

2019
City of Parramatta
Code of Meeting Practice

Code of Meeting Practice		
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Table of Contents

PART A – INTRODUCTION

1	INTRODUCTION.....	3
2	MEETING PRINCIPLES AND OTHER MATTERS.....	3

PART B - BEFORE THE MEETING

3	BEFORE THE MEETING.....	6
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PART C- AT THE MEETING

4	PUBLIC FORUM.....	11
5	COMING TOGETHER.....	13
6	THE CHAIRPERSON	17
7	MODES OF ADDRESS.....	19
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS.....	20
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	21
10	RULES OF DEBATE.....	24
11	VOTING	28
12	COMMITTEE OF THE WHOLE	30
13	DEALING WITH ITEMS BY EXCEPTION.....	Removed
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	36
15	KEEPING ORDER AT MEETINGS	36
16	CONFLICTS OF INTEREST.....	40
17	DECISIONS OF THE COUNCIL	41
18	TIME LIMITS ON COUNCIL MEETINGS	44

PART D - AFTER THE MEETING

19	AFTER THE MEETING.....	45
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PART E - GENERAL

20	COUNCIL COMMITTEES.....	47
21	IRREGULARITIES.....	56
22	ROLES	57
23	PETITIONS	60
24	MISCELLANEOUS.....	62
25	DEFINITIONS	63
26	REVISION HISTORY.....	64

PART A - INTRODUCTION

1 INTRODUCTION

1.1 The Model Code of Meeting Practice

- (a) This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) released in December 2018 and made under Section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).
- (b) This 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.
- (c) 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.
- (d) This code of Meeting Practice is to be cited as the City of Parramatta Code of Meeting Practice. The Code reflects the Model Code of Meeting Practice released by the Office of Local Government, relevant sections of Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation), local rules specific to the City of Parramatta as well as relevant Council policies and procedures.
- (e) It should be noted that Clause 3.13, 9.11, 10.9 and 11.15 would come into effect following the implementation of the online budget.

2 MEETING PRINCIPLES AND OTHER MATTERS

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable. Meetings shall be conducted with the Council's commitment to open government and maximise access and participation by the City's residents.
Informed:	Decisions are made based on relevant, quality information. Meetings should be restricted to matters of policy, direction, resource allocation and statutory decisions by Council.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	<p>Decisions are informed by the principles prescribed under Chapter 3 of the Act.</p> <p>The City of Parramatta Council commits itself to the principles contained herein and Councils Charter and Values.</p> <p>Council meetings shall comply with the principle that Councillors do not involve themselves in the day-to-day administration of Council, this being the responsibility of the CEO.</p> <p>Council's Code of Conduct also provides guidance and support to the Code of Meeting Practice in the principles of conduct at meetings and whilst representing Council in any forum</p>
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	<p>Councillors, staff and meeting attendees treat each other with respect. Councillors have an obligation to conduct themselves at meetings to high standards of behaviour and make a positive contribution to all decisions and debates. This means that:</p> <ul style="list-style-type: none">a) Issues shall be debated if necessary;b) Respect shall be given to opposing views;c) Acceptable language shall be used at all times; andd) A Councillor or officer will not unnecessarily interject or speak over the top of a person who has been granted the right to speak by the Chairperson.e) The Council shall not be brought into disrepute by a member's words or actions.
Effective:	Meetings are well organised, effectively run and skillfully chaired.

Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting and earn the respect of the City's ratepayers and residents.
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Council Decisions Prior to a Local Government Election (Caretaker Period)

- 2.2 The Local Government (General) Amendment (Caretaker Period Restrictions) Regulation 2012 outlines Councils functions during caretaker period. Caretaker provisions commence four weeks preceding an ordinary election. Clause 393B of the Amendment of Local Government (General) Amendment (Caretaker Period Restrictions) Regulations 2012 outlines the restrictions on Council during the caretaker period including decisions made in a Council meeting.

PART B – BEFORE THE MEETING

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council:

- a) Will be held on the second and fourth Monday of the month (excepting the month of January where no meetings are held)
- b) Will start at 6.30pm and will finish at 11.00pm
- c) May be extended by up to 30 minutes beyond the scheduled finish time of 11.00pm by resolution (i.e. extend closing time up to 11.30pm)
- d) If not completed by 11.30pm, the chairperson must set the time, date and venue for the meeting to be reconvened.

