



# Code of Meeting Practice

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## 1 Introduction

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

The Model Meeting Code applies to all Meetings of Councils and Committees of Councils of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for Meetings unless the Council determines otherwise.

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

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

A Council and a Committee of the Council of which all the members are Councillors must conduct its Meetings in accordance with the code of meeting practice adopted by the Council.

## 2 Meeting Principles

### 2.1 Council and Committee Meetings should be:

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

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

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

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

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

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

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

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

### 3 Before the Meeting

#### Timing of ordinary Council Meetings

3.1 Ordinary Meetings of the Council will be held on the following occasions:

<u>Ordinary Meeting:</u>	2 <sup>nd</sup> and 4 <sup>th</sup> Monday of the Month, commencing at 6.30pm in the Council Chambers at 536 New South Head Road, Double Bay NSW 2028.
<u>Closed Committee of the Whole:</u>	When it is proposed that Council consider confidential business in a closed Committee of the Whole meeting in conjunction with the Scheduled Ordinary meeting that confidential business will be considered after all business listed for considered at the Ordinary meeting has been concluded.
<u>Council Committees</u>	1 <sup>st</sup> Monday of the Month, commencing at 6.30pm at 536 New South Head Road, Double Bay NSW 2028.

The General Manager may vary the meeting times in exceptional circumstances (for example where a meeting is scheduled to be held on a public holiday) and given appropriate and required notice.

A Committee chairperson may, in consultation with the Mayor and General Manager, alter the commencement times of Meetings where the amount of business or such other special circumstances may prevail. **[Policy]**

**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.**

The Council and Committee meeting schedule for the term of Council (to September 2024) was considered at the Extraordinary Council Meeting on 5 January 2022. Council's current Meetings' cycle is:

#### Council Meetings

Council Meetings are held on the 2nd and 4th Monday of the month commencing at 6.30pm (unless changed at the discretion of the Mayor (in consultation with the General Manager).

#### Committee Meetings

Environmental Planning (EP) and Finance, Community & Services (FC&S) Committee Meetings are held on the 1st Monday of the month commencing at 6.30pm (unless changed at the discretion of the Mayor (in consultation with the General Manager).

Strategic & Corporate (S&C) Committee Meetings are held as required.

### 3<sup>rd</sup> and 5<sup>th</sup> Monday in the Month

The 3<sup>rd</sup> and 5<sup>th</sup> Monday in the month are either used for the purpose of an additional Committee meeting or used for Councillor Briefing sessions. In the event that no meeting is planned, these Mondays are a "free" evening. Unless the Council has a major and pressing issue before it, no Meetings are scheduled for the evening.

### Monday Public Holidays

In the event that a Public Holiday falls on the 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> Monday of the Month, the meeting will be re-scheduled to the immediately following Tuesday evening. Prior advice is always given to Councillors.

### Christmas/News Year Break

Is traditionally taken from mid-December to end-January.

### Extraordinary Meetings

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

**Note: Clause 3.2 reflects section 366 of the Act.**

- 3.3 To consider urgent business, the Mayor and/or General Manager may call an Extraordinary Meeting without the need to obtain the signature of at least two (2) Councillors.

### 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 3.4, notice of more than one (1) meeting may be given in the same notice.

**Note: An advertisement is to be placed in local media and/or on Council's website following consideration of the meeting cycle, notifying the public of the meeting cycle, times, dates and venues of Meetings.**

Notice to Councillors of ordinary Council Meetings

- 3.7 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 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.

**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.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

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 four (4) business days prior to the Council meeting (i.e. by 5.00pm on Tuesday prior to the meeting).
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the General Manager 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 General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.13 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 either;
- (a) Identify the funding source; or
  - (b) Include a request for a report identifying the funding source for the expenditure.

If the notice of motion does not identify a funding source, the General Manager must either:



- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the Notice of Motion is to be considered by Council; or
- (b) by written notice send to all Councillors with the business papers for the meeting for which the Notice of Motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

### Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council, in writing and must be submitted four (4) business days prior to the meeting being held (i.e. by 5.00pm on Tuesday prior to the meeting).

**Note: A question with notice is to be direct and succinct in its terms. Questions are not to include argument or statements of opinion and to the extent that they do they may be modified by the General Manager as appropriate.**

- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.16 The General Manager or their nominee may respond to a question with 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.

