

Post Exhibition - Code of Meeting Practice and Councillors' Expenses and Facilities Policy

File No: S051923

Summary

Code of Meeting Practice

The City's current Code of Meeting Practice has been in place since August 2022. In accordance with the Local Government Act 1993 councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Local Government (General) Regulation 2021 within 12 months of the election.

The adopted meeting code may incorporate non-mandatory provisions and any other supplementary provisions adopted by council. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

The City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code, along with some of the non-mandatory provisions of the Model Meeting Code and supplementary provisions relevant to the City of Sydney.

Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 10 October 2024. The draft Code of Meeting Practice was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024 with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993. One submission was received with no further changes recommended to the exhibited Code of Meeting Practice.

This report seeks Council adoption of the revised City of Sydney Code of Meeting Practice and the fixing of the order of business of council by resolution.

Councillors' Expenses and Facilities Policy

In accordance with the Local Government Act 1993, Councillors are entitled to be provided with the necessary resources and facilities and for expenses to be reimbursed in order for them to perform the role and undertake the duties of a Councillor.

To facilitate this, Council is required to adopt a policy, known as the Councillors' Expenses and Facilities Policy (Policy), for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor and Councillors.

In accordance with the Act, the Policy must be reviewed and adopted within the first 12 months of the commencement of each term of a council.

The adopted Policy must be consistent with the relevant provisions of the Act (sections 252 and 253) and the Local Government (General) Regulation 2021. These provisions are further informed by the "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" (the Guidelines) issued by the Office of Local Government (OLG) in 2009.

Council last adopted this Policy in November 2022 and a review of the existing Policy has been undertaken. The Policy does not propose the introduction of any new expense categories or facilities. It does propose an increase to the scope of some expenditure categories to better meet the needs of Councillors and an increase in the annual caps related to a number of categories.

Council endorsed the public exhibition of the City of Sydney's draft Councillors' Expenses and Facilities Policy on 10 October 2024. The draft Councillors' Expenses and Facilities Policy was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024) with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993. One submission was received, with no further changes recommended to the exhibited Councillors' Expenses and Facilities Policy.

This report seeks Council adoption of the revised City of Sydney Councillors' Expenses and Facilities Policy.

Recommendation

It is resolved that:

- (A) Council note the submission received from the community on the draft Code of Meeting Practice as outlined in the subject report;
- (B) Council adopt the revised City of Sydney Code of Meeting Practice as shown at Attachment A to the subject report;
- (C) Council fix the order of business of meetings of council as the following:
 - (i) opening of the meeting;
 - (ii) prayer and acknowledgement of country;
 - (iii) apologies and applications for a leave of absence by councillors;
 - (iv) confirmation of minutes;
 - (v) disclosures of interest;
 - (vi) minutes by the Lord Mayor;
 - (vii) memoranda by the Chief Executive Officer;
 - (viii) matters for tabling;
 - (ix) reports of committees;
 - (x) reports to council;
 - (xi) questions on notice;
 - (xii) supplementary answers to previous questions;

- (xiii) notices of motion; and
- (xiv) conclusion of the meeting;
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Code of Meeting Practice in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication;
- (E) Council note the submission received from the community on the draft Councillors' Expenses and Facilities Policy as outlined in the subject report;
- (F) Council adopt the revised Councillors' Expenses and Facilities Policy as shown at Attachment B to the subject report; and
- (G) authority be delegated to the Chief Executive Officer to make amendments to the Councillors' Expenses and Facilities Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Revised Code of Meeting Practice

Attachment B. Revised Councillors' Expenses and Facilities Policy

Code of Meeting Practice

1. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Local Government (General) Regulation 2021 within 12 months of the election. (The local government election was held on 14 September 2024).
2. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by the council.
3. Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the Code of Meeting Practice adopted by the council.
4. The City's Code of Meeting Practice was last reviewed and revised in August 2022.

Public Exhibition - Code of Meeting Practice

5. Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 10 October 2024.
6. The draft Code of Meeting Practice was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024) with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993.
7. The [webpage](#) was visited 55 times and the consultation document was downloaded 4 times. The public exhibition of the draft Code of Meeting Practice was included in the November 2024 Sydney Your Say e-news sent to 5,136 subscribers.
8. One submission was received requesting the inclusion of public question time and public tabling of submissions. The submission is noted, with members of the public able to address Committees on agenda items and contact Council via numerous methods.
9. No further changes recommended to the exhibited Code of Meeting Practice.
10. In accordance with clause 7.1 of the Code, the general order of business is as fixed by a resolution of the council. Fixing the order of business by resolution of the council allows a future council to change the order of business by resolution of the council, without amending the Code.

Objectives

11. The Code of Meeting Practice has the following objectives, to ensure:
 - (a) all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
 - (b) all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;

- (c) 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;
- (d) all Councillors fully understand their rights and obligations as participants in meetings of Council; and
- (e) proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

Meeting Principles

12. Council and committee meetings should be:
- (a) transparent: decisions are made in a way that is open and accountable;
 - (b) informed: decisions are made based on relevant, quality information;
 - (c) inclusive: decisions respect the diverse needs and interests of the local community;
 - (d) principled: decisions are informed by the principles prescribed under Chapter 3 of the Local Government Act 1993;
 - (e) trusted: the community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community;
 - (f) respectful: Councillors, staff and meeting attendees treat each other with respect;
 - (g) effective: meetings are well organised, effectively run and skilfully chaired; and
 - (h) orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.
13. The revised Code (as shown at Attachment A) incorporates the mandatory provisions of the Model Meeting Code, along with non-mandatory provisions of the Model Meeting Code and supplementary provisions relevant to the City of Sydney, included the following amendment to the Code:

Part/Clause(s)	Comment
Part 3 – Pre-meeting briefing sessions (clauses 3.59-3.64)	Non-mandatory provision of the Model Code recommended for deletion.

14. This amendment was made in response to the release of the Office of Local Government discussion paper – Councillor conduct and meeting practices. The City has made a submission on this matter noting that the City of Sydney does not support the NSW Government’s proposal to ban Councillor briefing sessions. The proposal in the discussion paper to impose a blanket ban on the briefing of councillors is not adequately explained or supported, impractical to implement and will ultimately lead to a more inefficient and combative environment for councillors and staff.

15. Nevertheless, the amendment to remove the non-mandatory provisions around pre-meeting briefing sessions is recommended for adoption. Council can continue to hold Councillor briefing sessions without their formal inclusion in the Code of Meeting Practice.
16. Further minor updates and amendments were also been made for clarity and consistency (and are largely administrative and procedural).

Councillors' Expenses and Facilities Policy

17. Council is required to adopt a Policy for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors within the first 12 months of each council term.
18. Council is required to review its Policy and publicly exhibit the proposed Policy, even if the Policy remains the same as the existing Policy.
19. The current version of the Policy has been in place since November 2022. Following a review of the Policy in accordance with the provisions of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 and the Office of Local Government (OLG) Guidelines, some modifications and variations were recommended.
20. The Policy does not propose the introduction of any new expense categories or facilities. It does propose an increase to the scope of some expenditure categories to better meet the needs of Councillors and an increase in the annual caps related to a number of categories.

Public Exhibition - Councillors' Expenses and Facilities Policy

21. Council endorsed the public exhibition of the City of Sydney's draft Councillors' Expenses and Facilities Policy on 10 October 2024.
22. The draft Councillors' Expenses and Facilities Policy was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024 with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993.
23. The [webpage](#) was visited 94 times and the consultation document was downloaded 13 times. The public exhibition of the draft Councillors' Expenses and Facilities Policy was included in the November 2024 Sydney Your Say e-news sent to 5,136 subscribers.
24. One submission was received requesting clarification of staffing costs versus expenses plus some suggestions on modernisation. The submission is noted, with further detail provided (and broken down) via the annual budget and annual report.
25. No further changes recommended to the exhibited Councillors' Expenses and Facilities Policy.

26. The revised Policy (as shown at Attachment B) included the following amendments to the Policy:

Section/Clause	Provision	Proposed Change
Chapter 3 – Payment of Expenses – Conferences Interstate (\$3,000 cap)	Provision for attendance at interstate conferences and seminars relevant to the functions of Council.	Administrative change – section renamed and updated to include civic events. Updated entitlement – cap increased from \$3,000 per year to \$5,000 per year.
Chapter 3 – Payment of Expenses – Conferences Intrastate (\$2,000 cap)	Provision for attendance at intrastate conferences and seminars relevant to the functions of Council.	Administrative change – section renamed and updated to include civic events. Updated entitlement – cap increased from \$2,000 per year to \$3,000 per year.
Chapter 3 – Payment of Expenses – Council Representation at Non-Council Functions and Other Events (\$2,000 cap)	Provision for attendance at non-council functions, community and corporate or industry events where Councillor representation would be expected.	Updated entitlement – cap increased from \$2,000 per year to \$4,000 per year.
Chapter 3 – Payment of Expenses – Spouse / Partner / Accompanying Person (\$600 cap)	Provision for the cost of a spouse, partner or accompanying person attending official Council functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:	Updated entitlement – cap increased from \$600 per year to \$1,000 per year.

Section/Clause	Provision	Proposed Change
Chapter 3 – Payment of Expenses – Training, Educational and Professional Body Membership Expenses (\$50,000 total for all Councillors)	Provision for the training, education and ongoing professional development of Councillors to ensure that members of Council’s governing body are provided with the knowledge and skills required to undertake their roles and responsibilities effectively.	Updated entitlement – additional provision for all Councillors to undertake a company directors course (and ongoing membership costs) – with costs not included in the annual cap for Training, Educational and Professional Body Membership Expenses.
Chapter 4 – Provision of Facilities - Administrative and Other Support Services	Provision of administrative and other support services for Councillors	Updated entitlement – inclusion of an additional 0.5 FTE administration officer for all Councillors.
Chapter 4 – Provision of Facilities - Council Related Meeting Costs (\$6,000 cap)	Provision for food, beverages and further meeting requirements (catering, audio visual equipment or personnel) for Council Related Meetings	Updated entitlement – cap increased from \$6,000 per year to \$10,000 per year.

27. Further minor updates and amendments were also made for clarity and consistency (and are largely administrative and procedural).

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

28. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities’ vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - The Code of Meeting Practice has been designed to promote, as the principle object of meetings, the making of decisions by Council that are in the best interests of the Council and the community as a whole and to ensure all Council meetings are:
- (i) consistent, orderly and efficient;
 - (ii) fair and respectful for all Councillors and other meeting participants; and
 - (iii) conducted with transparency and clearly defined rights and obligations for Councillors.

- (b) Direction 1 - Responsible Governance and Stewardship – The Councillors' Expenses and Facilities Policy has been designed to ensure Councillors have the appropriate tools and resources to meet the civic duties of their office and to ensure there is a transparent and well governed approach towards Councillor expenditure.

Financial Implications

29. Management of the webcasting and recordings of Council and committee meetings requires appropriate software licences. There are sufficient funds allocated within the current year's operating budget and future years' forward estimates for these services.
30. The 2024/25 budget already adopted by Council (and future years' forward estimates) includes funding for the ongoing provision of services and facilities to Councillors. The Policy proposes updates which will require additional funding, which will come from savings in the 2024/25 OCEO operating budget. If, as the current financial year progresses, sufficient savings are not available funding will be drawn from the CEO's Operating Contingency. Ongoing additional funding will be incorporated into future iterations of the Long Term Financial Plan as part of the annual budget process.

Relevant Legislation

31. Local Government Act 1993.
32. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

33. In accordance with section 360 the Local Government Act 1993 councils, must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election.
34. Council is required to review its Councillors' Expenses and Facilities Policy within the first 12 months of the current term of Council.

