

Attachment A

**Draft Code of Meeting Practice (marked up
Model Code)**

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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.

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.

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.

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

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.

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The Lord Mayor~~mayer~~ may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

- 3.4 Councillors requesting that the Lord Mayor call an extraordinary meeting of council in accordance with clause 3.2, must provide the reason for the request in writing.

Note: Clause 3.4 is a supplementary provision

Notice to the public of council meetings

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

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, notice of a meeting of the council and of a committee of council must 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.

- 3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.8 The Chief Executive Officer~~general manager~~ 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 3.8 reflects section 367(1) of the Act.

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

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.10 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 3.10 reflects section 367(2) of the Act.

Days of notice

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

Note: Clause 3.11 is a supplementary provision

Giving notice of business to be considered at council meetings

- 3.12 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.

- 3.13 Notices of motion are to be submitted to the Chief Executive Officer or their specified delegate, no later than 12 noon, four business days before the meeting is to be held.

Clause 3.13 is a supplementary provision nominating the reasonable time for the purposes of clause 3.12

- 3.14 A councillor may, in writing to the Chief Executive Officer~~general manager~~, 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.

- 3.15 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.
- 3.16 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 3.15 and 3.16 are supplementary provisions.

Questions with notice

- 3.17 A councillor may, by way of a notice submitted under clause 3.12, ask a question for response by the Chief Executive Officer~~general manager~~ about the performance or operations of the council.
- 3.18 A councillor is not permitted to ask a question with notice under clause 3.17 that would constitute an act of disorder.
- 3.19 The Chief Executive Officer~~general manager~~ or their nominee may respond to a question with notice submitted under clause 3.17 by way of a report included in the business papers for the relevant meeting of the council.
- 3.20 Notice 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.
- 3.21 Questions on notice must directly relate to the business of council and must be put directly, succinctly, respectfully and without argument.
- 3.22 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.
- 3.23 Questions should not ask for legal opinion to be provided at the council meeting.
- 3.24 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 s 10A(2) of the Local Government Act 1993.
- 3.25 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.

- 3.26 A councillor may appeal to the Lord Mayor against a decision of the Chief Executive Officer or specified delegate made under clause 3.25. The Lord Mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.
- 3.27 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 3.25 – and in such cases the Lord Mayor is to provide a written reason for such a decision.
- 3.28 The council business may include Supplementary Answers to Previous Questions, following Questions on Notice.

Note: Clauses 3.20 to 3.28 are supplementary provisions

Notices of motion

- 3.29 The rules applying to the content of Questions on Notice also apply to the content of Notices of Motion.
- 3.30 Councillors are to ensure, where it is intended that the Chief Executive Officer be asked to carry out some specified 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 3.29 and 3.30 are supplementary provisions

Other motions

- 3.31 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.
- 3.32 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 (to be submitted electronically) 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 3.31 and 3.32 are supplementary provisions

Agenda and business papers for ordinary meetings

- 3.33 The Chief Executive Officer~~general manager~~ must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

- 3.34 The ~~Chief Executive Officer~~general manager 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 m~~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 3.12.
- 3.35 Nothing in clause 3.3 limits the powers of the ~~Lord Mayor~~mayer to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.36 The ~~Chief Executive Officer~~general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the ~~Chief Executive Officer~~general manager, the business is, or the implementation of the business would be, unlawful. The ~~Chief Executive Officer~~general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.37 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the ~~Chief Executive Officer~~general manager, is likely to take place when the meeting is closed to the public, the ~~Chief Executive Officer~~general manager 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 3.37 reflects section 9(2A)(a) of the Act.

