



## Council Policy

# Code of Meeting Practice

Version 13

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## Introduction

### Purpose

Section 360 of the *Local Government Act 1993* requires Council to adopt a Code of Meeting Practice. The adopted code must incorporate the mandatory provisions of the model code prescribed by the *Local Government (General) Regulation 2005*. The adopted code may also incorporate the non-mandatory provisions of the model code and other provisions.

The objectives of this Code of Meeting Practice as an effective aid for good governance are to:

- ensure that meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner
- ensure that meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process
- assist with the conduct of discussion and debate during Council and Committee meetings
- ensure that all Councillors understand their rights and obligations during Council and Committee meetings
- ensure that Councillors have an equal opportunity to participate fully in meetings and that meetings provide a positive environment that is without malice and avoids insulting, improper or defamatory statements.

### Scope

This code applies to all meetings of Council and committees of Council of which all the members are Councillors.

### Policy statement

All meetings of Council and its Committees of which all the members are Councillors must be conducted in accordance with this code.

### Principles

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.

## 1 Before the meeting

### Timing of ordinary Council meetings

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

**Note: Under section 365 of the Act, Councils are required to meet at least 10 times each year, each time in a different month.**

### Extraordinary meetings

1.2 If the Mayor receives a request in writing, signed by at least two 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 14 days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

**Note: Clause 1.2 reflects section 366 of the Act.**

### Notice to the public of Council meetings

1.3 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 1.3 reflects section 9(1) of the Act.**

1.4 For the purposes of clause 1.3, 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 Councils' 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.

1.5 For the purposes of clause 1.3, notice of more than one meeting may be given in the same notice.

### Notice to Councillors of ordinary Council meetings

1.6 The Chief Executive Officer (general manager) must send to each Councillor, at least three 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 1.6 reflects section 367(1) of the Act.**

1.7 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 1.7 reflects section 367(3) of the Act.**

### Notice to Councillors of extraordinary meetings

1.8 Notice of less than three days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

**Note: Clause 1.8 reflects section 367(2) of the Act.**

### Giving notice of business to be considered at Council meetings

1.9 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 five business days before the meeting is to be held.

**Practice Note:** Notice must be given by 12.00pm on Monday in the week prior to the ordinary meeting.

**Practice Note:** A notice of motion must be submitted to call up a development application for determination by Council, citing specific matters of concern. Where a development application has been called up, and a Councillor wishes to return the delegation to staff to determine the application, a rescission motion must be submitted in accordance with clause 13.10.

- 1.10 A Councillor may, in writing to the Chief Executive Officer (general manager), request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

## Questions with notice

- 1.11 A Councillor may, by way of a notice submitted under clause 1.9, ask a question for response by the Chief Executive Officer (general manager) about the performance or operations of the Council.
- 1.12 A Councillor is not permitted to ask a question with notice under clause 1.11 that comprises a complaint against the Chief Executive Officer (general manager) or a member of staff of the Council, or a question that implies wrongdoing by the Chief Executive Officer (general manager) or a member of staff of the Council.
- 1.13 The Chief Executive Officer (general manager) or their nominee may respond to a question with notice submitted under clause 1.11 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

## Agenda and business papers for ordinary meetings

- 1.14 The Chief Executive Officer (general manager) must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- 1.15 The Chief Executive Officer (general manager) must ensure that the agenda for an ordinary meeting of the Council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council,
  - (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,
  - (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 1.9.
- 1.16 Nothing in clause 1.15 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 5.8.
- 1.17 The Chief Executive Officer (general manager) must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer (general manager), the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer (general manager) must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 1.18 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer (general manager), is likely to take place when the meeting is closed to the public, the Chief Executive Officer (general manager) must ensure that the agenda of the meeting:

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

**Note: Clause 1.18 reflects section 9(2A)(a) of the Act.**

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

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

- 1.20 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 1.20 reflects section 9(2) and (4) of the Act.**

- 1.21 Clause 1.20 does not apply to the business papers for items of business that the Chief Executive Officer (general manager) has identified under clause 1.18 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 1.21 reflects section 9(2A)(b) of the Act.**

- 1.22 For the purposes of clause 1.20, 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 1.22 reflects section 9(3) of the Act.**

- 1.23 A copy of an agenda, or of an associated business paper made available under clause 1.20, may in addition be given or made available in electronic form.