MONICA BARONE PSM

Chief Executive Officer

Erin Cashman, Manager OCEO

Attachment A

Revised Code of Meeting Practice

Code of Meeting Practice



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1. Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

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

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

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

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 the council.

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.

Note: The objectives are a supplementary provision

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 2021* and the Objectives of this Code.

The Code includes relevant references to sections of the *Local Government Act 1993* and *Local Government General Regulation 2021*, as well as supplementary provisions adopted by Council.

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

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

Note: The interpretation is a supplementary provision

2. Meeting principles

2.1 Council and Committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Revision of the Code

2.2 Where permitted under the Act or Regulation, the Council authorises the Chief Executive Officer to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice from the NSW Office of Local Government.

Note: Clause 2.2 is a Supplementary Provision

3. Before the meeting

Timing of ordinary council meetings

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

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

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

3.3 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 3.10 of this Code of Meeting Practice.

3.4 Generally, Council will recess during school holiday periods.

3.5 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-

3.6 Council will determine the commencement times for meetings of Committees.

3.7 The Lord Mayor has delegated authority to call and schedule meetings of Council Committees, workshops for Councillors and site inspections by Councillors.

Note: Clauses 3.2-3.7 are supplementary provisions

Extraordinary meetings

3.8 If the Lord Mayor receives a request in writing, signed by at least two (2) councillors, the Lord Mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The Lord Mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.8 reflects section 366 of the Act.

3.9 Councillors requesting that the Lord Mayor call an extraordinary meeting of council in accordance with clause 3.8, must provide the reason for the request in writing.

Note: Clause 3.9 is a supplementary provision

Notice to the public of council meetings

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

Note: Clause 3.10 reflects section 9(1) of the Act.

3.11 For the purposes of clause 3.10, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.12 For the purposes of clause 3.10, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.13 The Chief Executive Officer must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.13 reflects section 367(1) of the Act.

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

Note: Clause 3.14 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.15 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.15 reflects section 367(2) of the Act.

Days of notice

3.16 The day of issue and the day of the meeting are not to be counted as days of notice in accordance with section 36 Interpretations Act 1987.

Note: Clause 3.16 is a supplementary provision

Giving notice of business to be considered at council meetings

3.17 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12noon, four business days before the meeting is to be held.

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

3.19 If the Chief Executive Officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.20 A notice of motion which would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.

Note: Clauses 3.19 and 3.20 are non-mandatory provisions.

Questions with notice

3.21 A councillor may, by way of a notice submitted under clause 3.17 ask a question for response by the Chief Executive Officer about the performance or operations of the council.

3.22 A councillor is not permitted to ask a question with notice under clause 3.21 that comprises a complaint against the Chief Executive Officer or a member of staff of the council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the council.

3.23 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.21 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

3.24 Notices of motion containing questions are to be dealt with as Questions on Notice and listed separately on the council agenda. Questions on Notice must be submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12 noon, four business days before the meeting is to be held.

3.25 Questions on Notice must directly relate to the business of council and must be put directly, succinctly, respectfully and without argument.

3.26 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; or
- (d) imputation.

3.27 Questions should not ask for legal opinion to be provided at the council meeting.

3.28 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.

3.29 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.

3.30 A councillor may appeal to the Lord Mayor against a decision of the Chief Executive Officer or specified delegate made under clause 3.29. The Lord Mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.

3.31 The Lord Mayor may rule that a Question on Notice does not comply with the Code of Meeting Practice, notwithstanding a decision made under clause 3.29 - and in such cases the Lord Mayor is to provide a written reason for such a decision.

3.32 The council business papers may include Supplementary Answers to Previous Questions, following Questions on Notice.

Note: Clauses 3.24 -3.30 are supplementary provisions

Notices of motion

3.33 The rules applying to the content of Questions also apply to the content of Notices of Motion.

3.34 Councillors are to ensure, where it is intended that the Chief Executive Officer 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.

Note: Clauses 3.33 and 3.34 are supplementary provisions

Other motions

3.35 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.

3.36 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 or their specified delegate at, or prior to the start of the meeting, for circulation to all councillors and relevant staff.

Note: Clauses 3.35 and 3.36 are Supplementary Provisions

Agenda and business papers for ordinary meetings

3.37 The Chief Executive Officer must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.38 The Chief Executive Officer must ensure that the agenda for an ordinary meeting of the council states:

- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

- (b) if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.17.

3.38 Nothing in clause 3.38 limits the powers of the Lord Mayor to put a mayoral minute to a meeting under clause 8.6.

3.39 The Chief Executive Officer must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.40 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.40 reflects section 9(2A)(a) of the Act.

3.41 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Agendas

3.42 The Lord 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.

Note: Clause 3.42 is a supplementary provision

Matters for tabling – correspondence and petitions

3.43 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. The recommendation accompanying any Matters for Tabling, whether notice has been given or not, is “It is resolved that the matter be received and noted.”

3.44 Notice of Petitions (whether paper petitions or electronic petitions) may be included on Council’s business paper provided that notice is given to the Chief Executive Officer or their specified delegate no later than 12noon, four business days before the meeting at which the petition is to be considered. Notice must include the name of the petition and the statement(s) to which the signatories are agreeing.

3.45 Councillors may debate the subject of the petition if notice has been given.

3.46 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.

3.47 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 clause 8.3. A Councillor may request that the petition be placed on the agenda for the next Council meeting to allow for debate.

3.48 Otherwise, once a petition has been received and noted, the Chief Executive Officer must ensure the petition is appropriately considered by the City and in accordance with the Council’s Petition Guidelines.

Note: Clauses 3.43-3.48 are supplementary provisions

Statement of ethical obligations

3.49 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council’s code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

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

Note: Clause 3.50 reflects section 9(2) and (4) of the Act.

3.51 Clause 3.50 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.40 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.51 reflects section 9(2A)(b) of the Act.

3.52 For the purposes of clause 3.50, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.52 reflects section 9(3) of the Act.

3.53 A copy of an agenda, or of an associated business paper made available under clause 3.50, may in addition be given or made available in electronic form.

Note: Clause 3.53 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.54 The Chief Executive Officer must ensure the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.55 Despite clause 3.55, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

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

3.56 A motion moved under clause 3.55(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.57 Despite clauses 9.27-9.36 only the mover of a motion moved under clause 3.55(a) can speak to the motion before it is put.

3.58 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.55(b) on whether a matter is of great urgency.

4. Coming together

Attendance by councillors at meetings

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

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

4.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under the code.

4.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

4.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

4.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

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

Note: Clause 4.6 reflects section 234(1)(d) of the Act.

4.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) days' notice of their intention to attend.

The quorum for a meeting

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

Note: Clause 4.8 reflects section 368(1) of the Act.

4.9 Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 4.9 reflects section 368(2) of the Act.

4.10 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

4.11 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the Chief Executive Officer.

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

4.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Lord Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

4.14 Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.8.

Note: Clauses 4.13 and 4.14 are non-mandatory provisions

Meetings held by audio-visual link

4.15 A meeting of the council or a committee of the council may be held by audio-visual link where the Lord Mayor determines that the meeting should be held by audio-visual link because of a natural disaster, concerns relating to public health or in any other situation to ensure the health, safety and welfare of councillors and council staff. The Lord Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health, safety and welfare of councillors and staff at risk. The Lord Mayor must make a determination under this clause in consultation with the Chief Executive Officer.

4.16 Where the Lord Mayor determines under clause 4.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the Chief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

4.17 This code applies to a meeting held by audio-visual link under clause 4.15 in the same way it would if the meeting was held in person.

4.18 Should the Lord Mayor determine that a meeting of the committees of the council be held by audio-visual link, members of the public will be permitted to address the meeting by audio-visual link, including from the location made available for the public to observe the meeting if they have attended in person.

4.19 If, as a result of technical issues, any councillor loses connection to the meeting held by audio-visual link, the chair should adjourn the meeting for up to 15 minutes to enable the technical issue to be resolved. If the chair loses connection, the deputy chair of the meeting must call for the adjournment.

Note: Where a council holds a meeting by audio-visual link under clause 4.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Note: Clauses 4.15-4.19 are non-mandatory provisions

Attendance by councillors at meetings by audio-visual link (hybrid meetings)

4.20 The Lord Mayor may, in response to a request made by a councillor, permit the councillor to attend one or more meetings of the council or committee by audio-visual link where they are satisfied on reasonable grounds that the councillor will be prevented from attending the meeting/s in person for reasons beyond their control.

4.21 Requests by councillors to attend meetings by audio-visual link must be made in writing to the Lord Mayor by 12 noon on the day of the relevant meeting/s wherever possible and must provide information about the meeting/s the councillor will be prevented from attending in person and the reason why the councillor will be prevented from attending the meeting/s in person. When circumstances arise after 12 noon that would prevent a councillor from attending in person all attempts will be made to facilitate attendance by audio-visual link if possible, subject to technical capacity to do so.

4.22 Where the Lord Mayor approves attendance by audio-visual link a written determination permitting a councillor to attend one or more meetings by audio-visual link should be issued which provides the following information:

- (a) the Lord Mayor's confirmation that they are satisfied that the request is made on valid grounds, in accordance with clause 4.20 and
- (b) details of the meetings the determination applies to.

4.23 Where the request of a councillor to attend a meeting by audio-visual link has been agreed, the Lord Mayor shall determine whether the meeting shall be a hybrid meeting or held by audio-visual link. This determination should be provided to all councillors as soon as practicable prior to the relevant meeting.

4.24 A determination in relation to an application to permit a councillor to attend a meeting by audio-visual link is at the discretion of the Lord Mayor. Where the Lord Mayor determines not to approve attendance by audio-visual link this determination should be made in writing and reasons for the refusal provided to the councillor.

4.25 The Lord Mayor is under no obligation to permit a councillor to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend a meeting by these means.

4.26 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

4.27 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

4.28 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Note: Clauses 4.20-4.28 are non-mandatory provisions

Entitlement of the public to attend council meetings

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

Note: Clause 4.29 reflects section 10(1) of the Act.

4.30 Clause 4.29 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

Note: Clause 4.31 reflects section 10(2) of the Act.

Webcasting of meetings

4.32 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

4.33 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

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

4.34 The recording of a meeting is to be made publicly available on the council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

4.35 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

4.36 Clauses 4.34 and 4.35 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 4.32-4.36 reflect section 236 of the Regulation.

4.37 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

4.38 Members of the public attending a council or committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

4.39 By attending a council or committee meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

4.40 Speakers addressing council or committee meetings do not have absolute privilege in respect of opinions expressed or comments made or material presented. The City accepts no responsibility for any defamatory comments in this regard.

4.41 Council and committee meetings are public meetings where individuals may make statements or take actions which may be contrary to law. For example, those that are defamatory, discriminatory, breach privacy or physically harm another individual. Statements and actions such as these made in a council or committee meeting by any individual are not protected by privilege and may be the subject of legal proceedings and potential liability.

4.42 Council does not accept any liability for statements made or actions taken by individuals during a council or committee meeting that may be contrary to law.

4.43 Councillors and council employees are bound by the Code of Conduct and Code of Meeting Practice and are expected to maintain the high standards of conduct and behaviour required by these Codes.

4.44 A disclaimer will be published on Council's website, displayed in the public gallery, printed in the meeting agendas and announced by the Chair at the commencement of each meeting, notifying the public that statements made and actions taken during a council or committee meeting are those of the individuals making them, and not those of the council.

4.45 Unless set out in a resolution of council, the City of Sydney does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a council or committee meeting, and which may be contained in a live stream or recording of a council or committee meeting.

4.46 Recordings of proceedings are not an official record of the meeting, nor do they convey the official minutes of a council or committee meeting or the position of Council. Recordings are not to be used except in accordance with this Code.

