec10A(2)-(3)

12.3 Limitations to Closing Meetings

Further limitations relating to closure of parts of meetings to the public

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
 - (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.

LGA Sec 10B(1)

12.4 Discussion of Legal Matters

Further limitations relating to closure of parts of meetings to the public

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (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.

LGA Sec 10B(2)

12.5 Motions to Close other Parts of a Meeting

Further limitations relating to closure of parts of meetings to the public

- (3) 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 section 10A (3)), 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 section 10A (2)).

LGA Sec 10B(3)

12.6 Matters of Public Interest

Further limitations relating to closure of parts of meetings to the public

- (4) 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.

LGA Sec 10B(4)

12.7 Department Guidelines for Meeting Closure

Further limitations relating to closure of parts of meetings to the public

- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

LGA Sec 10B(5)

12.8 Representation by Public Before a Council Meeting is Closed

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

LGA Sec 10A(4)

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

Reg 252

A member of the public who wishes to address a council meeting on a motion that the meeting be closed to the public for discussion on a confidential item may address the council for up to two minutes.

Supp Prov

12.9 Specifying Grounds for Closing Meetings

Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
- (a) the relevant provision of Section 10A (2),
 - (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.

LGA Sec 10D

12.10 Notice of Closure not required in Urgent Cases

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 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 section 10A (2), and
- (b) the council or committee, after considering any representations made under section 10A (4), 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.

LGA Sec 10C

12.11 Resolutions to be Made Public

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

Reg 253

Part 13.0 Voting and Decisions of Council

13.1 What Constitutes a Decision of the Council?

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.

LGA Sec 371

13.2 Voting Entitlements of Councillors and Chairperson's Casting Vote

What are the voting entitlements of councillors?

- (1) Each councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

LGA Sec 370

13.3 Abstentions to be Counted

Voting at council meetings

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. (*This subclause does not apply to a councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.*)
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

Reg 251(1)-(2)

13.4 Divisions

Conducting a Division

- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.

Reg 251(3)-(4)

Recording of Voting on Planning Matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the [Environmental Planning and Assessment Act 1979](#):
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

- (3) For the purpose of maintaining the register, voting is to be undertaken by show of hands or division whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

LGA Sec 375a

13.5 Open Voting at Council excepting Elections

- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Reg 251(5)

13.6 Voting at Committees

Procedure in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Reg 265

13.7 Invalidation of Council or Committee Proceedings

Certain circumstances do not invalidate council decisions

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 committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council meeting in accordance with section 451, or
- (e) a failure to comply with the code of meeting practice.

LGA Sec 374

13.8 Rescinding or Altering Resolutions of the Council

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (2) 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.

- (3) If a motion has been negated by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment.

LGA Sec 372

A notice of motion to alter or rescind a resolution must be signed by three councillors and must be lodged in the following manner:-

- In circumstances where the resolution of the council has been carried by 5 or more councillors voting in favour of the resolution, then the notice of motion to alter or rescind the resolution must be lodged at the council meeting at which the resolution was carried; or
- In all other circumstances, the notice of motion to alter or rescind the resolution must be lodged with the Chief Executive Officer or specified delegate by 5.00pm on the next working day after the meeting at which the resolution is carried.

If a rescission notice of motion is given by a councillor at the meeting at which the resolution is carried, or the councillor indicates that that a notice will be lodged on the next working day, no action is to be taken to carry the resolution of council into effect until the rescission motion is dealt with.

If a notice of motion has not been lodged at a council meeting in accordance with clause 13.8(8) and no notice of intention to lodge such a notice of motion has been given by a councillor at the meeting at which the resolution is carried, action may be taken to carry the resolution into effect.

If in the circumstances the Chief Executive Officer or specified delegate receives a notice of motion in accordance with clause 13.8(9), the Chief Executive Officer or specified delegate must ensure that action to carry the resolution into effect, if not yet commenced, is not commenced; and, if already commenced, is ceased and no further action taken until the rescission motion is dealt with.

If notice of intention to lodge a notice of motion to alter or rescind a resolution has been given by a councillor at a council meeting and a notice of motion has not been lodged with the Chief Executive Officer or specified delegate in accordance with clause 13.8(8), action to carry the resolution into effect will commence.

A rescission motion will be dealt with at the next meeting of council after the meeting at which the resolution is carried, unless the council resolves to the contrary.