**Note: Clause 1.23 reflects section 9(5) of the Act.**

### **Agenda and business papers for extraordinary meetings**

- 1.24 The Chief Executive Officer (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.
- 1.25 Despite clause 1.24, 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.
- 1.26 A motion moved under clause 1.25(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 1.27 Despite clauses 7.19-7.27, only the mover of a motion moved under clause 1.25(a) can speak to the motion before it is put.

- 1.28 A motion of dissent cannot be moved against a ruling of the chairperson under clause 1.25(b) on whether a matter is of great urgency.

## Pre-meeting briefing sessions

- 1.29 Prior to each ordinary meeting of the Council, the Chief Executive Officer (general manager) may arrange a pre-meeting briefing session to brief Councillors on the items of 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.
- 1.30 Pre-meeting briefing sessions are to be held in the absence of the public.
- 1.31 The Chief Executive Officer (general manager) or a member of staff nominated by the Chief Executive Officer (general manager) is to preside at pre-meeting briefing sessions.
- 1.32 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.
- 1.33 Councillors (including the Mayor) must disclose 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 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.

## 2 Public forums

- 2.1 The Council may hold a public forum prior to each standing Committee and ordinary meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.
- 2.2 Public forums are to be chaired by the Mayor or their nominee.
- 2.3 To speak at public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum on matters on the agenda must be received by midday on the day on which the applicant wishes to address Council at a public forum and must identify the item of business on the agenda of the Council meeting or standing Committee meeting the person wishes to speak on and whether they wish to speak "for" or "against" the item.
- 2.4 A person may apply to speak on no more than one item of business on the agenda of the Council meeting or standing Committee meeting.
- 2.5 On matters not on the agenda for a Council or Committee meeting, applications must be received three days prior to the day on which the applicant wishes to address Council. A person may apply to speak on no more than one item per meeting.
- 2.6 Nominated candidates at federal, state or local government elections and serving Councillors are not permitted to speak at the public forum.
- 2.7 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.
- 2.8 The Chief Executive Officer (general manager) or their delegate may refuse an application to speak at a public forum.
- 2.9 No more than two speakers in total, being one speaker "for" or "against" is to be permitted to speak to each matter of business on the agenda for the Council meeting or standing Committee meeting with a maximum of four speakers in total allowed at each forum.

- 2.10 The Chief Executive Officer (general manager) or their delegate will only approve one speaker for and one speaker against any matter in total. No other speakers will be approved unless the matter has changed significantly enough to warrant a further address.
- An applicant may gain approval for a second public forum address if it is deemed that the matter has changed significantly enough to warrant a further address. Council's officers will advise on the significance of any changes.
- 2.11 If more than the permitted numbers of speakers apply to speak "for" or "against" any item of business, the Chief Executive Officer (general manager) or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the items of business. If the speakers are not able to agree on whom to nominate to address the Council, the Chief Executive Officer (general manager) or their delegate is to determine who will address the Council at the public forum.
- 2.12 Requests to address a public forum related to items listed on the Council's agenda, have priority over topics not listed on the agenda.
- 2.13 If more than the permitted total number of speakers apply to speak at a public forum, the Chief Executive Officer (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, up to a maximum of six speakers in total, where they are satisfied that it is necessary to do so to allow Council to hear opposing views on matters included on an agenda.
- 2.14 Prior to the forum, approved speakers are to register with Council any written, visual or audio material to be presented in support of their address to the Council at the public forum.
- 2.15 The Chief Executive Officer (general manager) or their delegate is to determine the order of speakers at the public forum.

**Practice Note:** Order of speakers

Speakers will be listed as per the order of reports in the business paper (where applicable), with a speaker against a recommendation to speak before a speaker for a recommendation.

Speakers on a matter not included in the agenda will be listed after those on matters included in the agenda.

- 2.16 Each speaker will be allowed four minutes to address the Council with a warning given at three minutes and a final bell at four minutes. This time is to be strictly enforced by the chairperson.
- 2.17 Speakers at the public forum must not digress from the item on the agenda of the Council or standing Committee 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 so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 2.18 A Councillor (including the chairperson) may, through the chairperson, ask questions of the speaker following their address at a public forum. Questions put to the speaker must be direct, succinct and without argument. Speaker slots are limited to a total of 10 minutes per speaker.
- 2.19 Speakers are under no obligation to answer a question put under clause 2.16.
- 2.20 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 2.21 Where an address made at a public forum raises matters that require further consideration by Council staff, a Councillor may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 2.22 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 potential defamatory statements.