**Note: In the event the General Manager or their nominee is unable to respond to a question with notice at the meeting and after the minutes from that meeting are confirmed, the answers must be published on Council's website together with the Agenda and Minutes from that meeting.**

### Agenda and business papers for ordinary Meetings

- 3.17 The General Manager must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

**Note: Business papers for Ordinary Council and Standing Committee Meetings are generally prepared on the Thursday preceding the meeting.**

- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous Meetings of the Council, and
  - (b) if the 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 Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

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

#### Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary Meetings of the Council and Committees of the Council must contain a statement reminding Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

#### Availability of the agenda and business papers to the public

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

**Note: Clause 3.24 reflects section 9(2) and (4) of the Act.**

**Note: Business papers for Ordinary Council and Standing Committee Meetings are generally prepared on the Thursday preceding the meeting.**

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

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

- 3.26 For the purposes of clause 3.24, 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 3.26 reflects section 9(3) of the Act.**

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

**Note: Clause 3.27 reflects section 9(5) of the Act.**

#### Agenda and business papers for extraordinary Meetings

- 3.28 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, 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.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

#### Confidential agendas, business papers and attachments for Council/Committee Meetings

- 3.33 As far as practicable, confidential agendas, business papers and associated attachments for Council/Committee Meetings, will be provided to Councillors in digital form only.
- 3.34 Each confidential matter submitted to Council will include an “open” recommendation in the open business paper in accordance with section 9(2A) of the Act and a “confidential” recommendation in a confidential business paper.

- 3.35 The open recommendation will include a recommendation: (i) for the Council to move into closed session to consider the confidential recommendation making specific reference to the particular provision of section 10A(2) of the Act upon which the decision to move into closed session is based, and (ii) for the Council to adopt the confidential recommendation, and (iii) for the confidential report and/or confidential supporting Attachments to remain confidential for a particular period of time or following the conclusion of a particular event, i.e. finalisation of a Land and Environment Court matter or signing of a contract.
- 3.36 Before a matter is recommended to a Council meeting to be confidential, staff must have regard to and perform the public interest test required by section 10B(1)(b) of the Act and determine that on balance, the public interest in preserving the confidentiality of the information outweighs the public interest in maintaining openness and transparency in the decision making process for the matter before the Council. **[Policy]**

#### Pre-meeting briefing sessions

- 3.37 Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary Meetings of the Council and Meetings of Committees of the Council.
- 3.38 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.39 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.40 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.
- 3.41 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
- 3.42 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

## 4 Public Forums

### Other Matters

4.1 Council will allow members of the public to address a Council meeting on any local government related matter excluding matters that are:

- on the Council meeting agenda, or
- any application already lodged with the Council for decision, or
- that criticises or complains about Councillors or Council staff.

The Council meeting business paper will include a section called “Public Forum” immediately following consideration of Mayoral minutes.

The procedure for the conduct of the public forum will be as follows:

- a) Each person wishing to address a Council meeting is required to complete a “Public Forum Registration Form” and submit it to Council prior to 5.00pm on the Wednesday preceding the Council meeting. This will give staff time to review the forum topic and be able to comment, if requested by Councillors, on the contents of the public forum. Any request received after 5.00pm on the Wednesday preceding the Council meeting will be carried forward to the next Council meeting.
- b) A maximum time limit of three (3) minutes for each address will be allowed at the Council meeting.
- c) The maximum number of addresses at each Council meeting will be 3.  
**[Policy]**
- d) Public forums may be held by audio-visual link.

4.2 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of 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 conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

**Note: Where a public forum is held as part of a Council or Committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of Council and Committee Meetings.**