The draft motion that is proposed to be moved, should the rescission motion be carried, must be lodged in accordance with the Notice of Motion of this Code, if such proposed motion has not already been stated in the rescission motion.

Supp Prov

Part 14.0 Committees of Council

14.1 Committee of Whole of Council

Committee of council

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

LGA Sec 373

14.2 Committee of the Whole

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Reg 259

14.3 Council may establish committees

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

Reg 260

All councillors are members of each committee of the council (*Resolution of Council 11 December 2006*).

Supp Prov

14.4 Function of Committees

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

Reg 261

All committees and sub-committees shall be advisory to council and have no independent role, except where specific authorities are delegated to them by council (*Policies and Procedures of Committees; Resolution of Council 11 December 2006*).

The number, functions, policies, procedures, delegations, membership, quorums and chairpersons of committees of council shall be as determined by council from time to time.

Meetings of council committees are to be conducted in accordance with this Code of Meeting Practice.

Supp Prov

14.5 Notice of Committee meetings to be given

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held, and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

Reg 262

14.6 Councillors Entitled to Attend Committee Meetings

Non-members entitled to attend committee meetings

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

Reg 263

14.7 Chairperson and Deputy Chairperson of Committees

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

Reg 267

14.8 Addressing Committees

- (1) Members of the public may address meetings of committees on items that are on the committee agendas, subject to the approval of the relevant committee.
- (2) The committee chairperson may ask members of the public to restrict their addresses to no more than three minutes.
- (3) The committee chairperson may suggest that, if a satisfactory resolution to the matter on the agenda is being considered, there may be no need for members of the public to address the committee.
- (4) Committees, and council staff on behalf of committees, may invite applicants, consultants, Government authorities and other groups or individuals to provide a presentation to a committee on a matter that is on the committee agenda. Time limits for such presentations may be set by the committee.
- (5) Speakers are asked to register to speak by calling the council's Secretariat before noon on the day of the committee meeting.
- (6) Speakers are requested to declare membership of organisations or other interests relevant to consideration of the item that they wish to speak to.
- (7) If there are a large number of people interested in the same item, it is suggested that three representatives be nominated to speak on behalf of a group and to indicate how many people they are representing.

Supp Prov

14.9 Representations by Public before closure of Committee meeting

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of committee meetings.

Reg 264

A member of the public who wishes to address a council meeting on a motion that the meeting be closed to the public for discussion on a confidential item may address the council for up to two minutes.

Supp Prov

14.10 Voting Procedure in Committees

- (1) Subject to subclause 3, each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Reg 265

A councillor who is present at a meeting of a committee but who fails to vote on a motion put to the meeting is taken to have voted against the motion. (*This subclause does not apply to a councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.*)

If a councillor who has voted against a motion put at a committee meeting so requests, the Chief Executive Officer must ensure that the councillor's dissenting vote is recorded in the minutes.

Supp Prov

14.11 Absence from Committee Meetings

- (1) A member (other than the mayor) ceases to be a member of a committee if the member:
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Reg 268

Note. The expression *year* means the period beginning 1 July and ending the following 30 June as noted in the Dictionary to the Local Government Act.

14.12 Disorder in Committee meetings

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

Reg 270

14.13 Certain persons may be expelled from Council Committee meetings

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

Reg 271

14.14 Committees to keep Minutes

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,

- (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

Reg 266

In addition, a committee must ensure that in respect of 'planning decisions' (see clause 13.4 of this Code) the names of the councillors and any other committee members who supported the decision and the names of any councillors and any other committee members who opposed (or are taken to have opposed) the decision are recorded in the minutes.

Supp Prov

14.15 Reports of Committees

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the council.

Reg 269

Part 15 Minutes and access to information

15.1 Minutes of Meeting

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

LGA Sec 375

15.2 Matters to be included in minutes of Council meeting

The general Manager must ensure that the following matters are recorded in the council's minutes:

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

Reg 254

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

15.3 Inspection of the minutes of a Council or Committee Meeting

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

Reg 272

Note: Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a council or committee of a council.

Minutes of council meetings are to be made accessible via the City of Sydney website to the councillors and the public as soon as practicable following council meetings (generally within three business days).

Supp Prov

15.4 Disclosure and misuse of information

- (1) A person must not disclose any information obtained in connection with administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Government Information (Public Access) Act 2009*, or
 - (e) with other lawful excuse.

- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
 - (b) the giving of an order.

LGA Sec 664

Part 16 Council Seal

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

Reg 400

Code of Meeting Practice – Concluded

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