- 2.23 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 2.22, the chairperson may request the person 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.
- 2.24 Clause 2.23 does not limit the ability of the chairperson to deal with the disorderly conduct of speakers at public forums in accordance with the provisions of part 12 of this code.
- 2.25 Where the speaker engages in conduct of the type referred to in clause 2.22, the Chief Executive Officer (general manager) or their delegate may refuse further applications from that person to speak at the public forum for such a period as the Chief Executive Officer (general manager) or their delegate considers appropriate.
- 2.26 Councillors including the Mayor must disclose 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 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.

### **Live streaming and recording public forum**

- 2.27 Public forums will be live streamed on the Council's website when practicable. Live streaming will include audio-visual content of the public forum, including individual speakers.
- 2.28 Audio recordings are also to be made of a public forum for the dominant purpose of assisting with the preparation of the minutes for Council or Committee meetings.
- 2.29 Applicants to speak at a public forum will be asked to consent to their image, speech and/or personal information being live streamed on Council's website and recorded. Applications will not be accepted from individuals who do not provide such consent. Council staff will provide advice in writing to individuals who are approved to address a public forum that their speech will be live-streamed on Council's website and a recording will be made.
- 2.30 The live stream and recording shall begin at the commencement of the chairperson's attendance at the public forum and conclude when the chairperson declares the public forum closed.
- 2.31 The public gallery may be included in the live stream and recording. Advice will be provided to the members of the public attending public forum that the public forum will be live streamed on Council's website and recorded. By attending a public forum, attendees will be taken as having consented to their image, speech or personal information being live streamed and recorded.
- 2.32 Council staff are responsible for the live stream and audio recording under clauses 2.27 and 2.28. No other person may make a live stream or recording without prior authorisation of Council.
- 2.33 Due to the nature of technical equipment, Council does not guarantee audio recordings will be continuous or fault-free.
- 2.34 A live stream or audio recording cannot be re-used or reproduced in any way without the permission of Council.
- 2.35 Statements, presentations and actions by individuals during public forum are not protected by privilege and may be subject to legal proceedings and potential liability. Council does not accept liability for any statements, presentations or actions by individuals during public forum that may be contrary to law or are defamatory or inappropriate.
- 2.36 Opinions expressed and statements made during a public forum are those of the individuals making them, and not those of Council. Unless set out in a resolution, Council does not endorse

or support the views, opinions or information that may be expressed by individuals at a public forum and which may be contained in a live stream or recording of a public forum.

- 2.37 The Chief Executive Officer (general manager) may alter a live stream to remove any content that they consider is not suitable for public broadcast or that may expose the Council to a potential legal liability. In doing so, the Chief Executive Officer (general manager) may seek legal advice or consult with the Mayor and other Councillors.
- 2.38 Audio files are 'temporary' records of Council. Once the minutes are confirmed, the audio files are no longer needed. Audio recordings will be stored securely for at least three months after the minutes from the meeting to which they relate are confirmed by Council, except where retention for a longer period is otherwise required.
- 2.39 A Councillor may apply to the Chief Executive Officer (general manager) to listen to an audio recording in the presence of a Council employee, approved by the Chief Executive Officer (general manager) during business hours of the Council. A request must be made in writing, give details of the item concerned (if relevant) and the reason for the request for administrative and audit purposes. The Chief Executive Officer (general manager) will grant access until such time as the minutes of the meeting to which the audio recording relates are confirmed. If the request is approved by the Chief Executive Officer (general manager), the recording shall then be prepared and available for the Councillor within 48 hours. Councillors must return any copy of the recording to the Chief Executive Officer (general manager) once Council confirms the minutes of the meeting to which the audio recording relates.

### 3 Coming together

#### Attendance by Councillors at meetings

- 3.1 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.

- 3.2 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting.
- 3.3 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.
- 3.4 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.
- 3.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 3.6 A Councillor's civic office will become vacant if the Councillor is absent from three 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 he or she has 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 of the Act.

**Note:** Clause 3.6 reflects section 234(1)(d) of the Act.

- 3.7 A Councillor who intends to attend a meeting of the Council despite having been granted leave of absence should, if practicable, give the Chief Executive Officer (general manager) at least two days' notice of their intention to attend.