- 3.38 The ~~Chief Executive Officer~~general manager must ensure that the details of any item of business which, in the opinion of the ~~Chief Executive Officer~~general manager, 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

- 3.39 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 3.38 is a supplementary provision

Matters for tabling – correspondence and petitions

- 3.40 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.”
- 3.41 Notices 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 12 noon, 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.
- 3.42 Councillors may debate the subject of the petition if notice has been given.
- 3.43 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.
- 3.44 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 9.3. A Councillor may request that the petition be placed on the agenda for the next Council meeting to allow for debate.
- 3.45 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 3.39 to 3.44 are supplementary provisions

Statement of ethical obligations

- 3.46 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.

Note: Clause 3.46 is a supplementary provision

Availability of the agenda and business papers to the public

- 3.47 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 3.47 reflects section 9(2) and (4) of the Act.

- 3.48 Clause 3.47 does not apply to the business papers for items of business identified under clause 3.37 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.48 reflects section 9(2A)(b) of the Act.

- 3.49 For the purposes of clause 3.47, 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 3.49 reflects section 9(3) of the Act.

- 3.50 A copy of an agenda, or of an associated business paper made available under clause 3.47, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.50 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.51 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.52 Nothing in clause 3.51 limits the powers of the Lord Mayor ~~mayor~~ to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.53 Despite clause 3.51, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.54 A motion moved under clause 3.53 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.53, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.55 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.53 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.56 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.55 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.57 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.57 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

- 3.58 Nothing in clause 3.57 prevents a councillor from requesting information from the Chief Executive Officer~~general manager~~ about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

5 COMING TOGETHER

Attendance by councillors at meetings

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

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.

- 5.2 The council may determine standards of dress for councillors when attending meetings.
- 5.3 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 this code.

- 5.4 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.5 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.7 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 5.7 reflects section 234(1)(d) of the Act.

The quorum for a meeting

- 5.8 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 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 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 5.9 reflects section 368(2) of the Act.

- 5.10 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.
- 5.11 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~~general manager~~.
- 5.12 The Chief Executive Officer~~general manager~~ must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 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 ~~m~~Lord Mayor may, in consultation with the Chief Executive Officer~~general manager~~ and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, 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 by the Lord ~~m~~Mayor under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the Lord Mayor~~m~~ayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Lord Mayor~~m~~ayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The Lord ~~M~~ayor must make a determination under this clause in consultation with the Chief Executive Officer~~general manager~~ and, as far as is practicable, with each councillor.
- 5.16 Where the Lord ~~m~~ayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer~~general manager~~ 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~~general manager~~ 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.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, 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.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer-general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more

previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.28 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.
- 5.29 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.
- 5.30 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.

Entitlement of the public to attend council meetings

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

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

Note: Clause 5.33 reflects section 10(2) of the Act.

- 5.34 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Livestreaming of meetings

- 5.35 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.36 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.

- 5.37 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.38 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.39 Clauses 5.35 - 5.38 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 5.35 – 5.39 reflect section 236 of the Regulation.

- 5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 5.41 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 the balance of the council's term or at least 12 months after the meeting, whichever is the longer period.
- 5.42 By attending a council or committee meeting members of the public consent to this use of their image, voice and personal information.
- 5.43 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.
- 5.44 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.
- 5.45 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.
- 5.46 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.
- 5.47 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.

- 5.48 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.
- 5.49 Written transcripts of proceedings are not available.
- 5.50 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.
- 5.51 Access to live streams and recordings of council or committee meetings is provided on the City's website for personal and non-commercial use.
- 5.52 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the City.
- 5.53 Copyright remains with the City.
- 5.54 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.
- 5.55 Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

Note: Clauses 5.41 to 5.55 are supplementary provisions

Attendance of the Chief Executive Officer~~general manager~~ and other staff at meetings

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

Note: Clause 5.56 reflects section 376(1) of the Act.

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

Note: Clause 5.57 reflects section 376(2) of the Act.

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

Note: Clause 5.58 reflects section 376(3) of the Act.

- 5.59 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the Chief Executive Officer~~general manager~~ in consultation with the Lord M~~Mayor~~.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Lord M~~Mayor~~, or at the request of or in the absence of the Lord M~~Mayor~~, the D~~eputy~~ Lord M~~Mayor~~ (if any) presides at meetings of the council.