## Mayoral Minutes, Notices of Motion and/or General Managers & Officers Reports

- 4.3 Public forums are to be held for a maximum period of 30 minutes (during the Council meetings) for the purpose of hearing oral submissions from members of the public to speak to a Mayoral Minute, Notice of Motion and/or General Managers & Officers reports listed on a Council Meeting Agenda for the meeting. Public forums may also be held during Extraordinary Council Meetings and Meetings of Committees of the Council.
- 4.4 Public forums may be held by audio-visual link.
- 4.5 Public forums are to be chaired by the Mayor or their nominee.
- 4.6 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by **10.00am on the day of the meeting** on which the public forum is to be held, and 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.
- 4.7 A person may apply only to speak to a Mayoral Minute, Notice of Motion and/or General Managers & Officers reports which is listed on a Council Meeting Agenda for the meeting for which the public forum is held, noting that a person may speak on no more than two (2) items of business on the agenda of any one Council meeting. There is no public forum on any other items listed on the Agenda.
- 4.8 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.
- 4.9 The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.10 No more than two (2) speakers are to be permitted to speak 'for' or 'against' a Mayoral Minute, Notice of Motion and/or General Managers & Officers reports which is listed on a Council Meeting Agenda for the meeting for which the public forum is held.
- 4.11 If more than the permitted number of speakers apply to speak 'for' or 'against' a Mayoral Minutes, Notice of Motion and/or General Managers & Officers reports the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
- 4.12 If more than the permitted number of speakers apply to speak 'for' or 'against' a Mayoral Minutes, Notice of Motion and/or General Managers & Officers reports, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, 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.

- 4.13 Approved speakers at the public forum are to make a request to Council prior to **10.00am** on the day of the Council meeting, if they are wishing to use and register any written, visual or audio material during their public forum address to the Council. The use of any such materials will not provide the speaker with more allocated time with which to address Council than is detailed below under Clause 4.15. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.14 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.15 Each speaker will be allowed three (3) minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.16 Speakers at public forums 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.
- 4.17 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.18 Speakers are under no obligation to answer a question put under clause 4.17. Answers by the speaker, to each question are to be limited to one minute.
- 4.19 Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.
- 4.20 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to three (3) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.21 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.22 When addressing the Council, speakers at public forums 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.
- 4.23 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.22, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise 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.

- 4.24 Clause 4.23 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.25 Where a speaker engages in conduct of the type referred to in clause 4.22, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.26 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of 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 conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

**Note: Where a public forum is held as part of a Council or Committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of Council and Committee Meetings.**



## 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, unless permitted to attend the meeting by audio-visual link under this code.

- 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. 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.

**Note:** Council's standard practice is to accept an apology and grant leave of absence and a motion to this effect be moved at the meeting.

- 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.

**Note:** As Council has a pre-determined meeting schedule, the inclusion of the Meetings (by date) that a Councillor will be absent during a period of leave of absence is not necessary as those Meetings can easily be identified through the pre-determined meeting schedule.

- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

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

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

### The quorum for a meeting

- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the Councillors present, or
  - (c) failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

### Meetings held by audio-visual link

- 5.15 A meeting of the Council or a Committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.

- 5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:
- (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

**Note: Where a Council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

#### Attendance by Councillors at Meetings by audio-visual link

- 5.18 Councillors may attend and participate in Meetings of the Council and Committees of the Council by audio-visual link with the approval of the Council or the relevant Committee.
- Note: Council's preference is that where possible the Chairperson of a Council and/or Committee meeting chairs the meeting from Council premises.**
- 5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a Councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the Meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.
- 5.22 A Councillor who has requested approval to attend a meeting of the Council or a Committee of the Council by audio-visual link may participate in the meeting by audio-visual link until the Council or Committee determines whether to approve their request and is to be taken as present at the meeting. The Councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.23 A decision whether to approve a request by a Councillor to attend a meeting of the Council or a Committee of the Council by audio-visual link must be made by a resolution of the Council or the Committee concerned. The resolution must state:
- (a) the Meetings the resolution applies to, and
  - (b) the reason why the Councillor is being permitted to attend the Meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the Council or Committee refuses a Councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a Councillor's request to attend a meeting by audio-visual link is at the Council's or the relevant Committee's discretion. The Council and Committees of the Council must act reasonably when considering requests by Councillors to attend Meetings by audio-visual link. However, the Council and Committees of the Council are under no obligation to approve a Councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the meeting by these means.
- 5.26 The Council and Committees of the Council may refuse a Councillor's request to attend a meeting by audio-visual link where the Council or Committee is satisfied that the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the Council or a Committee of the Council by audio-visual link.
- 5.27 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. Where a Councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the Committee into disrepute.

### Entitlement of the public to attend Council Meetings

- 5.30 Everyone is entitled to attend a meeting of the Council and Committees of the Council. The Council must ensure that all Meetings of the Council and Committees of the Council are open to the public.