## The quorum for a meeting

- 3.8 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 3.8 reflects section 368(1) of the Act.**

- 3.9 Clause 3.8 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 3.9 reflects section 368(2) of the Act.**

- 3.10 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.
- 3.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in his or her absence, by the majority of the Councillors present, or
  - (c) failing that, by the Chief Executive Officer (general manager).
- 3.12 The Chief Executive Officer (general manager) must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

## Entitlement of the public to attend Council meetings

- 3.13 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 3.13 reflects section 10(1) of the Act.**

- 3.14 Clause 3.13 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 3.15 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 3.15 reflects section 10(2) of the Act.**

## Webcasting of meetings

- 3.16 All meetings of the Council or a Committee of the Council that are conducted in accordance with this policy are to be webcast on the Council's website.

- 3.17 Webcasting under clause 3.16 will include livestreaming audio-visual content of meetings, and making available audio-visual recordings for subsequent viewing, wherever possible in accordance with reasonable efforts.
- 3.18 While Council will take all reasonable efforts to ensure webcasting is available for meetings, there may be situations where, due to technical difficulties beyond Council's control, live stream or recordings of a meeting may not be available. Council takes no responsibility for and accepts no liability in the event that webcasting or Council's website is unavailable. Technical issues may include but are not limited to, the availability of the internet, network or device failure or malfunction or power outages. The quality of the webcast will depend on the individual user settings, computer memory capacity and internet connection bandwidth. The user of the service, not Council, is responsible for any charges that a service provider may impose for data usage when viewing webcasts of meetings.
- 3.19 Clause 3.16 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 3.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 3.21 A recording of each meeting of the Council and Committee of the Council is to be retained on the Council's website for a period of at least four years. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 3.22 The public gallery is included in the recording and webcast. Members of the public attending the meeting may have their image and voice captured, webcast and archived for at least four years. Appropriate signs will also be displayed in the Council Chamber alerting attendees to the fact that the proceedings are being webcast and recorded. By attending a Council or Standing Committee meeting, attendees will be taken as having consented to their image, speech or personal information being webcast and recorded.
- 3.23 The Chief Executive Officer (general manager) may alter a webcast after it is recorded (including livestream webcasts) to remove any content that is not suitable for public broadcast or that may expose the council to a potential legal liability. In doing so, the CEO may seek legal advice or consult with the Mayor and other Councillors.
- 3.24 Access to webcasts of Council and Committee meetings are available to view on Council's website for personal and non-commercial use. All webcasts of Council or Committee meetings are subject to copyright under the *Copyright Act 1968* and cannot be re-used or reproduced in any way without the permission of Council.
- 3.25 Statements, presentations and actions by individuals during meetings are not protected by privilege and may be subject to legal proceedings and potential liability. Council does not accept liability for any statements, presentations or actions by individuals during meetings that may be contrary to law or are defamatory or inappropriate.
- 3.26 Opinions expressed and statements made during a Council meeting are those of the individuals making them, and not those of Council. Unless set out in a resolution, Council does not endorse or support the views, opinions or information that may be expressed by individuals at Council or Committee meetings and which may be contained in a webcast or recording of a Council or Committee meeting.

## Audio recording of meetings

- 3.27 Audio recordings are to be made of all meetings of the Council and Committees of the Council for the dominant purpose of assisting with the preparation of the minutes for meetings.
- 3.28 The recording shall begin at the commencement of the chairperson's attendance at the meeting or public forum and conclude when the chairperson declares the meeting closed. Council staff are responsible for making the audio recording under clause 3.27.