4.47 Written transcripts of proceedings are not available.

4.48 Council or committee meetings may be several hours long. Viewing live or recorded video of Council meetings over the internet can consume large amounts of data. The user is responsible for any charges a service provider may impose for data usage, particularly over a mobile internet connection.

4.49 Access to live streams and recordings of council or committee meetings is provided on the City's website for personal and non-commercial use.

4.50 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the City.

4.51 Copyright remains with the City.

4.52 There may be situations where, due to technical difficulties beyond the City's control, a live stream or recording of a meeting may not be available. Every reasonable effort will be made to ensure live streams and meeting recordings are made available on the City's website.

4.53 The City takes no responsibility for, and accepts no liability, in the event that live streaming of a meeting, a recording of a meeting, or the City's website is unavailable.

4.54 Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

Note: Clauses 4.38-4.54 are supplementary provisions

Attendance of the Chief Executive Officer and other staff at meetings

4.55 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 4.55 reflects section 376(1) of the Act.

4.56 The Chief Executive Officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 4.56 reflects section 376(2) of the Act.

4.57 The Chief Executive Officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 4.57 reflects section 376(3) of the Act.

4.58 The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the Chief Executive Officer.

4.59 The Chief Executive Officer and other council staff may attend meetings of the council and committees by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the Chief Executive Officer.

5. The Chairperson

The chairperson at meetings

5.1 The Lord Mayor, or at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor (if any) presides at meetings of the council.

Note: Clause 5.1 reflects section 369(1) of the Act.

5.2 If the Lord Mayor and the Deputy Lord Mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 5.2 reflects section 369(2) of the Act.

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

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

5.4 The election of a chairperson must be conducted:

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

5.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

5.6 For the purposes of clause 5.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

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

5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.
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Recognition of chairperson

5.10 In addressing council, councillors and other persons addressing the council shall at all times speak through the chairperson.

5.11 Councillors and other persons addressing the council shall at all times show appropriate respect and observe the ruling of the chairperson.

5.12 A councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the chairperson.

Note: Clauses 5.10-5.12 are supplementary provisions

6. Modes of address

6.1 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, where a meeting is being held by audio-visual link, where a councillor is attending a meeting by audio-visual link or in circumstances where the chairperson rules that standing is not required.

6.2 In addressing council, councillors and other persons addressing the council will use the appropriate mode of address to the Lord Mayor, Deputy Lord Mayor, fellow councillors, employees of council and members of the public in attendance.

6.3 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.

6.4 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.

Note: Clauses 6.1-6.4 are non-mandatory provisions

7. Order of business for ordinary Council meetings

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

7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 12 allows council to deal with items of business by exception.

7.3 Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

8. Consideration of business at Council meetings

Business that can be dealt with at a council meeting

- 8.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.17, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.13 in the case of an ordinary meeting or clause 3.15 in the case of an extraordinary meeting called in an emergency.
- 8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Lord Mayoral minutes

8.6 Subject to clause 8.9, if the Lord Mayor is the chairperson at a meeting of the council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

8.7 A lord mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a lord mayoral minute without the motion being seconded.

8.8 A recommendation made in a lord mayoral minute put by the Lord Mayor is, so far as it is adopted by the council, a resolution of the council.

8.9 A lord mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

8.10 Where a lord mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the lord mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Note: Clause 8.10 is a non-mandatory provision.

Staff reports

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

Reports of committees of council

8.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

8.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

8.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.17 and 3.21.

8.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

8.16 A councillor may, through the Chief Executive Officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

8.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

8.18 Councillors must put questions directly, succinctly, respectfully and without argument.

8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

9. Rules of debate

Motions to be seconded

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

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

9.3 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.

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.

Note: Clauses 9.2 and 9.3 are supplementary provisions

Notices of motion

9.4 A councillor who has submitted a notice of motion under clause 3.17 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

9.5 If a councillor who has submitted a notice of motion under clause 3.17 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

9.6 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.
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Chairperson's duties with respect to motions

9.7 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

9.8 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

9.9 Before ruling out of order a motion or an amendment to a motion under clause 8.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

9.10 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Note: Clause 9.11 is a non-mandatory provision.

Amendments to motions

9.12 An amendment to a motion must be moved and seconded before it can be debated.

9.13 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.

Note: Clause 9.13 is supplementary provision.

9.14 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

9.15 An amendment must not be moved that is substantially the same as an earlier rejected amendment on the motion.

9.16 An amendment that is in opposition to an amendment already accepted must not be moved or accepted for debate.

Note: Clauses 9.15 and 9.16 are supplementary provisions

9.17 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

9.18 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

9.19 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

9.20 If the amendment is carried, it becomes the motion, and is to be debated. If the amendment is lost, debate is to resume on the original motion.

9.21 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

9.22 A councillor may propose a foreshadowed motion in relation to the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

9.23 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

9.24 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

9.25 The chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed motions or amendments.

9.26 Foreshadowed motions or amendments are still subject to the clause 8.1 (to be moved and seconded).

Note: Clauses 9.25 and 9.26 are supplementary provisions

Limitations on the number and duration of speeches

9.27 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

9.28 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.

9.29 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

9.30 Despite clause 9.29, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

9.31 Nothing in clauses 9.27, 9.28 or 9.29 affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

Note: Clause 9.31 is a supplementary provision.

9.32 Despite clause 9.30, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

9.31 Despite clauses 9.27 and 9.28, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two councillors have spoken against it.

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9.33 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.31. A seconder is not required for such a motion.

9.34 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.27.

9.35 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

9.36 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

9.37 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

10. Voting

Voting entitlements of councillors

10.1 Each councillor is entitled to one vote.

Note: Clause 10.1 reflects section 370(1) of the Act.

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

Note: Clause 10.2 reflects section 370(2) of the Act.

10.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

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

10.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

10.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

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

10.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

10.9 Clauses 10.7 and 10.8 apply also to meetings that are closed to the public.

Note: Clauses 10.7 to 10.9 reflect section 375A of the Act.

Note: The requirements of clause 10.7 may be satisfied by maintaining a register of the minutes of each planning decision.

11. Committee of the whole

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

Note: Clause 11.1 reflects section 373 of the Act.

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

Note: Clauses 9.27-9.37 limit the number and duration of speeches.

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

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

12. Dealing with items by exception

12.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 6.2.

12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.

12.7 Councillors must ensure they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

Note: Clauses 12.1-12.7 are non-mandatory provisions.

13. Closure of Council meetings to the public

Grounds on which meetings can be closed to the public

13.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

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

Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.

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

Note: Clause 13.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 13.3 reflects section 10B(1) of the Act.

13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 13.4 reflects section 10B(2) of the Act.

13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

Note: Clause 13.5 reflects section 10B(3) of the Act.

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

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

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

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

Note: Clause 13.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.40 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
- (b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
 - i. should not be deferred (because of the urgency of the matter), and
 - ii. should take place in a part of the meeting that is closed to the public.

Note: Clause 13.8 reflects section 10C of the Act.

Representations by members of the public

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

Note: Clause 13.9 reflects section 10A(4) of the Act.

13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.

13.11 Where the matter has been identified in the agenda of the meeting under clause 3.40 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received four hours before the meeting at which the matter is to be considered.

13.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 13.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.

13.13 No more than three (3) speakers are to be permitted to make representations under clause 13.9.

13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the Chief Executive Officer or their delegate is to determine who will make representations to the council.

13.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.

13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.39 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three speakers to make representations in such order as determined by the chairperson.

13.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

13.18 Apart from the circumstances referred to in the clauses 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.

Note: Clause 13.18 is a supplementary provision

Expulsion of non-councillors from meetings closed to the public

13.19 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

13.20 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

13.22 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

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

Note: Clause 13.22 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

13.23 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

13.24 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 13.23 during a part of the meeting that is webcast.

14. Keeping order at meetings

Observe the Code of Conduct and Code of Meeting Practice

14.1 Councillors, employees of council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of council.

14.2 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.

Note: Clauses 14.1 and 14.2 are supplementary provisions.

General procedural motions

14.3 A procedural motion is a motion that refers to the conduct of a meeting.

14.4 Procedural motions are not subject to the notice of motion requirements in clause 3.17.

14.5 In general, a procedural motion requires a seconder, unless stated to the contrary in the Code of Meeting Practice.

14.6 Unless stated to the contrary in this Code of Meeting Practice, there is no debate on a procedural motion.

14.7 A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

Note: Clauses 14.3-14.7 are supplementary provisions.

Points of order

14.8 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

14.9 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

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

Questions of order

14.11 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.

14.12 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.

14.13 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.

14.14 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

14.15 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

14.16 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

14.17 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

14.18 A motion of dissent does not require a seconder.

Note: Clause 14.18 is a supplementary provision.

Acts of disorder

14.19 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act the Regulation or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 14.19 reflects section 182 of the Regulation.

14.20 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.19 (a), (b) or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 14.19 (c) and, where appropriate, to apologise without reservation, or

- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 14.19 (d) and (e).

Note: Clause 14.20 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

14.21 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (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 clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Warning to councillors

14.22 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 they could face a motion to authorise removal from the meeting if they continue 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.

Note: Clause 14.22 is a supplementary provision

Expulsion from meetings

14.23 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

14.24 Clause 14.23 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting under section 10(2)(a) of the Act.

14.25 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.20. 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.

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

Note: Clause 14.26 reflects section 233(2) of the Regulation.

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

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

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

14.29 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

14.30 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Note: Clauses 14.29 and 14.30 are non-mandatory provisions.

Use of mobile phones and the unauthorised recording of meetings

14.31 Councillors, council staff and members of the public must ensure mobile phones are turned to silent during meetings of the council and committees of the council.

14.32 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

14.33 Without limiting clause 14.26, a contravention of clause 14.32 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.26. Any person who contravenes or attempts to contravene clause 14.32, may be expelled from the meeting as provided for under section 10(2) of the Act.

14.34 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

14.35 Clause 14.32, as it applies to an audio recorder, video camera, mobile phone or any other device, also applies to photography at council or committee meetings and any means of recording a meeting held using audio-visual technology (except by authorised council staff).

Note: Clause 14.35 is a supplementary provision.

15. Conflicts of interest

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

15.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Note: Clause 15.2 is a non-mandatory provision.

Disclosure of pecuniary interests

15.3 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 to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to or at the commencement of the meeting.

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

15.5 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 during or as soon as possible after the council or committee meeting.

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

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

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

Note: Clauses 15.3-15.8 are supplementary provisions.

Disclosure of non-pecuniary interests

15.9 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 the non-pecuniary interest, in accordance with the council's code of conduct, in writing to the Chief Executive Officer prior to or at the commencement of each committee or council meeting.

15.10 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 during or as soon as possible after the council or committee meeting.

15.11 A disclosure in accordance with clause 15.9 or 15.10 must indicate the nature of the non-pecuniary interest.

15.12 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.

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

15.14 In accordance with the council's code of conduct, councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Note: Clauses 15.9-15.14 are supplementary provisions.

Disclosures in the business paper

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

Note: Clause 15.15 is a supplementary provision.

16. Decisions of the Council

Council decisions

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

Note: Clause 16.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

16.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.17.

Note: Clause 16.3 reflects section 372(1) of the Act.

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

Note: Clause 16.4 reflects section 372(2) of the Act.

16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.17.

Note: Clause 16.5 reflects section 372(3) of the Act.

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

Note: Clause 16.6 reflects section 372(4) of the Act.

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

Note: Clause 16.7 reflects section 372(5) of the Act.

16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 16.8 reflects section 372(7) of the Act.

16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.18 with the consent of all signatories to the notice of motion.

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

Note: Clause 16.10 reflects section 372(6) of the Act.

16.11 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three (3) councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

16.12 A motion moved under clause 16.11(b) can be moved without notice. Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.

16.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.11(c).