**Note: Clause 5.30 reflects section 10(1) of the Act.**

- 5.31 Clause 5.30 does not apply to parts of Meetings that have been closed to the public under section 10A of the Act.

- 5.32 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 5.32 reflects section 10(2) of the Act.**

**Note: Clause 15.15 authorises chairpersons to expel persons other than Councillors from a Council or Committee meeting.**

### Webcasting of Meetings

- 5.33 All Meetings of the Council and Committees of the Council are to be webcast via Council's website. Each meeting of the Council or a Committee of the Council is to be recorded by means of an audio or audio-visual device.

**Note: Clause 5.33 does not apply to parts of a meeting that have been closed to the public under Section 10A of the *Local Government Act 1993*.**

- 5.34 Members of the Public may address Meetings of the Council and Committees of the Council by audio-visual link.

- 5.35 At the start of each meeting of the Council or a Committee of the Council, the chairperson must inform the persons attending the meeting that:

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

- 5.36 The recording of a meeting is to be made publicly available on the Council's website:

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

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

- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.  
**Note: Clauses 5.33, 5.35 – 5.38 reflect section 236 of the Regulation.**
- 5.39 Recordings of Meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Transcripts and Audio Recordings

- 5.40 Recordings of proceedings are not an official record of the meeting, nor do they convey the official minutes of a Council or Committee meeting or the position of Council. Recordings are not to be used except in accordance with this Code.
- 5.41 Written transcripts of proceedings are not taken of Council or Committee Meetings nor are they available.
- 5.42 Council or Committee Meetings may be several hours long. Viewing live or recorded video of Council Meetings over the internet can consume large amounts of data. The user/person watching or listening to the meeting online is responsible for any charges a service provider may impose for data usage, particularly over a mobile internet connection. No claim for reimbursement of costs incurred by the user/person watching or listening to Woollahra Council Meetings online will be met by Council.
- 5.43 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the Woollahra Council.
- 5.44 Copyright remains with the Woollahra Council.
- 5.45 There may be situations where, due to technical difficulties beyond Woollahra Council's control, a live stream or recording of a meeting may not be available. Every reasonable effort will be made to ensure live streams and meeting recordings are made available on the Woollahra's website.
- 5.46 Woollahra Council takes no responsibility for, and accepts no liability, in the event that live streaming of a meeting, a recording of a meeting, or the Woollahra's website is unavailable.
- 5.47 Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

#### Attendance of the General Manager and other staff at Meetings

- 5.48 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.
- Note: Clause 5.48 reflects section 376(1) of the Act.**
- 5.49 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

**Note: Clause 5.49 reflects section 376(2) of the Act.**

5.50 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

**Note: Clause 5.50 reflects section 376(3) of the Act.**

5.51 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

5.52 The General Manager and other Council staff may attend Meetings of the Council and Committees of the Council by audio-visual-link. Attendance by Council staff at Meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.



## 6 The Chairperson

### The chairperson at Meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor (if any) presides at Meetings of the Council.

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

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

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

### Election of the chairperson in the absence of the Mayor and deputy Mayor

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

- 6.4 The election of a chairperson must be conducted:

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

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

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

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

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

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

### Chairperson to have precedence

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

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

## 7 Modes of Address

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 7.5 To facilitate debate, Councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of Council (except when prevented by disability or injury). This procedure does not need to be followed at Meetings of Committees, or in circumstances where the chairperson rules that standing is not required.

**Note: The Mayor and staff present at Meetings of Council are not required to stand when speaking/addressing Council.**

## 8 Order of Business for Ordinary Council Meetings

- 8.1 The general order of business for an ordinary meeting of the Council shall be:
1. *Opening*
  2. *Prayer*
  3. *Acknowledgement of Country (Gadigal and Birrabirragal People)*
  4. *Acknowledgement of the Sovereign of the Day (Queen Elizabeth II)*
  5. *Apologies and applications for a leave of absence or attendance by audio-visual link by Councillors*
  6. *Confirmation of Minutes of previous meeting(s)*
  7. *Disclosures of Interest*
  8. *Late Correspondence*
  9. *Petitions Tabled*
  10. *Mayoral Minute(s)*
  11. *Public Forum*
  12. *General Manager & Officers' Report*
  13. *Reports of the Committees (EP, FC&S, S&C)*
  14. *Rescission Motion(s)*
  15. *Councillor Reports / Councillor Updates (Section 8.4)*
  16. *Notices of Motion*
  17. *Questions with Notice*
  18. *Confidential matters*
  19. *Conclusion of the meeting*

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows Council to deal with items of business by exception.**

- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.
- 8.4 Councillor Reports/Councillor Updates referred in 8.1 are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency.
- 8.5 Seating arrangements at Council Meetings (or Committees of the Whole) are at the discretion of the Mayor and reviewed at a minimum at the commencement of each Mayoral Term.