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.

Calling extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 Extraordinary meetings are held in extraordinary circumstances or to deal with special business or where there is so much business to be dealt with that an additional meeting is required.

Notice to the public of council meetings

- 3.4 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 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 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

- 3.7 The CEO 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. City of Parramatta has resolved that councillors will receive the Agenda of an Ordinary Council Meeting at least ten (10) days prior to the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form. Councillors will have access to notice of the meeting, agenda and business papers via their individually nominated means, be that, hard copy or electronic.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency. The Lord Mayor together with the CEO will determine the situation of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Note: An emergency requires the important features of a demand as opposed to a desirability and a sense of danger as opposed to mere apprehension. (Butterworths Australian Legal Dictionary)

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 10.00am on Wednesday two (2) weeks prior to the scheduled Ordinary Meeting of Council (i.e. 12 days prior to the Council meeting).
- 3.11 A councillor may, in writing to the CEO, 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.
- 3.12 If the CEO 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 CEO may prepare a report, as time permits, 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.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion requires a funding source, the CEO must either:
- a) include as an attachment to the notice of motion to be considered by the Council a note that identifies the availability of funds for implementing the motion if adopted, or
 - b) Included as an attachment to the notice of motion that the matter be deferred for the preparation of a report to Council which identifies funding sources to implement the notice of motion if adopted by Council.

Questions on notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the CEO about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question on notice under clause 3.14 that comprises a complaint against the CEO or a member of staff of the council, or a question that implies wrongdoing by the CEO or a member of staff of the council.
- 3.16 The CEO or their nominee may respond to a question on notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The CEO 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.
- 3.18 The CEO must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Lord Mayor to put a Lord Mayoral Minute to a meeting under clause 9.6.
- 3.20 The CEO 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 CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO 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 3.21 reflects section 9(2A) (a) of the Act.

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

Availability of the agenda and business papers to the public

- 3.23 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 www.cityofparramatta.nsw.gov.au, 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 Council Libraries by 9.00am Tuesday prior to an ordinary/ extraordinary Meeting of Council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the CEO has identify under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A) (b) of the Act.

- 3.25 For the purposes of clause 3.23, 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 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The CEO must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

PART C – AT THE MEETING

4 PUBLIC FORUM

- 4.1 To speak at a public forum, a person must first make an application to the council via the approved application form. A verbatim (word by word) text of the question, comment or statement must be lodged in writing with the name and contact details of the speaker prior to 4.00pm on the Thursday prior to the Council Meeting either via email or presented to the Customer Contact Centre at 126 Church Street Parramatta. Forms can be found on Council's website for more information. The application must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item. Matters relating to the business paper will get preference.
- 4.2 Acceptance of Public Forum submissions will not be confirmed until after the deadline before the Council Meeting and consideration will be given to the urgency of each of the submissions by the Lord Mayor or his delegate in consultation with the CEO.
- 4.3 A maximum of one (1) speaker in favour and one (1) speaker against a particular comment or statement will be accepted on a single matter and any groups are required to nominate a representative to speak on their behalf. If the speakers are not able to agree on whom to nominate to address the council, the CEO or their delegate is to determine who will address the council at the public forum.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.5 The CEO or their delegate may refuse an application to speak at a public forum
- 4.6 A maximum of five (5) minutes per public forum item (which includes the statement, response and/or right of reply) will be allocated with a total of up to fifteen (15) minutes being permitted for the entire consideration of public forum. The Public Forum presentation will be made up of a three (3) minutes' address in which their public forum item will be heard. After 2 minutes a warning bell will sound indicating they have One (1) minute left. A further two (2) minutes will be allocated for a response or right to reply by the CEO or nominated officer. Council will adhere to this limit. Speakers will be contacted by the **morning of the meeting** and notified if their request to speak in the public forum has been granted.
- 4.7 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the CEO or their delegate in consultation with the Lord Mayor or the Lord Mayor's nominated chairperson, may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