16.14 If in the circumstances the Chief Executive Officer or specified delegate receives a notice of motion in accordance with clause 16.3, the Chief Executive Officer or specified delegate must ensure 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.

16.15 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 16.3, action to carry the resolution into effect will commence.

16.16 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 provisions of this Code, if such proposed motion has not already been stated in the rescission motion.

Note: Clauses 16.14-16.16 are supplementary provisions

Recommitting resolutions to correct an error

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

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

16.18 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.17(a), the councillor is to propose alternative wording for the resolution.

16.19 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.17(a), unless they are satisfied the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

16.20 A motion moved under clause 16.17 can be moved without notice. Despite clauses 9.27-9.37, only the mover of a motion referred to in clause 16.17 can speak to the motion before it is put.

16.21 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.17.

16.22 A motion moved under clause 16.17 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Note: Clauses 16.17-16.22 are non-mandatory provisions.

17. Time limits on Council meetings

17.1 Meetings of the council and committees of the council are to conclude no later than 10.00pm.

17.2 If the business of the meeting is unfinished at 9.45pm, the council or the committee may, by resolution, extend the time of the meeting.

17.3 If the business of the meeting is unfinished at 10.00pm, and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the Chief Executive Officer must:

- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Note: Clauses 17.1-17.5 are non-mandatory provisions.

Motion to adjourn meeting

17.6 A councillor may move the procedural motion "that the meeting be adjourned".

17.7 The motion before being put to the vote must be seconded by a councillor.

17.8 The mover of the motion may address the meeting on the motion.

17.9 No further debate on the motion is permitted.

Note: Clauses 17.6-17.9 are supplementary provisions

Amendment to adjourn meeting motion

17.10 Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.

17.11 Amendments to the motion to adjourn a meeting are to be moved and seconded.

17.12 The mover of the amendment may address the meeting as to the content of the proposed amendment.

17.13 Any address to the motion of adjournment or amendment is limited to three minutes.

Note: Clauses 17.10-17.13 are supplementary provisions

Re-convening an adjourned meeting

17.14 The Notice of Meeting provisions do not apply to a re-convened meeting.

17.15 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.

17.16 To the extent that it is practical, public notice of the re-convened meeting is to be given.

17.17 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.

Note: Clauses 17.14-17.17 are supplementary provisions.

18. After the meeting

Minutes of meetings

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

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

18.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

Note: Clause 18.2(a) is a non-mandatory provision.

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

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

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

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

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

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

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

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

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

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

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

18.8 Minutes of council meetings are to be made accessible via the City of Sydney website to councillors and the public as soon as practicable following council meetings (generally within three (3) business days).

Note: Clause 18.8 is a supplementary provision.

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

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

Note: Clause 18.9 reflects section 11(1) of the Act.

18.10 Clause 18.9 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.10 reflects section 11(2) of the Act.

18.11 Clause 18.9 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.11 reflects section 11(3) of the Act.

18.12 Correspondence or reports to which clauses 18.10 and 18.11 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.13 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 18.13 reflects section 335(b) of the Act.

19. Council Committees

Application of this Part

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

Council committees whose members are all councillors

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

19.3 A committee of the council is to consist of the Lord Mayor and such other councillors as are elected by the councillors or appointed by the council.

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

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

19.5 All councillors are members of each committee of the council created by resolution of council.

Note: Clause 19.5 is a supplementary provision

Functions of committees

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

19.7 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

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

19.9 Except as otherwise provided, meetings of council committees are to be conducted in accordance with this Code of Meeting Practice.

Note: Clauses 19.7-19.9 are supplementary provisions

Notice of committee meetings

19.10 The Chief Executive Officer must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

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

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

Attendance at committee meetings

19.12 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

19.13 Clause 19.12 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

19.14 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.
-

Chairperson and deputy chairperson of council committees

19.15 The chairperson of each committee of the council must be:

- (a) the Lord Mayor, or
- (b) if the Lord 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.

19.16 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

19.17 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

19.18 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Addressing committees

19.19 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.

19.20 The committee chairperson may ask members of the public to restrict their addresses to no more than three (3) minutes.

19.21 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.

19.22 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.

19.23 Speakers are asked to register to speak before noon on the day of the committee meeting.

19.24 Speakers are requested to declare membership of organisations or other interests relevant to consideration of the item that they wish to speak to.

19.25 If there are a large number of people interested in the same item, it is suggested a maximum of three (3) representatives be nominated to speak on behalf of a group and indicate how many people they are representing.

Note: Clauses 19.19-19.25 are supplementary provisions

Procedure in committee meetings

19.26 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

19.27 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.26.

19.28 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

19.29 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

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

19.31 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.30 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

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

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,

Note: Clause 19.33(a) is a non-mandatory provision.

- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

19.34 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: Clause 19.34 is a non-mandatory provision.

19.35 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

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

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

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

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

20. Irregularities

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

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

Note: Clause 20.1 reflects section 374 of the Act.

21. Definitions

the Act	means the Local Government Act 1993
act of disorder	means an act of disorder as defined in clause 13.20 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places and includes facilities enabling a hybrid meeting
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 18.15 of this code
this code	means the council’s adopted code of meeting practice

Code of Meeting Practice

committee of the council	means a committee established by the council in accordance with clause 18.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 10.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 9.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 8.24 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 8.23 of this code during debate on an original motion
hybrid meeting	means a meeting where some participants attend in person and others participate by way of audio-visual link
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

Code of Meeting Practice

planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the Local Government (General) Regulation 2021
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



Attachment B

Revised Councillors' Expenses and Facilities Policy

Councillors' Expenses and Facilities Policy



Councillors' Expenses and Facilities Policy

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Definitions

The **City of Sydney** or the **City** refers to the Council as an organisation, responsible for the administration of the city.

The **Council** refers to the elected Councillors, as the governing body of the City of Sydney.

The **city** refers to the geographical area that is administered by the City of Sydney and its physical elements (and is sometimes referred to as the local government area or LGA).

Disclaimer

The Councillors' Expenses and Facilities Policy includes references to the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). The Act and the Regulation may be subject to amendment from time to time. In the event of any inconsistency between the Councillors' Expenses and Facilities Policy and the Act and the Regulation, the Act and the Regulation must be relied upon rather than the Councillors' Expenses and Facilities Policy.

Introduction

Overview

Council is required to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors. The provision of such facilities and expenses assists the Lord Mayor and Councillors to undertake their respective roles under the *Local Government Act, 1993* (the Act) and provides reasonable recompense for expenses they incur in carrying out the functions of civic office.

Under section 252(5) of the Act, the Policy must comply with the provisions of the Act, the *Local Government (General) Regulation 2021* (the Regulation) and any relevant guidelines issued by the Chief Executive of the Office of Local Government under section 23A of the Act.

The City of Sydney's Councillors' Expenses and Facilities Policy (this Policy) is made in accordance with the Act (including sections 252, 253 and 254) and the Regulation and has been prepared with reference to, and in compliance with, the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009). This Policy should be read in conjunction with the Guidelines.

The Lord Mayor, Deputy Lord Mayor and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this Policy and for the purpose of carrying out the functions of their civic office.

Purpose

This Policy sets the framework for:

- the provision of adequate and reasonable expenses and facilities to the Lord Mayor, Deputy Lord Mayor and Councillors to enable them to carry out their respective roles under the Act;
- the provision of expenses and facilities to all members of Council's governing body in a manner that is transparent and accountable, and meets the expectations of the local community; and
- compliance with relevant legislative requirements for Council to review and adopt a policy concerning the payment of expenses and the provision of facilities to the Lord Mayor, Deputy Lord Mayor and Councillors.

Guiding Principles

Global Sydney

The Lord Mayor and Councillors elected to the Council of the City of Sydney are members of the governing body for Australia's primary global city.

The City of Sydney local government area is a key driver of the national economy, with a sphere of economic influence that is the greatest of any local government area in Australia".

The City of Sydney is:

- a leading Asia-Pacific financial centre and home to Australia's largest and most globally connected finance and insurance district;
- a global tourism destination and gateway to Australia for overseas tourists and visitors;
- a multipurpose centre specialising in higher order retailing serving the needs of visitors, workers and residents of the city, Sydney region and New South Wales;
- a principal centre of intellectual activity, media and communications, major centre for the professions and specialised medical services and an educational centre of excellence;
- the focus for major civic, ceremonial and religious activities of the Sydney region, New South Wales and Australia; and
- a cultural, recreation and entertainment destination for the Sydney region with national significance.

Scale, Scope and Nature of Expenses and Facilities

Given the global status of the City of Sydney, there is an expectation that the Lord Mayor, Deputy Lord Mayor and Councillors will represent Council at city, state and national business, government, community, cultural and other stakeholder forums.

This is in addition to Councillors' responsibilities to residents, ratepayers and businesses, workers and visitors in the city as elected persons and members of the governing body of Council under the Act.

The provisions of this Policy ensure that City of Sydney Councillors are provided with the necessary resources and facilities and for expenses to be reimbursed in order to enable them to fully perform their role under the Act.

Participation, Equity and Access

Consistent with principles of participation, equity and access, this Policy is intended to:

- be non-discriminatory and equitable;
- enable participation on Council of people from diverse backgrounds that represent the demographics of our local community;
- enable all members of the community from different walks of life, particularly underrepresented groups such as those in primary caregiver roles, to seek election to council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a councillor;
- take account of and make reasonable provision for the special needs of Councillors to allow appropriate access to council premises and facilities, and to

- maximise participation in the civic duties and business of council; and
- allow Councillors to represent our local community in different ways and take account of, as much as possible, individual differences.

Annual Fees

This Policy excludes annual fees paid to the Lord Mayor and Councillors under sections 248 to 251 of the Act. The Lord Mayor, Deputy Lord Mayor and Councillors of the City of Sydney are paid an annual fee according to determinations made by the Local Government Remuneration Tribunal.

Under the Act, the Tribunal's role is to determine the categories of councils and mayoral offices in New South Wales, place each council and mayoral office into one of the categories it has determined (at least once every three years), and on an annual basis set the minimum and maximum fees payable to councillors and mayors in each category. There are two categories with a total of 13 sub-categories:

General Purpose Councils - Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

General Purpose Councils - Non-Metropolitan

- Major Regional City
- Major Strategic Area
- Regional Strategic Area
- Regional Centre

- Regional Rural
- Rural
- County Councils – Water
- County Councils - Other

In determining the appropriate category allocation, the Act requires the Tribunal to have regard to matters such as:

- the size of areas;
- the physical terrain of areas;
- the population of areas and the distribution of the population;
- the nature and volume of business dealt with by each council;
- the nature and extent of the development of areas;
- the diversity of communities served;
- the regional, national and international significance of the council.

The City of Sydney is currently the only Council in NSW categorised as a Principal CBD by the Tribunal. As a matter of standing policy, Council has resolved that:

- having regard to the Tribunal's determination of a fee range for Councillors and the Lord Mayor, Council shall always pay the maximum fees as determined by the Tribunal; and
- the Deputy Lord Mayor's fees, to be deducted from the gross Lord Mayor's fee, shall be equal to 10 per cent of the mayoral fee actually paid to the Lord Mayor.

Councillors' annual fees are paid monthly in arrears in accordance with the provisions of the Act.

Relationship between Annual Fees and Expenses

Consistent with the position of the Office of Local Government and the Tribunal, this

Policy provides for a level of expense and facility entitlements, informed by, but set independent of, the level of annual fees payable to the Lord Mayor and Councillors.

Superannuation

Section 254B of the Act allows for superannuation contributions to be made to Councillors from 1 July 2021. On 11 April 2022, Council resolved to begin making superannuation contribution payments to councillors.

The amount of a superannuation contribution payment is the amount the City would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the City.