## 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 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral minutes

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

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

**Note: Amendments to Mayoral minutes that are consistent with the intent of the terms of the minute are permitted, provided such amendments have the agreement of the Mayor. [Policy]**

- 9.10 A Mayoral Minute 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 either;
- (a) Identify the funding source; or
  - (b) Include a request for a report identifying the funding source for the expenditure.

If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

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

#### Reports of Committees of Council

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

**Note: The Council in considering the reports of Committees has adopted the practice of receiving the report and then reviewing it. The Mayor invites the chairperson of each Committee to "call" each recommendation individually by referring to its number in the Committee report on the Council agenda. Any Councillor who wishes to debate an item, or requires information on it, advises the Mayor when the number is called. The report of the Committee is then adopted with the exception of certain specified items. The items "called" are then considered separately. A decision of the Council can only be taken by way of a motion, which must be seconded. The recommendation of the Committee is merely a suggestion and does not constitute a motion. The carrying of a motion that a report be received (and dealt with) is merely an acknowledgment by the Council that the report is a proper one for the Council to consider.**

### Submission of late correspondence

- 9.14 That the deadline be **10.00am on the day of the Council meeting** for acceptance of late correspondence. This will give the Mayor, Councillors and staff time to digest and comment, if appropriate, on the contents of the late correspondence.  
**[Policy]**

### Reading late correspondence at Council and/or Committee Meetings

- 9.15 That late correspondence be read in conjunction with the relevant Agenda item.  
**[Policy]**

### Questions

- 9.16 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.
- 9.17 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.18 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.19 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.20 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.21 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

## 10 Rules of Debate

### Motions to be seconded

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

### 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.

**Note: Notices of motion must be submitted to Council's Governance Department by 5.00pm on the Tuesday preceding the Council meeting. Amendments to notices of motion that are consistent with the intent of the terms of the motion are permitted, provided such amendments have the agreement of the mover and seconder.**

**Those Councillors that have submitted a notice of motion that are present at a Council meeting may withdraw the notice of motion from consideration at the Council meeting. If any Councillor whose name is included as a Councillor submitting the notice of motion is present at the Council meeting and does not agree to withdrawing the notice of motion, the notice of motion is to be considered at the meeting.**  
[Policy]

**Note: The chairperson may call over the notices of motion on the business paper, in the order in which they appear thereon, and if objection be not taken to a motion being taken as a formal motion may, without discussion, put the motion to the vote. [Policy]**



### 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 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 either;
- (a) Identify the funding source; or
  - (b) Include a request for a report identifying the funding source for the expenditure.

If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if required.

### Amendments to motions

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

**Note:** An amendment is a proposition to alter a substantive (original) motion that is under consideration by the meeting. Prior to an amendment being put, the Chairperson must ensure that Councillors present clearly understand the terms of both the proposed motion and that amendment.

- 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.

#### Foreshadowed motions

- 10.17 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.
- 10.18 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.
- 10.19 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

- 10.20 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.
- 10.21 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.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than three (3) minutes at any one time. A Councillor must not ask a question longer than one minute at any one time.
- 10.23 Despite clause 10.22, 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 three (3) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

- 10.25 Despite clauses 10.20 and 10.21, 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.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 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 10.20.
- 10.28 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.
- 10.29 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.
- 10.30 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.