- 3.29 The public gallery may be included in the recording. Advice will be provided to the members of the public attending meetings that the meeting will be recorded. The advice will be displayed on the notice of agenda for Council and Committee meetings.
- 3.30 Due to the nature of technical equipment, Council does not guarantee audio recordings will be continuous or fault-free.
- 3.31 Council may use audio recordings of a meeting to assist in complying with requirements for webcasting of meetings under this code.
- 3.32 An audio recording cannot be re-used or reproduced in any other way without the permission of Council.
- 3.33 Audio files are 'temporary' records of Council. Once the minutes are confirmed, the audio files are no longer needed. Audio recordings will be stored securely for at least three months after the minutes from the meeting to which they relate are confirmed by Council, except where retention for a longer period is otherwise required.
- 3.34 Recordings of closed meetings (or parts of meetings) will not be accessible to members of the public.
- 3.35 A Councillor may apply to the Chief Executive Officer (general manager) to listen to an audio recording in the presence of a Council employee, approved by the Chief Executive Officer (general manager) during business hours of the Council. A request must be made in writing, give details of the item concerned (if relevant) and the reason for the request for administrative and audit purposes. The Chief Executive Officer (general manager) will grant access until such time as the minutes of the meeting to which the audio recording relates are confirmed. If the request is approved by the Chief Executive Officer (general manager), the recording shall then be prepared and available for the Councillor within 48 hours. Councillors must return any copy of the recording to the Chief Executive Officer (general manager) once Council confirms the minutes of the meeting to which the audio recording relates.

### **Attendance of the Chief Executive Officer (general manager) and other staff at meetings**

- 3.36 The Chief Executive Officer (general manager) is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.

**Note: Clause 3.36 reflects section 376(1) of the Act.**

- 3.37 The Chief Executive Officer (general manager) is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

**Note: Clause 3.37 reflects section 376(2) of the Act.**

- 3.38 The Chief Executive Officer (general manager) may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the Chief Executive Officer (general manager) or the terms of employment of the Chief Executive Officer (general manager).

**Note: Clause 3.38 reflects section 376(3) of the Act.**

- 3.39 The attendance of other Council staff at a Council or standing Committee meeting, (other than as members of public) shall be with the approval of the Chief Executive Officer (general manager).

## 4 The Chairperson

### The chairperson at meetings

- 4.1 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 4.1 reflects section 369(1) of the Act.**

- 4.2 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 4.2 reflects section 369(2) of the Act.**

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

- 4.3 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.
- 4.4 The election of chairperson must be conducted:
- (a) by the Chief Executive Officer (general manager) or, in their absence, an employee of the Council designated by the Chief Executive Officer (general manager) to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer (general manager) nor a designated employee is present at the meeting, or if there is no Chief Executive Officer (general manager) or designated employee.
- 4.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 4.6 For the purposes of clause 4.5, 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.
- 4.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 4.8 Any election conducted under clause 4.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

- 4.9 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.

## 5 Consideration of business at Council Meetings

### Business that can be dealt with at Council meeting

- 5.1 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 1.9, and
- (b) unless notice of the business has been sent to the Councillors in accordance with clause 1.9 in the case of an ordinary meeting and clause 1.8 in the case of an extraordinary meeting.
- 5.2 Clause 5.1 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 5.9, 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.
- 5.3 Despite clause 5.1, 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.
- 5.4 A motion moved under clause 5.3(a) can be moved without notice. Despite clauses 6.19 - 6.27, only the mover of a motion referred to in clause 5.3(a) can speak to the motion before it is put.
- 5.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 5.3(b).

## Business without notice

- 5.6 An intention to move Business Without Notice shall be completed on the appropriate form and lodged with the Council Business Support team half an hour before the commencement of the ordinary Council meeting.
- 5.7 Business without notice in Council shall only be permitted where the matter cannot:
- wait until the following meeting to be raised
  - be dealt with by way of a Councillor request, or
  - be dealt with by informal discussion with the Chief Executive Officer (general manager) or a Director.

## Mayoral minutes

- 5.8 Subject to clause 5.11 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 Council, or of which the Council has official knowledge.
- 5.9 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.
- 5.10 A recommendation made in a Mayoral minute put by the Mayor is, insofar as it is adopted by the Council, a resolution of the Council.
- 5.11 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 Council.

**Note:** Notice should be given by 12.00pm on the Monday prior to the ordinary meeting unless considered urgent in nature.

## Staff reports

- 5.12 A recommendation made in a staff report is, insofar as it is adopted by the Council, a resolution of the Council.

## Reports of Committees of Council

- 5.13 The recommendations of a Committee of the Council are, insofar as they are adopted by the Council, resolutions of the Council.
- 5.14 The Development and Planning Standing Committee has delegated authority to determine matters referred to the Committee.
- 5.15 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

## Questions

- 5.16 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 1.9 and 1.11.
- 5.17 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 5.18 A Councillor may, through the Chief Executive Officer (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 Chief Executive Officer (general manager) at the direction of the Chief Executive Officer (general manager).
- 5.19 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 documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 5.20 The Councillor must put every such question directly, succinctly and without argument.
- 5.21 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

## 6 Rules of debate

### Motions to be seconded

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

### Notices of motion

- 6.2 A Councillor who has submitted a notice of motion under clause 1.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 6.3 If a Councillor who has submitted a notice of motion under clause 1.9 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.