Legislative and Policy Provisions

Provisions under the Act

Section 252 of the Act requires Council to adopt or amend a policy for the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors.

Section 253 of the Act specifies actions Council must undertake before its policy concerning Councillors' expenses and facilities can be adopted or amended.

Section 254 of the Act requires that a part of the Council or Committee meeting which considers the adoption or amendment of the expenses and facilities policy will be open to the public.

Provisions under the Regulation

Section 403 of the Regulation states that the policy must not provide for the payment of a general expense allowance to any Councillor or for a vehicle to be made available for the exclusive use of a Councillor, other than the Lord Mayor.

It is not appropriate or lawful for the City to pay any Councillor an allowance in the nature of a "general expense allowance", which is unrelated to actual expenses incurred and designed to supplement the Councillor's annual fee.

Section 217 of the Regulation requires the City to include detailed information in its Annual Report about the payment of expenses and provision of facilities to Councillors (refer Part 6 of this Policy for further information).

Model Code of Conduct for Local Councils in NSW

Under section 439 of the Act, Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out their functions. The City of Sydney's Code of Conduct outlines the minimum requirements of conduct for council officials carrying out their functions.

This Policy is to be read in conjunction with the Code of Conduct, which incorporates the provisions of the Model Code of Conduct for Local Councils in NSW prescribed by the Office of Local Government.

General Policy Provisions

1. General Provisions Regarding Payment of Expenses and Provision of Facilities

- 1.1 Payments for expenses and facilities not included in this Policy cannot be made by the City in accordance with section 252(3) of the Act. All expenses and facilities under this Policy will be provided to Councillors for a purpose specific to the functions of holding civic office and are only to be used for Councillors' civic duties.
- 1.2 For the purpose of this Policy, functions of civic office, civic duties or Council business may be defined as "functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area."
- 1.3 Unless otherwise stated in this Policy, all requests from Councillors for the provision of services, facilities and claims for the payment or reimbursement of expenses are to be directed to the Secretariat Unit.
- 1.4 Equipment, facilities and other resources supplied to Councillors under this Policy will be compatible with and of the same standard as other City equipment and resources.
- 1.5 The services and facilities, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These services and facilities, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.
- 1.6 Councillors are encouraged to pool or share facilities in order to make the best use of council resources. Councillors are also encouraged to limit their use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge the functions of their civic office.
- 1.7 All equipment and facilities provided under this Policy remain the property of the City. On cessation or expiration of a Councillor's term of office, use of all equipment and facilities must cease immediately. On request, equipment and facilities must be returned to the City no later than 14 days from the date of cessation or expiration of a Councillor's term of office, or such other time period as may be specified.
- 1.8 Facilities provided to Councillors under this Policy are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

- 1.9 Annual expense limits apply to several categories of expenditure in this Policy. Where an annual expense limit applies, it is shown in brackets against that item and specified within the relevant clause of this Policy. All annual expense limits are based on a financial year and, where applicable, may be applied on a pro-rata basis e.g., before or after a local government election, or where the term of office of a Councillor ceases or commences during a financial year.
- 1.10 The City's regular monitoring and reporting on capped expenditure will identify whether any Councillor has exceeded an annual expense limit in this Policy. Councillors who exceed an annual expense limit will be invoiced and must reimburse the City in accordance with clause 41.2 of the Policy. All monetary expense limits in this Policy are exclusive of GST.
- 1.11 This Policy will apply to any Administrator(s) appointed by the Minister, subject to any necessary modifications.

2. Use of Council Resources

- 2.1 Councillors must only use council resources in accordance with the Code of Conduct. The following parts of the Code of Conduct are applicable to this Policy:
- "8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.*

- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.*
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.*
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.*
- 8.18 You must not use council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material for:*
- a) the purpose of assisting your election campaign or the election campaign of others, or*
 - b) for other non-official purposes.*
- 8.19 You must not convert any property of the council to your own use unless properly authorised."*

- 2.2 Councillors should not obtain private benefit from the provision of equipment and facilities while on Council business. The City, however, acknowledges that incidental personal use of council equipment, facilities and resources may occur from time-to-time. This means use that is infrequent and brief and use that does not breach this Policy or the Code of Conduct. Reimbursement to the City is not required for incidental personal use.
- 2.3 Councillors should not obtain any greater private benefit from City equipment, facilities and resources than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of City equipment and facilities does occur, Councillors must advise the Chief Executive Officer in writing and the Councillor will be invoiced for such private use and must reimburse the City in accordance with clause 41.2 of this Policy.

Payment of Expenses

3. Introduction

- 3.1 Expenses may be defined as “payments made by the City to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.”
- 3.2 Unless stated otherwise, the expense reimbursement and entitlement provisions (including expense limits) detailed in Part 3 of this Policy apply to the Lord Mayor, Deputy Lord Mayor and all Councillors on a uniform basis.
- 3.3 Specific additional expense reimbursement and entitlement provisions for the Lord Mayor and Deputy Lord Mayor are detailed at clauses 25 and 26.
- the cost of any meals and the reasonable cost of beverages accompanying a meal, where any such meals are not provided as part of the Conference registration fee (refer clause 7.3 of this Policy);
 - the cost of reasonable associated travel (refer relevant provisions of clauses 21 to 23 of this Policy); and
 - the cost of other reasonable incidentals (e.g. telephone calls, internet, newspapers and parking fees).
- 4.2 Under clause 18.1 of this Policy, costs associated with the attendance of spouses, partners or accompanying persons of Councillors at the Conference are limited to the cost of registration and official conference dinners. The City will therefore meet the direct cost of spouses, partners or accompanying persons attendance at the President’s Opening Reception and the Conference Gala Dinner, or the cost of partner registration (which includes tickets to the official Conference reception and dinner) up to the \$1,000 annual expenditure limit in clause 18.3 of this Policy.

4. Annual Conference – Local Government NSW

- 4.1 The City will meet the following costs of attendance at the annual Local Government NSW Conference (the Conference) by all Councillors nominated as delegates:
- delegate registration costs (including official Conference breakfasts, lunches and dinners);
 - the reasonable cost of overnight accommodation for stays outside the Sydney metropolitan region (refer clause 7.2 of this Policy);

- 4.3 The City will not meet the cost of travel expenses, additional accommodation expenses (in addition to the expenses incurred for the Councillor) and partner tours/activities for any spouses, partners or accompanying persons attending the Conference. These expenses are the responsibility of, and must be paid for personally by, individual Councillors.
- 4.4 Costs associated with the attendance of Councillor delegates at the Conference are not to be included within the annual expense limits applicable to Interstate and Intrastate Conferences in clauses 7.4 and 8.3 of this Policy.

5. Carer Expenses

Criteria

- 5.1 An annual limit of \$6,000 for each Councillor will apply to carer expenses.
- 5.2 A carer is a person who cares for a dependent child or another immediate family member, such as a family member with a disability.
- 5.3 Immediate family members include the carer's current or former spouse or domestic partner. Immediate family also includes a child, parent, grandparent or sibling of either the carer or the carer's spouse or domestic partner.
- 5.4 Aboriginal or Torres Strait Islanders who care for a family member related according to Aboriginal or Torres Strait Islander kinship rules are regarded as carers.

- 5.5 Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:
- Council meetings, standing committee meetings, sub-committee meetings, inspections, formal briefing/workshop sessions and civic or ceremonial functions convened by the Lord Mayor or Council;
 - meetings scheduled by Council or the Lord Mayor;
 - meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson (or deputy chairperson) of a standing committee;
 - meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
 - constituent meetings
 - a meeting, function or other official role as a representative of the Lord Mayor or Council;
 - Councillor training, education, professional development approved under clause 20.5 of this Policy;
 - preparation time for meetings of Council (up to 4 days per month)
 - Local Government NSW Annual Conference; and
 - functions where the payment of carer expenses has been approved by the Chief Executive Officer.

Fees

5.6 Carer expenses may consist of:

- child care centre fees;
- hourly fees;
- agency booking fees (if claimed); and
- reasonable travelling expenses (if claimed by the carer).

5.7 Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the care provider's usual terms, to a maximum hourly rate approved by the Chief Executive Officer.

5.8 Travelling expenses cover the transport costs of the carer to and from the Councillor's residence or of the person to be cared for to and from the place of care.

5.9 Claims for reimbursement of carer expenses must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion.

6. Communications and Mobile Devices (\$5,000)

6.1 An annual limit of \$5,000 for each Councillor will apply to the provision of communications and mobile devices outside the Councillor's Town Hall office, and their ongoing usage/operating costs.

6.2 Communications and mobile devices to be provided by the City to each Councillor for the duration of their term of office may comprise any of the following:

- one mobile electronic communication device, e.g., i-Phone, with approved accessories, including monthly service fees;
- one mobile device such as an i-Pad (including protective case, keyboard and monthly service fees);
- one multi-function device capable of printing and scanning; and
- one photographic camera with relevant accessories.

6.3 If replacement or upgrade of any of those communications and mobile devices is required during a Councillor's term of office, these costs are included in the total annual expense limit in clause 6.1.

6.4 Councillors may seek reimbursement for applications on their mobile electronic communication devices that are directly related to their duties as a Councillor.

6.5 Mobile device use is to be in accordance with the City's Mobile Device Policy and Internet and Email Policies. Councillors will receive a copy of their monthly Mobile Summary Report and will be able to identify any personal call charges.

6.6 Where personal call charges exceed incidental private use, Councillors must advise the Chief Executive Officer in writing and, in accordance with clause 41.2 of this Policy, the Councillor will be invoiced for reimbursement to the City of the relevant amount.

7. Conferences and Civic Events Interstate (\$5,000)

7.1 The City will pay expenses, including registration fees, domestic travel, accommodation, meals and reasonable incidental expenses, associated with Councillors attending conferences, seminars or civic events outside New South Wales (including the ACT), provided the Chief Executive Officer approves the Councillor's attendance. The conference, seminar or civic event must be directly relevant to the functions of Council and/or benefit the community/local government area. The request for approval should include full details of the travel, including itinerary and costs, in accordance with clause 23.4 of this Policy.

The provisions of clause 23 of this Policy will apply to all transport arrangements associated with interstate conference attendance.

Overnight Accommodation

7.2 The City will pay reasonable costs of overnight accommodation for stays outside the Sydney metropolitan region. Expenses are payable for the nights of the conference, seminar or civic event and the night before and after where necessary.

Accommodation is to be at the conference venue, where possible.

In all other cases, accommodation should be based on best value

available and proximity to the conference venue.

Preference will be given to accommodation venues providing Government Rates and to those who publicly disclose their environmental performance with third party certified sustainability ratings such as NABERS, EarthCheck, LEED, Green Star Performance, where available.

These costs are included in the total annual expense limit as identified in clause 7.4.

Meals

7.3 The City will pay for all meals for Councillors attending approved conferences, seminars or civic events, where any of those meals are not provided as part of the conference or seminar fee. The City will also pay the reasonable cost of beverages accompanying a meal.

These costs are included in the total annual expense limit as identified in clause 7.4.

7.4 The annual limit for attending conferences, seminars or civic events outside New South Wales (including the ACT) including registration, travel, accommodation and meal expenses, is \$5,000 for each Councillor. In addition to this annual expense limit, the standing authority in clause 23.5 of this Policy allows for:

- the attendance by Council's official delegates at the annual Local Government NSW Conference; and

- the attendance by the Lord Mayor or other Councillors at meetings interstate, including Canberra, explicitly for the discussion of issues related to the functions of the City of Sydney or agreements between Council and the Commonwealth, with such attendance to be explicitly approved by the Chief Executive Officer and the Lord Mayor, and in the case of the Lord Mayor, by the Chief Executive Officer and Executive Director, Legal and Governance.