**Note: A warning bell is rung once after two (2) minutes of any Councillor's address to the Council and rung twice after three (3) minutes. This is to assist Councillors in complying with the time limit requirements.**

**Note: In order to expedite the business of this Council, the following Rules of Debate shall be adopted as Standing Orders, viz:**

- a) No more than two Councillors should speak in succession on one side, either for or against the motion or amendment before the Council, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put to the meeting after the original mover of the motion had the opportunity to speak on the amendment (if they choose to) prior to the amendment being put to the vote.**
- b) Any Councillor proposing or seconding a motion shall have the right to speak once at any time during the debate without having to specifically reserve the right to speak later in the debate in preference to when moving or seconding the motion or amendment.**
- c) No discussion shall be permitted on any matter before the Council (other than a question or personal explanation) except in the proposing, seconding, supporting or opposing a motion.**

**Note: Council has developed a rules of debate flowchart to supplement the above mentioned clauses as a reference guide.**

## 11 Voting

### Voting entitlements of Councillors

11.1 Each Councillor is entitled to one (1) vote.

Note: When putting any motion, including procedural motions and motions to adjourn the meeting, the Chairperson shall:

- a) Firstly, ask Councillors voting in favour of the motion to raise their hands and/or Meeting Collaboration card (if participating via audio-visual link) and to keep them raised until named by the chairperson.
- b) Secondly, ask Councillors voting against the motion to raise their hands and/or Meeting Collaboration card (if participating via audio-visual link) and to keep them raised until names by the chairperson.

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

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

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

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

### Voting at Council Meetings

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

11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

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

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

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

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

- 11.10 All voting at Council Meetings, (including Meetings that are closed to the public), must be recorded in the minutes of Meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

**Note: If clause 11.10 is adopted, clauses 11.6 – 11.9 and clause 11.12 may be omitted.**

#### Voting on planning decisions

- 11.11 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.
- 11.13 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 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

## 12 Committee of the Whole

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 1.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council 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.
- 1.4 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.
- 1.5 The Council may, by resolution, extend or restrict the number and duration of speeches in Committee of the whole Meetings **[Policy]**.

## 13 Dealing With Items By Exception

- 13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or Committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or Committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's code of conduct.



## 14 Closure of Council Meetings to the Public

### Grounds on which Meetings can be closed to the public

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

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

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

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

### Matters to be considered when closing Meetings to the public

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

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

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

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

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

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

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

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

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

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

#### Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 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 **Monday 10.00am** before the meeting at which the matter is to be considered.

14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than **two (2)** 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 General Manager 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 General Manager or their delegate is to determine who will make representations to the Council.

14.15 The General Manager (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 **two (2)** speakers to make representations in such order as determined by the chairperson.

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

### Expulsion of non-Councillors from Meetings closed to the public

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

### Obligations of Councillors attending Meetings by audio-visual link

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

### Information to be disclosed in resolutions closing Meetings to the public

- 14.21 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.

**Note: Any Councillor may at any time rise and address the chair on a point of order, but must at once:**

- 1) state the point of order, and
- 2) the reason for the point of order.

**A point of order can be taken for any irregularity in procedure, for example:**

- 1) a quorum is not present, or
- 2) the motion before the meeting lies outside the scope of the subject of debate, or
- 3) there is a failure to comply with Council's "Code of Meeting Practice", or
- 4) the speaker's remarks are irrelevant to the motion, or
- 5) the speaker's remarks involve tedious repetition, or
- 6) insulting or abusive language has been used.

**Contradictions, personal explanations and statements of fact and/or opinion dealing with the subject are NOT valid points of order.**

**The point of order must be taken immediately the breach occurs and cannot be taken at any other time. A point of order takes precedence of all other business including procedural motions except for a call for a quorum.**

**The expression "to move a point of order" is not correct.**

**The appropriate expression is "to take a point of order."**

**The chairperson should rule immediately on the point of order but may, before giving a ruling, give an opportunity to the speaker to explain, noting that no debate is to be entered into in response to any explanation by the speaker.**

**The chairperson's decision on a point of order should be treated by the meeting as final and should not be discussed. [Policy]**

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

**Note: Clause 15.11 reflects section 182 of the Regulation.**

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), (b), or (e), 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 any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

#### 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 other than a Councillor, from a Council or Committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

**Note: Councils may use either clause 15.14 or clause 15.15.**

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.

**Note: Clause 15.16 reflects section 233(2) of the Regulation.**

15.17 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.

15.18 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.



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

#### How disorder by Councillors attending Meetings by audio-visual link may be dealt with

- 15.20 Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

**Note:** Councillors attending a meeting by audio-visual link are encouraged to use Meeting Collaboration Cards.

#### Use of mobile phones and the unauthorised recording of Meetings

- 15.23 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.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 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 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's code of conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or Committee, or at any time during which the Council or Committee is voting on the matter.