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

- 6.2 If the Lord M~~Mayor~~ and the D~~eputy~~ Lord M~~Mayor~~ (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

Election of the chairperson in the absence of the Lord M~~Mayor~~ and D~~eputy~~ Lord M~~Mayor~~

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

- 6.4 The election of a chairperson must be conducted:

- (a) by the Chief Executive Officer~~general manager~~ or, in their absence, an employee of the council designated by the Chief Executive Officer~~general manager~~ 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~~general manager~~ nor a designated employee is present at the meeting, or if there is no Chief Executive Officer~~general manager~~ or designated employee.

- 6.5 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.

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

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

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

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

Chairperson to have precedence

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

Recognition of chairperson

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

Note: Clauses 6.10-6.12 are supplementary provisions

7 MODES OF ADDRESS

- 7.1 Where physically able to, councillors and staff should stand when the Lord MMayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the Lord MMayor, they are to be addressed as 'Mr Lord Mayor', 'Madam Lord Mayor' or 'Lord Mayor'.
- 7.3 If the chairperson is the Deputy Lord MMayor, they are to be addressed as 'Mr Deputy Lord Mayor', or 'Madam Deputy Lord Mayor' or 'Deputy Lord Mayor'.
- 7.4 Where the chairperson is not the Lord mMayor or Ddeputy Lord MMayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].
- 7.7 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.
- 7.8 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 7.7 and 7.8 are supplementary provisions.

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.12, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) 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 of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the

chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Lord Mayoral minutes

- 9.7 The Lord #Mayor may, by minute signed by the Lord #Mayor, put to the meeting without notice any matter or topic that the Lord #Mayor determines should be considered at the meeting.
- 9.8 A Lord #Mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The Lord #Mayor may move the adoption of a Lord #Mayoral minute without the motion being seconded.
- 9.9 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.
- 9.10 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 should 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 the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Note: Clause 9.10 is a supplementary provision

Staff reports

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

Reports of committees of council

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

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.12 and 3.17, unless the council determines otherwise in accordance with this code.
- 9.15 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.

- 9.16 A councillor may, through the Lord Mayor, ask the Chief Executive Officer about a matter on the agenda. The Chief Executive Officer may request another council employee to answer the question.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to 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.
- 9.18 Councillors must ask questions directly, succinctly, and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.
- 10.2 Debate on a motion or amendment commences once the mover has spoken to the motion or amendment.
- 10.3 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: The 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 10.2 and 10.3 are supplementary provisions.

Notices of motion

- 10.4 A councillor who has submitted a notice of motion under clause 3.12 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.5 If a councillor who has submitted a notice of motion under clause 3.12 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.6 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.

Chairperson's duties with respect to motions

- 10.7 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.
- 10.8 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.
- 10.9 Before ruling out of order a motion or an amendment to a motion under clause 10.8, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Motions requiring the expenditure of funds

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

Note: Clause 10.10 is a supplementary provision

Amendments to motions

- 10.11 An amendment to a motion must be moved and seconded before it can be debated.
- 10.12 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 10.12 is a supplementary provision

- 10.13 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.14 An amendment must not be moved that is substantially the same as an earlier rejected amendment on the motion.
- 10.15 An amendment that is in opposition to an amendment already accepted must not be moved or accepted for debate.

Note: Clauses 10.14 and 10.15 are supplementary provisions

- 10.16 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.17 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.
- 10.18 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.19 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.20 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.21 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.22 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.23 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.24 Despite clause 10.23, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.25 Nothing in clauses 10.21, 10.22 or 10.23 affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at the meeting.

Note: Clause 10.25 is a supplementary provision

- 10.26 Despite clauses 10.21 and 10.22, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.27 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.26. A seconder is not required for such a motion.
- 10.28 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.21.
- 10.29 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.30 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.31 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.
- 10.32 Clause 10.31 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

11 VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

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

Note: Clause 11.2 reflects section 370(2) of the Act.