8. Conferences and Civic Events Intrastate (\$3,000)

- 8.1 The City will pay expenses including, but not limited to, registration fees, domestic travel, accommodation (for stays outside the Sydney metropolitan region), meals and reasonable incidental expenses associated with Councillors attending conferences, seminars or civic events within New South Wales (excluding the ACT). The conference, seminar or civic event must be directly relevant to the functions of Council and/or benefit the community/local government area.

The provisions of clause 23 of this Policy will apply to transport arrangements associated with intrastate conference attendance.

- 8.2 Councillors may attend conferences, seminars and civic events within New South Wales at the City's expense:
- without approval of the Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference, seminar or civic event does not exceed \$500; or

- with the prior approval of the Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference, seminar or civic event exceeds \$500.

- 8.3 The annual limit for attending conferences, seminars or civic events within New South Wales (excluding the ACT) is \$3,000 for each Councillor. In addition to this annual expense limit, the standing authority of Council in clause 23.5 of this Policy allows for the attendance by Council's official delegates at the annual Local Government NSW Conference.

9. Council Concerts and Public Entertainment

- 9.1 Councillors will be offered tickets to events that the City sponsors where tickets are included in the sponsorship agreement.

10. Council Representation at Non-Council Functions and Other Events (\$4,000)

- 10.1 The annual limit for attending dinners, non-council functions, community and corporate or industry events where Councillor representation would be expected, such as award nights which are relevant to Council's interest is \$4,000 for each Councillor.

- 10.2 The approval of the Chief Executive Officer is required for attendance at dinners, non-council functions and community events where the cost exceeds \$500.

- 10.3 The City will pay the entry fee/ticket cost associated with the attendance of a Councillor at a dinner, non-council functions, community and

corporate or industry events relevant to Council's interest.

All arrangements for the giving of a ceremonial gift on behalf of the City are coordinated by Protocol.

10.4 The City will not pay for or reimburse to a Councillor costs associated with attendance at any political fundraising event, any donation to a political party or candidate's electoral fund or for some other private benefit.

Ceremonial gifts given by the City shall be:

- of a standard considered appropriate for the occasion;
- considered reasonable in terms of community expectations; and
- approved by a meeting of Council, where the value of a ceremonial gift will exceed \$1,000.

10.5 Likewise, no payment shall be made or reimbursed by the City for any component of a ticket that is additional to the service cost, such as a donation to a political party or candidate's electoral fund or any other private benefit.

Ceremonial gifts received by Councillors on behalf of the City

12.2 The provisions of the Code of Conduct and the Curatorial Policy of the Civic Collection will apply.

11. Expenses and Facilities for Councillors with Disabilities

11.1 For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their functions of civic office.

Token gifts and benefits given by Councillors

12.3 In circumstances where it is appropriate for Councillors to give a gift or benefit, for example as a personal gesture of goodwill when receiving visitors, these gifts and benefits should be of token value as defined in the Code of Conduct.

12. Gifts and Benefits

12.1 A ceremonial gift is an official gift from one organisation to another, generally provided when conducting official business with delegates from another organisation or when formally representing the City at ceremonial and civic events. For example, when undertaking overseas travel approved by Council, hosting a visiting official delegation or attending ceremonial and civic events as a formal representative of the City (as approved by Council or the Lord Mayor).

12.4 In appropriate circumstances the Protocol Unit will provide suitable gifts of token value to Councillors for issue to visitors.

Gifts and benefits received by (or offered to) Councillors

12.5 The provisions of the Code of Conduct will apply.

13. Insurance

13.1 In accordance with Section 382 of the Act, the City is insured against

public liability and professional indemnity claims. Councillors are included as a named insured on these policies.

13.2 Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

13.3 Council shall pay the insurance policy excess in respect of any claim accepted by the City's insurers, whether defended or not.

13.4 In addition to public liability and professional indemnity, the City also provides the following insurances:

- Councillors and Officers Liability Insurance;
- Personal Accident Insurance, (accompanying partners are also covered); and
- International and Domestic Travel Insurance.

14. Legal Costs

14.1 In the particular circumstances outlined below, the City may indemnify or reimburse the reasonable legal expenses of a Councillor for:

- defending an action arising from the performance in good faith of a function under the Act (section 731 refers); or
- defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor and the statements complained of were made in good

faith in the course of exercising a function under the Act; or

- an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body, including:
 - NSW Civil and Administrative Tribunal;
 - Independent Commission Against Corruption;
 - Office of the NSW Ombudsman;
 - Office of Local Government;
 - NSW Police ;
 - Director of Public Prosecutions; and
 - Council's Conduct Review Committee/Reviewer - only where a matter has been referred by the Chief Executive Officer in accordance with the Code of Conduct;
- but provided that the subject of the inquiry, investigation or hearing arises from the performance of a Councillor's functions under the Act, and the matter has proceeded to a formal investigation or review. In relation to a conduct complaint, reasonable legal expenses should only be reimbursed where a formal investigation has been commenced by the Office of Local Government. Reasonable legal expenses can only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.

14.2 Where possible, prior approval is to be sought and gained from the Chief Executive Officer before legal expenses are incurred.

14.3 The City will not meet legal expenses in the following circumstances:

- any legal proceedings initiated by a Councillor;
- a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
- any legal proceedings that do not involve a Councillor performing their role as a Councillor.

included in the annual expense limit for postage.

15. Newspapers

- 15.1 Each Councillor is entitled to digital subscriptions to two daily newspapers and/or delivery of those same newspapers to their home or Town Hall office.

16. Civic Communication Tools (\$1,500)

- 16.1 Each Councillor will be entitled to post, in City supplied envelopes, 200 standard mail items or equivalent per month cumulative within each financial year, up to a value of \$1,500 per year.
- 16.2 In recognition of the additional authorities and functions exercised by the Lord Mayor as detailed in clause 35.1, the Lord Mayor will be entitled to postage up to the value of \$3,000 per year.

Christmas / Festive Season Cards

- 16.3 Councillors may also be supplied with up to 600 Christmas Cards, or other cards specific to similar cultural festivals, and envelopes of standard size each year. Corporate Christmas Cards will also be made available in electronic format and interested Councillors are encouraged to use e-Christmas Cards. For those Councillors who choose a paper based card format, the cost of posting the 600 cards is

- 16.4 In recognition of the additional authorities and functions exercised by the Lord Mayor as detailed in clause 35.1, the Lord Mayor will be entitled to 1,200 cards under this Policy. Where the Lord Mayor chooses a paper based card format, the cost of posting the 1,200 cards is included in the annual expense limit for postage.

Electronic Civic Communications

- 16.5 Councillors are entitled to access the City provisioned email marketing platform to manage their electronic civic communications. Communications will be the responsibility of the Councillor and the cost of this will be attributed to the Civic Communication Tools cap.

17. Publications

- 17.1 Councillors are entitled to be reasonably supplied with journals, magazines and other publications of their choice relevant to their civic duties.
- 17.2 Councillors are entitled to one copy, for their own use, of any historical or other books published by or for the City.

18. Spouse / Partner / Accompanying Person (\$1,000)

- 18.1 The cost of a spouse, partner or accompanying person attending official Council functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:
- within the local government area;
 - outside the local government area but within the State when representing the Lord Mayor; and

- at the annual conference of Local Government NSW with costs limited to the cost of registration and official conference dinners as per clause 4.2 of this Policy.
- 18.2 Official Council functions include, but are not limited to, Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions formally supported by Council.
- 18.3 The payment of expenses, up to an annual limit of \$1,000 for each Councillor, for spouses, partners or accompanying persons is appropriate for attendance at community and charity functions held within or contributing to the local government area.
- 18.4 The payment of expenses for spouses, partners or accompanying persons attending appropriate functions shall be limited specifically to the ticket and meal(s). Other expenses, such as grooming, special clothing and transport, will not be reimbursed.
- 19. Table Purchasing for Charity and Fundraising Events**
- 19.1 Under the Support for Charities Policy, the Chief Executive Officer is authorised to make the decision on the purchase of tables at fundraising or charity events, in consultation with the Lord Mayor.
- 19.2 The following guidelines apply when determining whether a table should be purchased for a charity or fundraising event.
- Priority will be given to purchasing tables for events / functions which:
- contribute toward a coordinated approach to service delivery and the development of responses to emerging social, cultural environmental or economic issues
 - strengthen formal and informal support networks, reduce isolation and increase community participation and opportunities
 - increase access to the achievement of basic rights for people with the greatest need
 - promote a balanced debate aimed at achieving social harmony
 - raise funds for a cause or organisation which is in keeping with the City’s priorities and ethics
 - raise funds for a cause or organisation experiencing exceptional circumstances involving genuine hardship including domestic or international humanitarian crises
 - are reputable and not-for-profit
 - provide a benefit or service to the people of the City of Sydney or support an issue which falls within the City’s role as a capital city council or facilitate City of Sydney residents and visitors to support efforts to respond to a domestic or international humanitarian crises
 - are not for political purposes
 - are not for overt activities that could be perceived as divisive within the community.

- 19.3 Ticket costs or other entry fees associated with the attendance of Councillors at charity and fundraising events are included within the annual expense limit applicable to dinners, non-Council functions and community events in clause 10.1 of this Policy.
- 20. Training, Educational and Professional Body Membership Expenses (\$50,000 total for all Councillors)**
- 20.1 The City supports the training, education and ongoing professional development of Councillors to ensure that members of Council's governing body are provided with the knowledge and skills required to undertake their roles and responsibilities effectively.
- 20.2 The City delivers a comprehensive Councillor Induction Program to assist new Councillors in understanding and performing their role and to build on the existing knowledge and skills of returning Councillors. Following a general Council election, the Councillor Induction Program will include additional training, such as in the Code of Conduct and meeting practice and procedure. New and returning Councillors are also encouraged to attend any post election workshops/seminars conducted by the Office of Local Government.
- 20.3 Costs associated with the Councillor Induction Program and other related training, such as Code of Conduct and meeting practice and procedure will be separately met from the corporate budget.
- 20.4 Council will include in its annual budget an allocation of \$50,000 per year (average of \$5,000 per Councillor) for training and development courses, education and professional body membership expenses that are directly related to Councillors' civic functions and responsibilities. Council may also agree to allocate additional funding in specific cases where it decides there is a benefit to Council from Councillors' attendance or membership. The budget allocation is for all Councillors and the Chief Executive Officer will ensure that access to training and education courses and expenses relating to professional body membership is distributed equitably.
- 20.5 Approval to attend training and education courses and professional body membership is subject to a written request to the Chief Executive Officer outlining the details of the proposed training or education or professional body membership, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.
- 20.6 Councillors may undertake a company directors course, with the costs of the course and any ongoing professional body membership costs to be met by the City. These costs are excluded from the total annual expense limit as identified in clause 20.4.

21. Travel

General Provisions

- 21.1 In carrying out the functions of civic office, the Lord Mayor, Deputy Lord Mayor and Councillors may be required to undertake local, interstate and international travel on behalf of the City.

21.2 Overseas travel must be approved by Council in accordance with clause 24.1 of this Policy.

21.3 All travel arrangements (excluding local travel) must be made through the Office of the Chief Executive Officer. Travel arrangements (excluding local travel) must not be made by Councillors unless prior approval has been provided in accordance with this Policy.

21.4 All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

21.5 Councillors are responsible for ensuring that they maintain all supporting documentation for travel expenses, as required under this Policy.

21.6 Councillors undertaking private travel, in conjunction with travel approved and funded in accordance with this Policy, must ensure that all costs incurred for private travel are clearly delineated from City funded travel arrangements.

21.7 Councillors are not to seek, or accept loyalty or frequent flyer points from organisations such as airlines, hire care companies or hotels in respect of transport and accommodation costs associated with travel approved in accordance with this Policy.