## 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 in the case of Councils and section 400T(8) in the case of joint organisations.**

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

### Rescinding or altering Council decisions

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

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

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

**Note: Clause 17.4 reflects section 372(2) of the Act.**

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

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

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

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

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

**Note: Clause 17.10 reflects section 372(6) of the Act.**

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

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

- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.

- 17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

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### Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the Councillor is to propose alternative wording for the resolution.
- 17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## 18 Time Limits on Council Meetings

- 18.1 Meetings of the Council and Committees of the Council are to conclude no later than **10.30pm**.
- 18.2 If the business of the meeting is unfinished at **10.30pm**, the Council or the Committee may, by resolution, extend the time of the meeting (for a maximum period of 30 minutes).
- 18.3 If the business of the meeting is unfinished at **10.30pm**, 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, if there is an urgent matter that requires consideration by Council prior to the next ordinary meeting of the Council (noting that Council Meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month).

**Note:** Standard practice at Woollahra Council is that any outstanding matters on the Agenda be referred to the next Council meeting.

- 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 General Manager 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 General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 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 General Manager must ensure that the following matters are recorded in the Council's minutes:

- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a Council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code
- (f) declarations of interest made by Councillors at the meeting.

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.

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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.**

**Note: Correspondence received as late correspondence that is tabled at a Council or Committee meeting will be uploaded to Council's website by 5.00pm on the business day immediately following the meeting, subject to removing/reacting information contained in the correspondence of a private or personal nature, or containing commercial-in-confidence information, unless the express permission of the individual the subject of the information has been granted.**

- 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 General Manager is to implement, without undue delay, lawful decisions of the Council.

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



## 20 Council Committees

### Application of this Part

20.1 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 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 General Manager must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:

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

20.7 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 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 Mayor, or
  - (b) if the Mayor does not wish to be the chairperson of a Committee, a member of the Committee elected by the Council, or
  - (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.
- 20.12 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 20.20 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.

Referrals on requests of Councillors to Full Council

- 20.22 A matter may be called from a Committee Meeting to Full Council by a Councillor in accordance with the Committee Policy and Procedures **[Policy and Safeguards]**.

- i.e. Prior to the commencement of consideration of any item appearing on a Committee Agenda any Councillor may “call” that item to full Council for determination by either:
1. submitting written or oral advice to the Committee Chairperson and the Secretary before commencement of the meeting,
  - or
  2. if they are present at the meeting, submitting written or oral advice to the Committee Chairperson or Secretary before commencement of the particular item.

The Committee continues to consider the item and the recommendation of the Committee is referred to the Council.

When a Committee substantially changes a staff recommendation

- 20.23 Where, at a Committee Meeting there is a reversal or substantive change to a staff recommendation, the matter is automatically referred to the Council. **[Policy and Safeguards]**. A Committee can refer a matter to full Council 20.24 A Committee can resolve to refer a matter to the Council for any reason. This usually occurs where the Committee is divided in its view or is seeking clarification of a particular issue prior to determining the matter. This process allows a decision to be achieved without the need for a deferral to the following meeting of that Committee. **[Policy and Safeguards]**

### Submission of late correspondence

- 20.24 That the deadline be 10.00am on the day of the Committee meeting for acceptance of late correspondence. This will give staff time to digest and comment, if appropriate, on the contents of the late correspondence. **[Policy]**

### Reading late correspondence at Committee Meetings

- 20.25 That late correspondence be read in conjunction with the relevant Agenda item. **[Policy]**

### Representation to Committee Meetings by the public

- 20.26 Any person wishing to address a Committee meeting in relation to a matter on the agenda will be allowed 4 minutes to make their presentation. If a large number of persons wish to address a Committee meeting on a particular matter, it will be at the discretion of the chairperson of the respective Committee to determine, with a view to fairness of representation, how many persons may address the meeting. A Committee may at any time, invite staff to comment on any matter raised at a Committee meeting. If matters raised are substantial, the Committee may defer the matter to another meeting in order to obtain clarification of the matters raised. **[Policy and safeguards]**

### Minutes of Council Committee Meetings

- 20.27 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its Meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) the names of Councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code
  - (f) declarations of interest made by Councillors at the meeting.
- 20.28 All voting at Meetings of Committees of the Council (including Meetings that are closed to the public), must be recorded in the minutes of Meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.29 The minutes of Meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.
- 20.30 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.31 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.32 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.33 The confirmed minutes of a meeting of a Committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of Meetings of Committees of the Council on its website prior to their confirmation.