- 4.8 The CEO or their delegate is to determine the order of speakers at the public forum
- 4.9 Speakers at the public forum must not digress from the item on the agenda of the council Meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.10 Public Forums previously raised cannot be raised again unless there is new information or it has been 12 months since the matter was first raised. Matter not previously raised will get preference.
- 4.11 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.12 Where an address made at a public forum raises matters that require further consideration by council staff, the CEO may recommend that the council defer consideration of the matter pending the preparation of a further report on the matter.
- 4.13 When addressing the council, speakers at the public forum must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.14 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.10, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologies for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.15 Clause 4.11 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at the public forums in accordance with the provisions of Part 15 of this code.
- 4.16 Where a speaker engages in conduct of the type referred to in clause 4.10, the CEO or their delegate may refuse further applications from that person to speak at public forums for such a period as the CEO or their delegate considers appropriate.
- 4.17 Councillors (including the Lord Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflicts of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration
- 4.18 Council will not accept any Public Forum submissions that clearly target political parties.

Note: Public Forums held as part of a council or committee meeting must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

Note: From the date of final adoption, Council will facilitate a three-month transition period to the new Public Forum process.

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 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting. This also includes the submission of notice of rescissions lodged in relation to an item considered at that meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings either prior to any period of leave or at the meeting concerned. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought. Councillors seeking an extended period of leave may request such leave be mentioned in Confidential session so as to protect their privacy. Then at future meetings it should be noted in open session that leave of absence has been previously granted.
- 5.5 A Councillor applying for a leave of absence from a meeting of Council does not need to make the application in person, and the Council may grant such leave in the absence of that Councillor.

Note: Clause 5.5 reflects section 234 (2) of the Act.

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

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

The quorum for a meeting

- 5.9 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 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 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 5.10 reflects section 368(2) of the Act.

- 5.11 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.

- 5.12 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 CEO.

- 5.13 The CEO 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.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the CEO 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.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.
- 5.16 A Councillor and/or Councillors who willfully retires or is suspected of willfully retiring from a Council Meeting with the Intent of the Council losing its Quorum or intentionally withhold a Quorum by not attending will be subject to Council's Code of Conduct

Entitlement of the public to attend council meetings

- 5.17 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public. Access to Venues whereby Council and Committee meetings are held must comply with AS1428.1 which relate to access and mobility.

Note: Clause 5.17 reflects section 10(1) of the Act.

- 5.18 Clause 5.17 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.19 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.19 reflects section 10(2) of the Act.

Note: clause 15.14 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.

Webcasting of meetings

- 5.20 All meetings of the council and committees of the council are to be webcast on the council's website. Council will livestream audio and video of the proceedings of these meetings on its website and within five (5) business days provide a link on its website that allows the public to watch the audio and video of the proceedings post-meeting.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

- 5.21 Clause 5.20 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.23 A recording of each meeting of the council and committee of the council is to be retained on the council's website for seven (7) years. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the CEO and other staff at meetings

- 5.24 The CEO 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 5.24 reflects section 376(1) of the Act.

- 5.25 The CEO 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 5.25 reflects section 376(2) of the Act.

- 5.26 The CEO 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 CEO or the terms of employment of the CEO.

Note: Clause 5.26 reflects section 376(3) of the Act.

- 5.27 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the CEO.

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

Election of the chairperson in the absence of the Lord Mayor and Deputy Lord 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 CEO or, in their absence, an employee of the council designated by the CEO to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the CEO nor a designated employee is present at the meeting, or if there is no CEO 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.
- 6.10 If the Chairperson, Lord Mayor or Deputy Lord Mayor, does not arrive within ten (10) minutes of the time designated for the commencement of the meeting then an election for a Chairperson will take place.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the Lord Mayor, they are to be addressed as 'Mr Lord Mayor' or 'Madam Lord Mayor'.
- 7.2 Where the chairperson is not the Lord Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