22. Travel – Local (\$6,000)

22.1 Councillors may use industry standard vouchers/cards for taxi travel for journeys in the Sydney

metropolitan region to assist them to carry out their civic duties.

22.2 Upon being issued with such a voucher/card, Councillors must sign a form agreeing to comply with the conditions of use. The City will only meet the cost of taxi journeys undertaken by Councillors for Council business purposes.

22.3 At the end of each relevant billing period, each Councillor will receive a statement detailing taxi journeys undertaken during that period. Councillors are required to check the statement, complete a "Taxi Usage" form by providing the details of, and reasons for, each journey, identify any non-Council business related journey, and submit the completed form, and matching receipt for each journey detailed on the statement, to Secretariat within two months of the statement date.

22.4 These statements will be checked by Secretariat and, in accordance with clause 41.2 of this Policy, an invoice will be issued for reimbursement to the City of any non-Council business related journey identified by the Councillor.

22.5 Councillors may seek reimbursement of Opal Card costs for journeys undertaken in carrying out their functions of civic office. Claims for reimbursement of these expenses must be accompanied by a Councillor's Opal Card statement highlighting relevant journeys undertaken for Council business purposes.

- 22.6 When available, City vehicles and drivers may be utilised by Councillors for journeys in the Sydney metropolitan region to assist them to carry out their role. Requests should be directed to the Civic Functions Coordinator. The costs will be allocated at an hourly rate and will vary depending on whether overtime is applicable. Costs associated with driving Councillors when they are representing the Lord Mayor will not be included in the annual expense limit for local transport.
- 22.7 Councillors using their private vehicles to travel to and from meetings of Council and Committees of Council, and to carry out their other Council functions, may be reimbursed according to the rates prescribed by the Australian Tax Office. All references to private vehicles also include car share and rental vehicle use.
- 22.8 A record of private vehicle use must be maintained by the Councillor and submitted on a monthly basis using the log book provided. The record shall contain details of the Council business for which the travel was undertaken, dates, destinations, number of kilometres and any tolls, for which receipts must be provided.
- 22.9 Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function.
- 22.10 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or City vehicles on Council business.
- 22.11 Councillors are able to claim reimbursement for any bicycle hire costs used for transport while on Council business. Secure storage space is provided for Councillors in the car park of Town Hall House, 456 Kent Street, Sydney.
- 22.12 Councillors are able to claim reimbursement for the use of other forms of local transport as approved by the Chief Executive Officer, or delegate, from time-to-time.
- 22.13 The annual limit for all local transport expenses indicated above is \$6,000 for each Councillor.
- 23. Travel – Intrastate and Interstate**
- 23.1 The City will pay reasonable expenses for domestic travel related to carrying out the functions of civic office.
- 23.2 Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience.
- 23.3 Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.
- 23.4 Prior approval is required from the Chief Executive Officer for travel outside the Sydney metropolitan area and interstate. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

23.5 In addition to the provisions of clauses 23.1 to 23.4, the following standing authorities are deemed to exist as at the date of this Policy:

- the attendance by Council’s official delegates at the annual Local Government NSW Conference; and
- the attendance by Councillors at meetings interstate, including Canberra, explicitly for the discussion of issues related to the functions of the City of Sydney or agreements between Council and the Commonwealth, such attendance to be explicitly approved by the Chief Executive Officer in consultation with the Lord Mayor in each case. In the case of the Lord Mayor, attendance will be approved by the Chief Executive Officer and the Executive Director, Legal and Governance.

Costs associated with the standing authorities referred to above are not to be included within the annual expense limits detailed in clauses 7.4 and 8.3.

Class of Air Travel

- 23.6 Unless otherwise specified in a Resolution of Council, the class of air travel to be used is to be:
- by a Councillor for continuous journeys of less than or equal to two hours duration, economy class;
 - by a Councillor for continuous journeys exceeding two hours, business class; and

- by the Lord Mayor, and other Councillors accompanying the Lord Mayor, business class.

23.7 A journey which is interrupted by an overnight stop-over is not a continuous journey.

23.8 In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been available and followed at the same class of travel as was actually used. A claim for expenses must not exceed the amount actually paid.

Use of Private Vehicle

23.9 Where a Councillor uses their private vehicle, including car share and rental vehicle, to attend an approved conference or seminar outside the Sydney metropolitan region, the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports. Reimbursement rates and procedures are the same as those detailed in clause 22.7.

Train Travel

23.10 Train travel may be first class, including sleeping berths where necessary.

Transfers

23.11 Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel. (See clause 7.4 for the annual limit on expenses for attending conferences outside New South Wales (including the ACT) and clause 8.3 for the annual limit on expenses for attending conferences within New South Wales (excluding the ACT).

24. Travel – Overseas

- 24.1 Detailed proposals for overseas travel, including the benefits to Council, a list of associated costs and anticipated expenses must be included in the Committee or Council business papers by way of a report and approved by a meeting of Council prior to a Councillor undertaking a trip. Overseas travel is to be approved on an individual trip basis.
- 24.2 Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.

Class of Air Travel

- 24.3 Unless otherwise specified in a Resolution of Council, the class of international air travel to be used by the Lord Mayor and all Councillors is to be business class.
- 24.4 In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

Reports on Attendance

- 24.5 For overseas meetings, conferences or seminars, a report or relevant material must be prepared for circulation to the Council and review by the public within six months of the travel undertaken.

25. Additional Expenses for the Lord Mayor

Attendance at Conferences, Seminars and Meetings

- 25.1 The Lord Mayor may attend meetings, with the City meeting the cost of travel, accommodation, meals and reasonable incidentals, as follows:
- Council of Capital City Lord Mayors (while Council remains a CCCLM member);
 - Australian Local Government Association;
 - Local Government NSW;
 - meetings interstate and intrastate with representatives of the Commonwealth Government, State Governments, capital city local governments and regional local governments, or other bodies on city related issues; and
 - other meetings relevant to the functions of the City or the Lord Mayor's functions of office approved from time to time by Council.

Provision of Facilities

27. Introduction

- 27.1 Facilities may be defined as “equipment and services that are provided by councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors”.
- 27.2 Unless stated otherwise, the facilities, equipment, administrative and other support services detailed in Part 4 of this Policy are to be made available to all Councillors on a uniform basis.
- 27.3 Specific additional facilities, equipment, administrative and other support services for the Lord Mayor and Deputy Lord Mayor are detailed in clauses 35 and 36.
- 27.4 As detailed in Part 2 of this Policy, Councillors must only use Council facilities, equipment and services in accordance with the Code of Conduct.

28. Administrative and Other Support Services

- 28.1 Each Councillor will be provided with administrative and other support services equivalent to 1.5 full time staff.
- 28.2 Any hours worked in excess of this entitlement will only be paid as a result of these staff attending Council meetings, standing committee meetings and sub-committee meetings after 5.00pm or as approved in advance by the Councillor and Civic Relations Coordinator

28.3 Councillor support staff will be recruited by the Chief Executive Officer, in consultation with the relevant Councillor(s).

28.4 A generic position description for these positions is to be approved by the Chief Executive Officer.

28.5 Councillor support staff will be provided with a workstation or equivalent, a computer connected to City's network, land line phone and mobile device.

29. Building Access and Parking

29.1 Each Councillor will receive one security card and one key fob, allowing them 24 hour access to appropriate areas within the Sydney Town Hall and Town Hall House.

29.2 Each Councillor is entitled to the use of one parking space accessible on a 24 hour basis in the Town Hall House car park.

30. Name Badge

30.1 Each Councillor is entitled to two standard name badges.

31. Office Accommodation and Equipment

31.1 Councillors will be provided with office accommodation. The location of the office, the standard of accommodation, and expenditure on equipment, furniture and fit out are to be approved by the Chief Executive Officer. The standard will be such as to enable Councillors to satisfactorily carry out their civic duties.

- 31.2 Councillors will be entitled to standard equipment set up (generally comprising of a computer and mobile phone)
- 31.3 Computer and network usage is subject to City policy (including Internet and Email Policies) and is to be used only in the execution of the Councillors' civic duties.
- 31.4 Software required by Councillors in the exercise of their civic duties will be provided by the City as approved by the Chief Executive Officer.
- 31.5 Training in the use of systems provided by the City will be available at the City's expense.
- 31.6 Other equipment available in each Councillors' office will include the following:
- access to a multi-function device for printing, scanning, copying and faxing;
 - paper shredder;
 - a multi-function headset capable of integration with a desk phone, mobile phone and internet phone; and
 - day-to-day stationery and other minor office equipment including any relevant personal protective equipment (PPE).
- 31.7 Maintenance, telephone line rental, fax and call costs for telephones in Councillors' offices will be at the City's expense. Town Hall office phones will be connected to voicemail.

32. Council Related Meeting Costs (\$10,000)

- 32.1 Food and beverages will be available for Council meetings, standing committee and sub-

committee meetings, Central Sydney Planning Committee meetings, other official Council Committees, Councillor briefings, approved meetings or engagements, and official Council functions as approved by the Chief Executive Officer in consultation with the Lord Mayor.

- 32.2 Councillors will be reimbursed reasonable out-of pocket expenses incurred whilst entertaining visiting dignitaries on behalf of Council. The Chief Executive Officer in consultation with the Lord Mayor must give prior approval to these arrangements.
- 32.3 Food and beverages associated with conducting other Council and civic business related meetings in Sydney Town Hall or Town Hall House can be arranged for Councillors through Civic Functions and/or other providers as nominated by the Chief Executive Officer, or delegate.
- 32.4 Councillors' office refrigerators may be stocked with beverages for the use of Councillors and their guests in relation to Council and civic business from a standard range of stock items available. Requests should be directed to the Civic Functions Coordinator the costs involved will be allocated to the Councillor concerned.
- 32.5 Further meeting requirements including costs for catering, audio visual equipment or personnel can be arranged for Councillors through Civic Functions with the approval of the CEO.

32.6 The annual combined limit for clauses 32.2 - 32.5 is \$10,000 for each Councillor.

33. Room Use

Sydney Town Hall

33.1 The VIP Boardroom, Finance Room, Treasury Room and Council Chamber may be booked at no cost for meetings in the exercise of the Councillor's civic duty.

33.2 Bookings may be made through the Councillor and Civic Relations Coordinator.

Other Venues

33.3 Meeting rooms in other City of Sydney venues, such as Town Halls, Town Hall House and community centres, may be booked at no cost for meetings of up to approximately 100 people, subject to availability, in the exercise of the Councillor's civic duty.

33.4 Booking requests are to be made through the Councillor and Civic Relations Coordinator. who will then seek the approval of the Chief Executive Officer.

33.5 All Councillors are to be invited to meetings held in other City venues.

Conditions of Usage

33.6 Room or venue bookings which may be perceived to be of a political nature or not related to the Councillor's civic duties will not be approved for free use. Where applicable, room or venue usage in those circumstances would be

charged at the current community rate.

33.7 Costs for catering, audio visual equipment, personnel or other meeting requirements are to be met by the Councillor under clause 32.

34. Stationery

34.1 Councillors will be supplied with corporate standard Councillors' letterhead, note paper, envelopes and business cards. The letterhead will display one Councillor's name only. Groups and affiliations are not to be displayed on Councillors' letterhead.

34.2 Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

35. Additional Facilities for the Lord Mayor

35.1 This Policy recognises the additional authorities and functions exercised by the Lord Mayor, in accordance with the Act (as amended) and Council's adopted delegations to the Lord Mayor, which include:

- to lead the governing body of Council;
- to be a leader in the community;
- to advance community cohesion and promote civic awareness,
- to be the principal spokesperson on Council policy;
- to promote partnerships between Council and key stakeholders;
- to represent the Council on regional organisations and at inter-

- governmental forums at regional, State and Commonwealth level; and
 - the undertaking of civic and ceremonial functions of the mayoral office; and
 - other functions as authorised by Council in accordance with its delegations to the Lord Mayor.
- 35.2 Council will provide the Lord Mayor with office accommodation and the services of a business unit (the Office of the Lord Mayor) to support the Lord Mayor in carrying out these authorities and functions.