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

Voting at council meetings

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

- 11.5 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 ~~mayer or Deputy~~ Lord M mayor is to be by secret ballot.

- 11.6 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

- 11.7 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.8 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.9 The Chief Executive Officer~~general manager~~ must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.10 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.11 Clauses 11.9 and 11.10 apply also to meetings that are closed to the public.

Note: Clauses 11.9 and 11.10 reflect section 375A of the Act.

Note: The requirements of clause 11.9 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

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

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 12.3 The ~~Chief Executive Officer~~~~general manager~~ or, in the absence of the ~~Chief Executive Officer~~~~general manager~~, an employee of the council designated by the ~~Chief Executive~~~~general manager~~, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

Note: Clauses 13.1-13.7 are non-mandatory provisions

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.37 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.37 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Expulsion of non-councillors from meetings closed to the public

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

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.15 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

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

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The ~~general manager~~Chief Executive Officer must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The Chief Executive Officer~~general manager~~ must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 KEEPING ORDER AT MEETINGS

Observe the Code of Conduct and Code of Meeting Practice

- 15.1 Councillors, employees of council and other persons at the meeting are required to observe this code at all meetings of council.
- 15.2 Failure on the part of a councillor or an employee to observe this code may be subject to a complaint under the Code of Conduct.

Note: Clauses 15.1 and 15.2 are supplementary provisions

General procedural motions

- 15.3 A procedural motion is a motion that refers to the conduct of a meeting.
- 15.4 Procedural motions are not subject to the notice of motion requirements in clause 3.12.
- 15.5 In general, a procedural motion requires a seconder, unless stated to the contrary in this code.
- 15.6 Unless stated to the contrary in this code, there is no debate on a procedural motion.
- 15.7 A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

Note: Clauses 15.3-15.7 are supplementary provisions

Points of order

- 15.8 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.
- 15.9 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.10 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.11 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

- 15.12 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.13 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

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

Acts of disorder

- 15.18 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) uses offensive or disorderly words, or
 - (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
 - (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
 - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.18 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

- 15.19 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.18(a), (b), (d), (e), or (g), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.18(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 15.18(d), (e), (f) or (g).

Note: Clause 15.19 reflects section 233 of the Regulation.

- 15.20 A failure to comply with a requirement under clause 15.19 constitutes a fresh act of disorder for the purposes of clause 15.18.
- 15.21 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.19 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.25

How disorder at a meeting may be dealt with

- 15.22 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.

Expulsion from meetings

- 15.23 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.
- 15.24 Clause 15.23, 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.
- 15.25 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 15.19 or clause 15.21. 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.

Note: Clause 15.25 reflects section 233(2) of the Regulation.

- 15.26 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.

- 15.27 Members of the public attending a meeting of the council:
- (a) must remain silent during the meeting unless invited by the chairperson to speak,
 - (b) must not bring flags, signs or protest symbols to the meeting, and
 - (c) must not disrupt the meeting.
- 15.28 Without limiting clause 15.26, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.26. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.27.
- 15.29 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.30 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

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

- 15.31 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.
- 15.32 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.

Use of mobile phones and the unauthorised recording of meetings

- 15.33 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.34 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

- 15.35 Without limiting clause 15.26, a contravention of clause 15.34 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.26. Any person who contravenes or attempts to contravene clause 15.34, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.36 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

- 15.37 Clause 15.34, 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 by any means of recording a meeting held using audio-visual technology (except by authorised council employees).

Note: Clause 15.37 is a supplementary provision

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they 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 must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a 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.

Disclosure of pecuniary interests

- 16.3 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.
- 16.4 Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the chairperson.