- 6.4 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 move the motion at the meeting, or
  - (b) the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

### **Chairperson's duties with respect to motions**

- 6.5 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.
- 6.6 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.
- 6.7 Before ruling out of order a motion or an amendment to a motion under clause 6.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 6.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

### **Amendments to motions**

- 6.9 An amendment to a motion must be moved and seconded before it can be debated.
- 6.10 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.
- 6.11 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.
- 6.12 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 motion and one proposed amendment can be before Council at any one time.
- 6.13 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.
- 6.14 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.
- 6.15 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**

- 6.16 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.
- 6.17 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.

- 6.18 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

- 6.19 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 to any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 6.20 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.
- 6.21 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.
- 6.22 Despite clause 6.21, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. A timer that is clearly visible to all Councillors and the Mayor will be activated when a Councillor begins speaking in the Chamber to assist with the observance of time limits.
- 6.23 Despite clause 6.21, the Council may resolve to shorten the duration of speeches to expedite the consideration of the business at a meeting.
- 6.24 Despite clauses 6.19 and 6.20, 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 Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 6.25 The chairperson must immediately put to the vote, without debate, a motion moved under clause 6.24. A seconder is not required for such a motion.
- 6.26 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 6.19.
- 6.27 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.
- 6.28 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.
- 6.29 Once the debate on a matter is closed and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 7 Voting

### Voting entitlements of Councillors

- 7.1 Each Councillor is entitled to one vote.

#### **Note: Clause 7.1 reflects section 370(1) of the Act.**

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- 7.2 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 7.2 reflects section 370(2) of the Act.**

- 7.3 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

- 7.4 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.
- 7.5 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 Councillors rise and call for a division.
- 7.6 When a division on a motion is called, the chairperson must ensure that the division takes place immediately.
- 7.7 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 7.4 of this code.
- 7.8 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.
- 7.9 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

## Voting on planning decisions

- 7.10 The Chief Executive Officer (general manager) must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 7.11 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.
- 7.12 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.
- 7.13 Clauses 7.8-7.11 apply also to meetings that are closed to the public.

**Note: Clauses 7.8-7.11 reflect section 375A of the Act.**

## 8 Committee of the whole

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

**Note: Clause 8.1 reflects section 373 of the Act.**

- 8.2 All the provisions of this code relating to meetings of the Council, insofar 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 6.19-6.27 limit the number and duration of speeches.**

- 8.3 The Chief Executive Officer (general manager) or, in the absence of the Chief Executive Officer (general manager), an employee of the Council designated by the Chief Executive Officer

(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.

- 8.4 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.

## **9 Dealing with items by exception**

- 9.1 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.
- 9.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under clause 9.1, the chairperson is to list the items of business to be adopted and ask Councillors to identify any of the individual items of business listed by the chairperson that they wish to speak on.
- 9.3 The Council or Committee must not resolve to adopt any item of business under clause 9.1 that a Councillor has identified as being one they wish to speak on.
- 9.4 Where the consideration of multiple items of business together under clause 9.1 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 16.2.
- 9.5 A motion to adopt multiple items of business together under clause 9.1 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.
- 9.6 Items of business adopted under clause 9.1 are to be taken as having been unanimously adopted.
- 9.7 Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under clause 9.1 in accordance with the requirements of the Council's code of conduct.

## **10 Closure of Council meetings to the public**

### **Grounds on which meetings can be closed to the public**

- 10.1 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 10.1 reflects section 10A(1) and (2) of the Act.**

- 10.2 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 10.2 reflects section 10A(3) of the Act.**

### **Matters to be considered when closing meetings to the public**

- 10.3 A meeting is not to remain closed during the discussion of anything referred to in clause 10.1:
- (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 10.3 reflects section 10B(1) of the Act.**

- 10.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 10.1(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 10.4 reflects section 10B(2) of the Act.**

- 10.5 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 10.2), 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 10.1.