Office of the Lord Mayor (Business Unit)

- 35.3 The Office of the Lord Mayor will provide support and related services to the Lord Mayor for the purposes of:
- policy development and advocacy;
 - strategic planning and research;
 - communications and media;
 - community, government and industry liaison;
 - exercise of civic and ceremonial functions; and
 - administrative support.
- 35.4 The Office of the Lord Mayor is not to be used to provide services or facilities for any other purpose.
- 35.5 Council will allocate and approve an annual budget for the Office of the Lord Mayor to provide for required staff resources, facilities and other expenses associated with its day-to-day operation.

- 35.6 The annual budget for the Office of the Lord Mayor will be published on the City’s website.
- 35.7 Under Council’s adopted delegations, the Lord Mayor has authority to determine the structure of the Office of the Lord Mayor in consultation with the Chief Executive Officer, subject to the costs being within the annual budget allocated and provided the staffing of the unit does not exceed the equivalent of 22 full time staff.
- 35.8 Resources utilised and expenditure incurred within the Office of the Lord Mayor must be in accordance with relevant financial delegations and in consultation with the Chief Executive Officer.
- 35.9 For financial management purposes, the Office of the Lord Mayor operates as a separate cost centre.
- 35.10 Expenses reimbursed and facilities made available to the Lord Mayor in accordance with the other provisions of this Policy will be funded from the overall budget allocation for the provision of expenses and facilities to councillors and be subject to the limits specified in this policy.

Other Facilities

- 35.11 A dedicated vehicle including a fuel card and driver for local and intrastate journeys (and the ACT) will be made available to the Lord Mayor to assist them to carry out the duties of civic office.
- 35.12 The vehicle and driver are to be available for other duties when not utilised by the Lord Mayor. The Lord Mayor’s vehicle is maintained and replaced in accordance with the City of Sydney Motor Vehicle Policy.

35.13 In carrying out the functions of civic office, the Lord Mayor may use rooms in Sydney Town Hall including the Reception Room and the Lady Mayoress' Room.

35.14 The Lord Mayor has access to Lord Mayoral Chains of office and robes for official, civic and ceremonial use.

36. Additional Facilities for the Deputy Lord Mayor

36.1 The Deputy Lord Mayor is entitled to administrative support services equivalent to 2.5 full time staff.

36.2 A non-dedicated vehicle and driver is available to assist them to carry out the duties of Deputy Lord Mayor for journeys in the Sydney metropolitan region. The vehicle and driver may only be used where the purpose of the transport is directly related to the functions of the Council. Such vehicle and driver will be available for other duties when not utilised by the Deputy Lord Mayor.

36.3 In the event a new Deputy Lord Mayor is elected, both the incoming and outgoing Deputy Lord Mayor shall be entitled to new corporate letterhead, notepaper and business cards.

Payment and Reimbursement

37. Payments Generally

37.1 Expenses and facilities provided for in this Policy can be paid by:

- the City directly;
- reimbursement; or
- advance payment (in exceptional circumstances eg. overseas travel).

37.2 All payments by the City under this Policy will be made in accordance with existing City financial delegations, policies and procedures applicable to the particular payment method used (i.e., Purchase Order, EFT, corporate credit card, payment requests and petty cash).

37.3 The payment method used for particular expenses and facilities may vary depending on the cost involved in the particular expense or facility, payment deadline, staff availability and expediency. If credit card is the only available or most suitable payment method in a particular circumstance, relevant surcharges and/or processing fees may apply.

38. Assessment and Approval of Payments and Reimbursements

38.1 Claims for payment or reimbursement of expenses and the provision of facilities under this Policy will be assessed/approved by at least two of the following:

- the Chief Executive Officer (or the Chief Executive Officer's nominated delegate) – claim assessment and approval where specifically required under a clause of this Policy; or

- Manager, Office of the CEO (claim assessment and approval within financial delegations and where expenses claimed are within an annual expense or other limit in the Policy); or

- Councillor and Civic Relations Coordinator (claim assessment and approval within financial delegations and where expenses claimed are within an annual expense or other limit in the Policy); or

- Committee Secretary (claim assessment for compliance with Policy/annual limits only). If a claim is approved, the City will make the payment directly to the relevant suppliers/service providers or reimburse the Councillor/other claimant through Accounts Payable.

38.2 If a claim is refused, the City will inform the Councillor/other claimant that the claim has been refused and the reasoning.

38.3 Claims for payment or reimbursement of expenses which are approved in accordance with the provisions of clauses 38.1 are subject to the oversight and accountability requirements outlined in clauses 44.2 and 44.3.

39. Process for Direct Payment and Reimbursement of Expenses

- 39.1 Whenever possible and practicable, the City will directly pay for Councillors' expenses and provide facilities, equipment and other resources up to the relevant annual expense limit or standard specified in this Policy. In other cases, Councillors may claim for payment or reimbursement of expenses or facilities as outlined below.
- 39.2 If sought by a Councillor, the City will pay or reimburse expenses incurred or to be incurred by a Councillor in carrying out the functions of civic office. Claims for payment or reimbursement of expenses by the City must be made using the appropriate form and provide sufficient supporting information to allow assessment of the claim.
- 39.3 Where direct payment by the City of an expense is sought by a Councillor, pre-approval under clause 38.1 of this Policy must be obtained prior to the expense being incurred.
- 39.4 Councillors are responsible for providing original receipts (with GST marked where applicable) and completing any other required documentation (e.g., private motor vehicle log book, Opal card statement reconciliation) in support of claims for payment or reimbursement of an expense by the City under this Policy.

- 39.5 Unless otherwise stated in this Policy, claims for reimbursement of expenses incurred by a Councillor must be lodged as soon as practicable (generally within two months of the date of the cost being incurred, or issue date of a periodic statement or billing summary detailing the expenditure incurred by the Councillor).
- 39.6 If a claim is lodged after the time period provided in clause 39.5, it may be refused. Requests for reimbursement outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the Chief Executive Officer or delegate.

40. Payment in Advance

- 40.1 Councillors seeking payment in advance for the cost of any expenses provided for in this Policy that they anticipate will be incurred in the course of undertaking their civic duties must provide sufficient supporting information to allow assessment of the request.
- 40.2 If a Councillor receives an advance payment from the City, the Councillor must, as soon as practicable (generally within one month of receiving such a payment), provide to the City:
- a full reconciliation of all expenses, including receipts; and
 - a reimbursement of any amount of the cash advance that was not expended in the course of undertaking their civic duties.

41. Reimbursement to the City

41.1 For expenses that are later billed directly to the City, such as mobile phones/device and taxi vouchers/cards, Councillors are required to review the relevant bill, confirm those expenses that were incurred in carrying out their Council duties and declare any private usage. For the purposes of clause 41.2 of this Policy, Councillors will be invoiced and must reimburse the City for:

- any personal mobile phone call costs which exceeds incidental private use; and
- the full cost of any taxi journeys undertaken for private purposes (as determined through the reconciliation mechanism/process in clause 22.2 of this Policy).

41.2 If the City has incurred any other expense on behalf of a Councillor that exceeds an annual expense limit as detailed in this Policy, or exceeds reasonable incidental private use (as declared by the Councillor in writing or determined by the Chief Executive Officer or their delegate):

- the City will invoice the Councillor for the amount by which the annual expense limit for a category has been exceeded, plus GST, for the actual costs incurred by the Councillor for private benefits (where these can be ascertained), or at market value; and
- the Councillor will reimburse the City for that expense as per the invoice amount and payment terms.

42. Dispute Resolution Procedure

42.1 In the event of a dispute regarding the reimbursement of expenses or the provision of facilities under this Policy, the Lord Mayor or a Councillor may, by written request to the Chief Executive Officer, request the review and determination of the disputed matter by the Chief Executive Officer and the Executive Director, Legal and Governance.

42.2 If any matter remains in dispute, or the review parties (as detailed above) are unable to determine the matter, the disputed matter may be referred to a meeting of the Audit, Risk and Compliance Committee (comprised of the independent external members of the committee only) for determination.

Accountability and Transparency

43. Administrative Oversight

43.1 The Office of the Chief Executive Officer is responsible for the oversight and ongoing administration of the Policy, including, where necessary, the establishment of subsidiary practices and procedures intended to ensure high standards of probity are maintained.

44. Budget Oversight and Financial Accountability

44.1 Cost information for expenses incurred by Councillors and services and facilities provided to Councillors is generated from business units across the City.

44.2 The Chief Finance Office maintains the necessary accounting systems that ensure compliance with the requirements of this Policy and is responsible for ensuring the correct categorisation and charging of approved expenditure.

44.3 The primary internal controls that apply to the provisions of this Policy are:

- hierarchical approval requirements for all claims for expense reimbursement and the provision of facilities (operating in accordance with relevant financial delegations issued to City staff);
- monthly management reporting for budget and expenditure review and verification;

- regular capped expenditure reporting to all Councillors for secondary review and verification purposes;
- periodic expenses and facilities compliance review by way of internal audit; and
- annual operating budget development and approval processes.

45. Statutory Reporting Requirements

45.1 Under the Act and Regulation, the City is required to include specific information in its Annual Report about the payment of expenses and facilities to councillors in relation to their civic functions.

45.2 A statement of the total amount expended on the provision of facilities, and the total cost of particular categories of expenses and facilities as detailed in section 217 of the Regulation, are included in the City's Annual Report. The categories reported are as follows:

General

- the total cost of expenses and the provision of facilities for the Lord Mayor and Councillors;

Provision of facilities

- the cost of the provision of dedicated office equipment allocated to councillors on a personal basis such as computers, mobile phones, telephones and facsimile machines and internet installed in the councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls;

Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services;
- spouse, partner or accompanying person expenses;
- conference and seminar expenses;
- training and skill development expenses;
- interstate travel expenses (including subsistence and out-of-pocket expenses);
- overseas travel expenses (including subsistence and out-of-pocket expenses); and
- care and other related expenses (of dependants to enable a councillor to undertake their civic functions).

46. Additional Reporting of Expenses and Facilities

- 46.1 In addition to the statutory reporting requirements, the City reports the total cost of expenses and the provision of facilities for the Office of the Lord Mayor by way of the City's Integrated Planning and Reporting program and quarterly financial performance reporting.

47. Online Reporting

- 47.1 Council has resolved that expenditure incurred in accordance with this Policy will be published on the City's website quarterly.

48. Availability of the Policy

- 48.1 In accordance with the Government Information (Public Access) Act 2008, this Policy is to be made publicly available, free of charge, on the City of Sydney website as part of Council's register of open access information and policy register.

49. Policy Review

- 49.1 Council is required to review this Policy within the first 12 months of each term of office.

50. Relevant State Legislation and Guidelines

- Local Government Act, 1993
- Local Government (General) Regulation 2021
- Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW - October 2009 (issued in accordance with section 23A of the Act)
- Circular 10/26 Misuse of council resources
- Independent Commission Against Corruption (ICAC) publication, No excuse for misuse, preventing the misuse of council resources - Guidelines 2 (November 2002).

51. Relevant City policy documents

- City of Sydney Code of Conduct
- Internet and Email Policies
- Petty Cash Policy
- Mobile Device Policy
- Motor Vehicle Policy

52. Policy Control Statement

Authority

Resolution of Council dated [DATE]

Review Date

This policy is to be reviewed within 12 months of any Council election.

File reference

[INSERT]

Owner

Office of the Chief Executive Officer

This Policy supersedes any previous policies concerning the payment of expenses and provision of facilities to Councillors.