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 general order of business for an ordinary meeting of the council shall be:
1. Opening Meeting
 2. Acknowledgment of the Traditional Land Owners
 3. Webcasting Announcement
 4. Other recording of Meeting Announcement
 5. Confirmation of minutes
 6. Apologies and applications for leave of absence for Councillors
 7. Declarations of Interest
 8. Minutes of the Lord Mayor
 9. Public Forum
 10. Petitions
 11. Rescission Motions
 12. Consideration of Reports
 13. Notice of Motion
 14. Questions on Notice
 15. Closed Council
 16. Public announcement of resolutions passed in closed council
 17. Conclusion of Meeting
- 8.3 The order of business as fixed under 8.2 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.
- 8.4 Despite clauses 10.21–10.32, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 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) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.21–10.33, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Lord Mayoral Minutes

- 9.6 Subject to clause 9.10, if the Lord Mayor is the chairperson at a meeting of the council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A Lord Mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a Lord Mayoral minute without the motion being seconded.
- 9.8 In tabling of a Lord Mayoral Minute, the Lord Mayor will read the Minute for the purposes of webcasting. A seconder to a recommendation in a Lord Mayoral minute is permitted but not

required. A copy of the minute is to be made available to the gallery and the press. The full content will be included in the Council minutes.

- 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 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.11 Where a Lord Mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation and include a comment from the CEO on the availability of those funds. If the Lord Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Late matters or information in support of a matter on the agenda

- 9.13 Late information will only be permitted where it relates to items that are already listed on the agenda of a particular Council meeting. However, in the case of a particularly contentious or legal issue, the matter may be brought to the attention of Council in the form of a Lord Mayoral Minute.

Reports of committees of council

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

Matters of Urgency/Suspension of Standing Orders

- 9.16 Business may be transacted at a meeting of Council even though due notice of the business has not been given to Councillors. However, this can only happen under the following circumstances:
- a) a motion is passed to suspend standing order and have the business transacted at the meeting, and;
 - b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency

- 9.17 Such a motion can be moved without notice
- 9.18 A separate motion and establishment of urgency is required for each new item of proposed business. The only matter to be discussed is the matter for which a vote has been taken and urgency established.
- 9.19 Only the mover of a motion referred to in 9.16 can speak to the motion before it is put.

Questions

- 9.20 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 3.10 and 3.14.
- 9.21 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.22 A councillor may, through the CEO, put a question to a council employee about a matter on the agenda. Council employees are only obliged to the answer at the direction of the CEO.
- 9.23 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.24 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.25 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.
- 9.26 Responses to any questions by either councillors or council employees should be made through the Chairperson. Should the council employee wish to comment upon any matter before the Council, the council employee should seek the leave of the chairperson to do so.
- 9.27 Time taken to ask and answer a question is not included in a councillor's allocated time to speak on a motion.
- 9.28 Specialist advisors may be invited to attend Council meetings in relation to matters being considered at the meeting. In such instances, the names of these specialists are to be recorded and shown in the minutes of the meeting.

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.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, 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

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

Motions requiring the expenditure of funds

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

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 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.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.
- 10.17 **Any variation to a motion or to an amendment or for a fresh motion/amendment shall be provided to the Council Secretariat in writing.**
- 10.17 Councillors are asked, where they propose to move an amendment to a staff recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies of the proposed amendment to the Chief Executive Officer at, or prior to, the start of the meeting, for circulation to all councillors and relevant staff.

Foreshadowed motions

- 10.18 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.19 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before

the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

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

Limitations on the number and duration of speeches

- 10.21 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.22 No new arguments or material should be introduced during the "right to reply".
- 10.23 A councillor must declare whether they intend to speak for or against a motion. Once a Councillor has declared their intent, the chairperson may rule them out of order if they speak contrary to their intention.
- 10.24 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.
- 10.25 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. Time taken to ask and answer questions of staff and other councillors and the time taken to raise and address points of order will not be included in a Councillors five (5) minute speaking allocation.
- 10.26 Where any item is before Council for the second or more time, a maximum of two (2) speakers for and two (2) speakers against will be allowed.
- 10.27 Despite clause 10.24, 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. The extension granted to a Councillor to explain the misrepresentation or misunderstanding is limited to one (1) minute.
- 10.28 Despite clause 10.24, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.29 Despite clauses 10.21 and 10.23, 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.

- 10.30 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.28. A seconder is not required for such a motion.
- 10.31 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.
- 10.32 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.
- 10.33 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.
- 10.34 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.