**Note: Clause 10.5 reflects section 10B(3) of the Act.**

- 10.6 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 10.6 reflects section 10B(4) of the Act.**

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

**Note: Clause 10.7 reflects section 10B(5) of the Act.**

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

- 10.8 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 1.18 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 10.1, and
  - (b) the Council or Committee, after considering any representations made under section 10.9, 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 10.8 reflects section 10C of the Act.**

### **Representation by members of the public**

- 10.9 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 10.9 reflects section 10A(4) of the Act.**

- 10.10 A representation under clause 10.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 10.11 Where the matter has been identified in the agenda of the meeting under clause 1.18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 10.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12.00pm on the day of the meeting at which the matter is to be considered.
- 10.12 The Chief Executive Officer (general manager) (or their delegate) may refuse an application made under clause 10.11. The Chief Executive Officer (general manager) or their delegate must give reasons in writing for a decision to refuse an application.
- 10.13 No more than two speakers are to be permitted to make representations under clause 10.9.
- 10.14 If more than the permitted number of speakers applies to make representations under clause 10.9, the Chief Executive Officer (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 10.9, the Chief Executive Officer (general manager) or their delegate is to determine who will make representations to the Council.
- 10.15 The Chief Executive Officer (general manager) (or their delegate) is to determine the order of speakers.
- 10.16 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 1.18 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

10.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.

10.17 Each speaker will be allowed four minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers are to 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 so digress. 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**

10.18 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.

10.19 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 person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

## **Information to be disclosed in resolutions closing meetings to the public**

10.20 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 10.20 reflects section 10D of the Act.**

## **Resolutions passed at closed meetings to be made public**

10.21 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.

10.22 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 10.21 during a part of the meeting that is webcast.

# **11 Keeping order at meetings**

## **Points of order**

11.1 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.

- 11.2 A point of order cannot be made with respect to adherence to the Meeting Principles contained in this policy.
- 11.3 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

- 11.8 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.
- 11.9 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.
- 11.10 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

- 11.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter, or
  - (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
  - (e) 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.
- 11.12 The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 11.11(a) or (b), or

- (b) to withdraw a motion or an amendment referred to in clause 11.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 11.11(d) and (e).

## How disorder at a meeting may be dealt with

11.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This 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

- 11.14 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.
- 11.15 Clause 11.14 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.
- 11.16 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 11.12. 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.
- 11.17 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.
- 11.18 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.
- 11.19 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.

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

- 11.20 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.
- 11.21 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.
- 11.22 Any person who contravenes or attempts to contravene clause 11.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 11.23 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

## 12 Conflict of interests

- 12.1 All Councillors and, where applicable, all other persons, must disclose and manage any conflict of interests 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.

## 13 Decisions of Council

### Council decisions

- 13.1 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 13.1 reflects section 371 of the Act.**

- 13.2 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 resolutions

- 13.3 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 1.9.

**Note: Clause 13.3 reflects section 372(1) of the Act.**

- 13.4 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 13.4 reflects section 372(2) of the Act.**

- 13.5 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 1.9.

**Note: Clause 13.5 reflects section 372(3) of the Act.**

- 13.6 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 Councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 13.6 reflects section 372(4) of the Act.**

- 13.7 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 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 13.7 reflects section 372(5) of the Act.**

- 13.8 The provisions of clauses 13.5–13.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 13.8 reflects section 372(7) of the Act.**

- 13.9 A notice of motion submitted in accordance with clause 13.6 may only be withdrawn under clause 1.10 with the consent of all signatories to the notice of motion.

- 13.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the Chief Executive Officer (general manager) no later than 5.00pm on the third business day after the meeting at which the resolution was adopted.
- 13.11 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 13.11 reflects section 372(6) of the Act.**

- 13.12 Subject to clause 13.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three Councillors is submitted to the chairperson, 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.
- 13.13 A motion moved under clause 13.12(b) can be moved without notice. Despite clauses 6.19–6.27, only the mover of a motion referred to in clause 13.12(b) can speak to the motion before it is put.
- 13.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 13.12(c).