- 16.5 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.
- 16.6 A councillor, having disclosed a pecuniary interest, must not be present at the meeting when the matter is being considered, discussed or voted on.
- 16.7 A councillor with a pecuniary interest in a matter is not counted for the purposes of a quorum on that matter.
- 16.8 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of Council.

Note: Clauses 16.3-16.8 are supplementary provisions

Disclosure of non-pecuniary interests

- 16.9 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 disclose 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.
- 16.10 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.
- 16.11 A disclosure in accordance with clauses 16.9 or 16.10 must indicate the nature of the non-pecuniary interest.
- 16.12 If a disclosure of interest is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes.
- 16.13 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the -next meeting of the Council.
- 16.14 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 16.9-16.14 are supplementary provisions

Disclosures in the business paper

- 16.15 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 16.15 is a supplementary provision

17 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

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

- 17.4 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 17.4 reflects section 372(2) of the Act.

- 17.5 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 this code.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 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 17.6 reflects section 372(4) of the Act.

17.7 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 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.13 with the consent of all signatories to the notice of motion.

17.10 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 17.10 reflects section 372(6) of the Act.

17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
- (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.

17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.11(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.13 A resolution adopted under clause 17.11(b) must state the reasons for the urgency.

Note: Clauses 17.11-17.13 are non-mandatory provisions

17.14 If in the circumstances the Chief Executive Officer or specified delegate receives a notice of motion in accordance with clause 17.3, 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.

17.15 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 17.3, action to carry the resolution into effect will commence.

17.16 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 17.14-17.16 are supplementary provisions

Recommitting resolutions to correct an error

17.17 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.

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

17.19 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.17(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.20 A motion moved under clause 17.17 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.17 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.21 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.17.

17.22 A motion moved under clause 17.17 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Note: Clauses 17.17-17.22 are non-mandatory provisions

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 10.00pm ~~at a time the council may from time to time determine~~.
- 18.2 If the business of the meeting is unfinished at 9.45pm ~~the time the council has determined~~, 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.
- 18.3 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the ~~general manager~~ 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~~ general manager 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 18.1-18.4 are non-mandatory provisions

19 AFTER THE MEETING

Minutes of meetings

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

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

- 19.2 At a minimum, the ~~Chief Executive Officer~~ general manager 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,
 - (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.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting

of the council.

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

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

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

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

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

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

19.8 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 19.8 is a supplementary provision

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

19.9 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 19.9 reflects section 11(1) of the Act.

19.10 Clause 19.9 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 19.10 reflects section 11(2) of the Act.

19.11 Clause 19.9 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 19.11 reflects section 11(3) of the Act.

19.12 Correspondence or reports to which clauses 19.10 and 19.11 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

19.13 The Chief Executive Officer~~general manager~~ is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.13 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

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

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

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

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

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

Note: Clause 20.5 is a supplementary provisions

Functions of committees

20.6 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.

20.7 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.

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

20.9 Except as otherwise provided, meetings of council committees are to be conducted in accordance with this code.

Note: Clauses 20.6-20.9 are supplementary provisions.

Notice of committee meetings

20.10 The ~~Chief Executive Officer~~~~general manager~~ 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.

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

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

20.13 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.

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

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

20.16 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. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.17 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.

20.18 For abundant clarity, committees of the council which have non-council members, including the Central Sydney Planning Committee and the Audit, Risk and Compliance Committee are not subject to the provisions of this code except as otherwise determined by the relevant committee.

Note: Clause 20.18 is a supplementary provision

20.19 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.17.

20.20 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).

Mayoral minutes

20.21 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

20.22 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

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

20.24 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 20.23 during a part of the meeting that is livestreamed where practicable.

20.25 The Chief Executive Officer~~general manager~~ must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.26 The Chief Executive Officer~~general manager~~ must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.25 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

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

Minutes of council committee meetings

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

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

20.29 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 20.29 is a non-mandatory provision

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

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

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

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

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

21 IRREGULARITIES

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

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

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.18 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
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.13 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day

division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June