Examples of procedural motions under the Act and Regulation are shown below:

Motion	Moved without Notice	Requires Secunder	Speakers/ Debate Permitted	Right of Reply
1. Change the Order of Business	Yes	Yes	Mover of motion only	No
2. Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No
3. Dissent from Chairperson's ruling on Point of Order	Yes	Yes	Mover & Chairperson only may speak.	No
4. Adjournment of Meeting	Yes	Yes	No debate permitted	No
5. Limitation to number of speakers (motion – that the matter be now put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Motion must be put immediately	No
6. Deferment of a Matter	Yes	Yes	Yes	Yes
7. Vote on points of a resolution separately	Yes	Yes	Mover of motion only	No

11 VOTING

Voting entitlements of councillors

11.1 Voting entitlement of councillor must consider the following:

- (a) Each councillor is entitled to one (1) vote;
- (b) a Councillor must be present at a Council meeting in order to vote;
- (c) a Councillor may not vote by proxy; and
- (d) 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 11.1 reflects section 370(1) and 371 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 Any Councillor who has declared an interest in a matter being considered at the meeting which will not allow him or her to vote shall leave the meeting.

11.5 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

11.6 If a councillor who has voted against a motion put at a council meeting so requests, the CEO must ensure that the councillor's dissent vote is recorded in the council's minutes.

11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The CEO must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

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

Voting on planning decisions

- 11.11 The CEO 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.

NOTE: Planning decisions includes decisions relating to an environmental planning instrument, a Development control plan or a development contribution plan. Planning decisions do not relate to the making of an order under Division 2A of Part 6 of the Environmental Planning and Assessment Act 1979

- 11.12 For the purposes of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.13 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.
- 11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public.

Note: Clauses 11.11–11.14 reflect section 375A of the Act.

Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.

Voting of funds

- 11.15 Where the CEO considers a motion has financial implications, which needs to be taken into account, the CEO may:
- (i) Provide advice that the motion be deferred pending a report from officers;
 - (ii) Provide an officers comment with a Notice of Motion on the business paper; or
 - (iii) Provide a recommendation with a Notice of Motion on the business paper that the matter be deferred pending a report from officers.

If, in the opinion of the CEO, a report needs to be presented to Council to assist Councillors with consideration of the Motion, and if time permits, the CEO may include a report in the business paper.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.21–10.33 limit the number and duration of speeches.

- 12.3 The CEO or, in the absence of the CEO, an employee of the council designated by the CEO, 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.

Council has determined to not consider Part 13 – Items by Exception, which was a non-mandatory item for consideration by Council.

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
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4pm on the Thursday prior to the day of the meeting at which the matter is to be considered.
- 14.12 The CEO (or their delegate) may refuse an application made under clause 14.11. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than three (3) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the CEO or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the CEO or their delegate is to determine who will make representations to the council.

- 14.15 The CEO (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.
- 14.17 In line with Public Forum provisions outlined in clause 4.7, each speaker will be allowed a maximum of five (5) minutes (three minutes' address and two minutes' response) to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 14.18 Specialist advisors may be invited to attend closed meetings. In such instances, the names of these specialists are to be recorded and shown in the minutes of the meeting.

Expulsion of non- councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

- 14.21 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 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 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.
- 14.23 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 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) uses indecent languages, or
 - (f) constant interjections whilst another Councillor is addressing the chair, or
 - (h) uninvited commenting, shouting or being disruptive, or
 - (i) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11 (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11 (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11 (d - i).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (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

- 15.14 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.
- 15.15 Clause 15.14 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.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 In addition to Clause 15.16, a councillor who commits an act of disorder is also subject to the provision of the Code of Conduct.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 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.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording or take photographs 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.
- 15.23 Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any

person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 A councillor:
- a) must prepare and submit written returns of interests in accordance with section 449 of the Local Government Act 1993, and
 - b) must disclose pecuniary interests in accordance with section 451 of the Local Government Act 1993.
 - c) must comply with Council's Code of Conduct

Disclosures made at the meeting should be stated as follows: (RECOMMENDED)

Disclosure	What to say	Action to take
Pecuniary Interest	I declare a pecuniary interest in Item XX, due to (detail reason of the conflict)	Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter
Significant, non-pecuniary interest	I declare a significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict)	Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter
Less than significant, non-pecuniary interest	I declare a less than significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict and explanation of why the conflict requires no further action)	No action needed, Councillor can remain at the meeting, partake in discussions and vote on the matter.