## 21 Irregularities

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

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

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 Petitions

### That Council affirm its belief in, and support for the right:

- 22.1 “It is the privilege of any individual or body of individuals in the community to petition (Council) to obtain redress of grievances, or to ask it not to do something that is contemplated.”
- 22.2 That for the purposes of reviewing and dealing with petitions, such documents be formally drawn up, and be directed to matters which are within the powers of authorities of the Council.
- 22.3 That petitions presented by Councillors to duly convened Council Meetings be subject to consideration of motions in terms “That the petition lie on the table for a period of fourteen (14) days and .....

**Note:** A petition may be in hard copy or electronic format.

A petition submitted to Council should:

- contain a clear and concise statement on each page covering the subject matter of the petition, including what course of action the petitioners want the Council to take;
- state the name, address and contact details of the main petition contact ('Head Petitioner');
- include the name, address and signature (or email address in the case of electronic petitions) of every person supporting the petition;
- be legible, concise, respectful and not offensive in its language; and
- must contain at least ten (10) signatures.

If the petition does not identify a Head Petitioner, Council will assume the first signatory is the Head Petitioner. Unless advised otherwise, the Head Petitioner will be the only point of contact for ongoing communication with Council staff.

- 22.4 That petitions lodged with the Council by post or means other than by presentation by a Councillor at a duly convened meeting of the Council shall be dealt with as ordinary correspondence and referred to the relevant department for consideration accordingly. **[Policy]**



## 23 Disclosure and Misuse of Information

- 23.1 A person must not disclose any information obtained in connection with the administration or execution of the *Local Government Act 1993* 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 purpose of any legal proceedings arising out of this Act or any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public Access) Act 2009, or
  - (e) with other lawful excuse.
- 23.2 In particular, if part of a meeting of a Council or a Committee of Council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- 23.3 Subsection (23.2) 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 subsection (1)(a)-e), or
  - c) disclosure made in circumstances prescribed by the regulations, or
  - d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- 23.4 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.
- 23.5 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. **[Act, Section 664]**
- 23.6 For the purposes of section 664 (1B)(c) of the Act, 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. **[Regulation, Clause 412]**

## 24 Procedural Motions

24.1 Procedural motion is a motion that refers to the conduct of a meeting. Procedural motions are not subject to the notice of motion requirements as outlined in clause 10.2.

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

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

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

Examples of procedural motions under the Act and Regulation are shown in the following table:

<b>Motion</b>	<b>Moved without Notice</b>	<b>Requires Secunder</b>	<b>Speakers/Debate Permitted</b>	<b>Right of Reply</b>
<i>Change the Order of Business</i>	Yes	Yes	<i>Mover of motion only</i>	No
<i>Business without Notice (matter of urgency)</i> <i>(clause 10.3)</i>	Yes	Yes	<i>Mover of motion only</i>	No
<i>Dissent from Chairperson's ruling on Point of Order</i>	Yes	Yes	<i>Mover &amp; Chairperson only may speak</i>	No
<i>Adjournment of Meeting</i>	Yes	Yes	<i>No debate permitted</i>	No
<i>Limitation to number of speakers (motion be now put)</i>	<i>Yes 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 if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.</i>	No	<i>No debate permitted. Motion must be put immediately after mover of original motion/amendment has right of reply.</i>	No
<i>Deferment of a Matter</i>	Yes	Yes	Yes	Yes
<i>Motion be dealt with in seriatim</i>	Yes	Yes	<i>Mover of motion only</i>	No

## 25 Revision of the Code of Meeting Practice

- 25.1 The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice from the NSW Office of Local Government. This authorisation also includes the ability to make minor administrative changes to the Code as required from time to time. Councillors will be notified of any amendments made to the Code of Meeting Practice by email and a copy of the Code recirculated.

## 26 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a Committee – means the person presiding at the meeting as provided by clause 20.11 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	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 <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of Councillors or Committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
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

This table provides a summary of the clauses from the Model Code of Conduct that have been amended by resolution of Woollahra Municipal Council.

Clause	Provision	Date Adopted

## 27 Policy Amendments

Date	Responsible Officer	Description