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 rescission motion is to be moved by the first signatory to the motion and failing that person being in attendance, the second signatory to move same and so on.

- 17.4 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.4 reflects section 372(1) of the Act.

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

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

- 17.6 All rescission motions will be listed on the next available Council Meeting for consideration

- 17.7 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

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

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

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

- 17.9 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (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 17.9 reflects section 372(5) of the Act.

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

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

- 17.11 A notice of motion submitted in accordance with clause 17.8 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.12 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

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

- 17.13 Subject to clause 17.9, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three (3) councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.14 A motion moved under clause 17.13(b) can be moved without notice. Despite clauses 10.18–10.33, only the mover of a motion referred to in clause 17.13(b) can speak to the motion before it is put.
- 17.15 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.13(c).
- 17.16 Councillors must use the pro forma notice of rescission motion form, ensure that 3 Councillors have signed it and hand it to the CEO prior to the meeting being closed. If the chair does not deem it to be urgent, the resolution will not be carried into effect until the motion is dealt with at the next Council meeting.
- 17.17 If the notice of rescission motion is handed to the CEO after the meeting has closed, then it will not stop the resolution from being carried into effect until such time that it is considered at the next meeting of council.
- 17.18 Prior to the closure of the meeting, the chairperson will announce those rescission motions already received by the CEO. Failure of the chairperson to do this, however, does not

invalidate those already received, nor does it prevent a resolution from being carried into effect if the rescission motion is submitted after the close of the meeting.

Absence of Mover and Seconder from original meeting

- 17.19 If a rescission motion is submitted after the meeting then there is nothing in any legislation or guides that prevent any Councillors, not in attendance at the meeting at which the decision was taken to subsequently sign such a rescission motion.

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11pm.
- 18.2 If the business of the meeting is unfinished at 11.00pm, the council or the committee may, by resolution, extend the finish time of the meeting by one extensions to 11.30pm in order to complete the business of council or committee.
- 18.3 If the business of the meeting is unfinished by 11.00pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the CEO 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 CEO 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.

PART D – AFTER THE MEETING

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 CEO must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost,
- (d) such other matters specifically required under this code.
- (e) additional information supplied by a Council officer which has not been included in the report before Council and which could be viewed as material for Council's consideration of the matter.
- (f) Addresses to Council by members of the public and any response given.
- (g) where required, name of the councillors in favour of or opposed to the motion/ amendment is appropriately recorded.
- (h) names of councillors who request that his/her name be recorded as being opposed to a resolution.

- 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.

Note: Section 12 of the Local Government Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a council. Council has its open minutes electronically displayed during the meetings and on its website following the meeting. The community is able to access the minutes in this way or by contacting Council or by viewing at all Libraries.

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

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

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

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

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

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

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

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

Implementation of decisions of the council

- 19.12 The CEO is to implement, without undue delay, lawful decisions of the council.

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

PART E - GENERAL

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.

Functions of committees

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

Notice of committee meetings

20.6 The CEO 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.

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

Attendance at committee meetings

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

- (a) has been absent from three (3) consecutive meetings of the committee without

having given reasons acceptable to the committee for the member's absences, or

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

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

20.11 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.

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

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

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

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 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.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and

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

- 20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.24 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.
- 20.25 Council has its minutes electronically displayed during the meetings and on its website following the meeting. The public are able to access the minutes this electronically, by contacting Council directly or by viewing the minutes at Council's Libraries.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

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.

21.2 This Code may be amended only in accordance with the Local Government Act 1993.

Note: Clause 21.2 reflects Section 363 of the Act

22 ROLES

Lord Mayor (Section 226 LGA).

22.1 The role of the Lord Mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the CEO in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

Deputy Lord Mayor (Section 231 LGA)

22.2 The role of the Deputy Lord Mayor is as follows:

- (a) The councillor may elect a person from among their number to be the deputy mayor
- (b) The person may be elected for the mayoral term or a shorter term
- (c) The Deputy Mayor may exercise any function of the Lord Mayor at the request of the Lord Mayor or if the Lord Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Lord Mayor
- (d) The councillors may elect a person from among their number to act as Deputy Lord

Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if not Deputy Lord Mayor has been elected.

Councillors (Section 232 LGA)

22.3 The role of a councillor is as follows:

- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,
- (e) to facilitate communication between the local community and the governing body,
- (f) to uphold and represent accurately the policies and decisions of the governing body,
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (h) A councillor is accountable to the local community for the performance of the council.

Functions of Chief Executive Officer (CEO) (Section 335 LGA)

22.4. The Chief Executive Officer (CEO) /General Manager is as generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council. The CEO of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to

the CEO,

- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the CEO by or under this or any other Act.

NOTE: "Chief Executive Officer" as per Council Minute Number 1 from 11 August 2008 Council meeting to Title Change from General Manger to Chief Executive Officer (CEO).

23 Petitions

- 23.1 For the purposes of this Code, a petition consists of a minimum of **six (6)** signatories, with each page of a petition requiring a suitable heading identifying the subject matter of the petition
- 23.2 Where there are ten (10) or fewer petitioners, all petitioners will receive an acknowledgement of the petition. Where a petition is signed by more than ten (10), the head petitioner is to be identified, and acknowledged. The head petitioner is to be requested to notify other petitioners of Council's acknowledgement.
- 23.3 Where the petition has not been placed on the agenda, the Councillor presenting the petition must read it and then hand it to the Lord Mayor, and the Councillor is to move a motion as to how the matter is to be determined by Council. The preferred approach would be a motion along the line of "that the petition be received and referred to the appropriate officer for a report or further action".

24 MISCELLANEOUS

Disclosure and Misuse of Information

- 24.1 A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- a) with the consent of the person from whom the information was obtained, or
 - b) in connection with the administration or execution of this Act, or
 - c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - e) with other lawful excuse.
- 24.2 In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1) (LGA) a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a Councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- 24.3 Clause 24.2 does not apply to:
- a) the report of a committee of a council after it has been presented to the council, or
 - b) disclosure made in any of the circumstances referred to in 24.1 (a – e) or
 - c) disclosure made in circumstances prescribed by the regulations (namely any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance, or
 - d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12 of the Local Government Act
- 24.4 This section relates to the release of information available to Councillors arising from attendance at closed meetings.
- 24.5 A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- 24.6 A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- a) the determination of an application for an approval, or
 - b) the giving of an order. (Section 664, LGA)

The Act	means the Local Government Act 1993
Act of disorder	means an act of disorder as defined in clause 15.11 of this code
Amendment	in relation to an original motion, means a motion moving an amendment to that motion
Audio Recorder	any device capable of recording speech
Business Day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
This code	means the council's adopted code of meeting practice
Committee of the Council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
Council Official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
Day	means calendar day
Division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
Foreshadowed Amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
Foreshadowed Motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
Open Voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
Planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
Performance Improvement Order	means an order issued under section 438A of the Act
Quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
The Regulation	means the Local Government (General) Regulation 2005
Webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
Year	means the period beginning 1 July and ending the following 30 June

REVISION HISTORY

Version	Date	Change	Ref
1	23 October 2006	Update	Minute note 8791
2	24 September 2007	Update	Minute note 9464
3	25 February 2008	Update	
4	7 October 2008	Update	Minute note 10198
5	28 June 2010	Update	Minute note 11571
6	26 July 2010	Update	Minute note 11636
7	27 June 2011	Update	Minute note 12453
8	25 August 2014	Update	
9	23 May 2016	Update in line with Proclamation	
10	28 November 2016	Update	Minute note 339
11	13 November 2016	Amendment of Part 2 Clause 10(4)	Minute note 884
12	11 December 2017	Amendment to Part 2 Clause 22 (1-2) and internal timings	
13	April 2019	Draft Document for exhibition in line with changes to model code of meeting practice	
14	11 June 2019	Adoption of the 2019 City of Parramatta Code of Meeting Practice	

Policy Owner:

The Governance and Risk Unit is responsible for this policy.