## **Recommitting resolutions to correct an error**

- 13.15 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) confirm the voting on the resolution.
- 13.16 In seeking the leave of the chairperson under clause 13.15(a) to move to recommit a resolution adopted at the same meeting, the Councillor is to propose alternative wording for the resolution.
- 13.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 13.15(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.
- 13.18 A motion moved under clause 13.15 can be moved without notice. Despite clauses 6.19 – 6.27, only the mover of a motion referred to in clause 13.15 can speak to the motion before it is put.
- 13.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 13.15.
- 13.20 A motion moved under clause 13.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **14 Time limits on Council meetings**

- 14.1 Meetings of the Council and Committees of the Council are to conclude no later than 11.00pm.
- 14.2 If the business of the meeting is unfinished at 11.00pm, the Council or the Committee may, by resolution, extend the time of the meeting.
- 14.3 If the business of the meeting is unfinished at 11.00pm and the Council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 14.4 Clause 14.3 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.
- 14.5 Where a meeting is adjourned under clause 14.3 or 14.4, the Chief Executive Officer (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 Chief Executive Officer (general manager) is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 15 After the meeting

### Minutes of meetings

- 15.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

**Note: Clause 15.1 reflects section 375(1) of the Act.**

- 15.2 At a minimum, the Chief Executive Officer (general manager) must ensure that the following matters are recorded in the Council's minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it
  - (b) the names of the mover and seconder of the motion or amendment
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.

- 15.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

**Note: Clause 15.3 reflects section 375(2) of the Act.**

- 15.4 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.
- 15.5 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

**Note: Clause 15.5 reflects section 375(2) of the Act.**

- 15.6 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.
- 15.7 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.

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

15.8 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 15.8 reflects section 11(1) of the Act.**

15.9 Clause 15.8 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 15.9 reflects section 11(2) of the Act.**

15.10 Clause 15.8 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 15.10 reflects section 11(3) of the Act.**

15.11 Correspondence or reports to which clauses 15.9 and 15.10 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

15.12 The Chief Executive Officer (general manager) is to implement, without undue delay, lawful decisions of the Council.

**Note: Clause 15.12 reflects section 335(b) of the Act.**

## 16 Order of business for ordinary Council meetings

16.1 The general order of business for an ordinary meeting of the Council shall be:

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Apologies and applications for leave of absence by Councillors
- 04 Disclosures of interests
- 05 Confirmation of minutes
- 06 Presentations
- 07 Mayoral minute(s)
- 08 Reports of Committees
- 09 Business arising from Public Forum
- 10 Special Reports
- 11 Inspections
- 12 Matters Referred
- 13 Tender Reports
- 14 Notices of Motion
- 15 Petitions
- 16 Business without notice
- 17 Confidential matters

## 18 Conclusion of the meeting

Consideration of supplementary agenda items will be in the above order.

- 16.2 The order of business as fixed under clause 16.1 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.
- 16.3 Despite clauses 6.19–6.27, only the mover of a motion referred to in clause 16.2 may speak to the motion before it is put.

## 17 Council Committees

- 17.1 This Part only applies to Committees of the Council whose members are all Councillors.

### Council Committees whose members are all Councillors

- 17.2 The Council may, by resolution, establish such Committees, as it considers necessary.
- 17.3 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.
- 17.4 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

- 17.5 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

- 17.6 The Chief Executive Officer (general manager) must send to each Councillor regardless of whether they are a Committee member, at least three 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.
- 17.7 Notice of less than three days may be given of a Committee meeting called in an emergency.

### Attendance at Committee meetings

- 17.8 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 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.
- 17.9 Clause 17.8 does not apply if all of the members of the Council are members of the Committee.

### Non-members entitled to attend Committee meetings

- 17.10 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**

- 17.11 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.
- 17.12 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.
- 17.13 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.
- 17.14 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**

- 17.15 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.
- 17.16 Debate on a motion or amendment during Committee meetings should not exceed 20 minutes. This does not limit the ability of a motion to be moved that the time limit be extended.
- 17.17 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.
- 17.18 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 17.15.
- 17.19 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**

- 17.20 The provisions of the Act and clause 10.4 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.

- 17.21 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.
- 17.22 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 17.21 during a part of the meeting that is webcast.

## Disorder in Committee meetings

- 17.23 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

## Minutes of Council Committee meetings

- 17.24 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it
  - (b) the names of the mover and seconder of the motion or amendment
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 17.25 All voting at meetings of Committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of the meetings with the names of Councillors who voted for or against a motion or amendment, (including the use of the casting vote), being recorded.
- 17.26 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.

**Practice note:** Minutes of meetings of each Committee are confirmed at the next ordinary meeting of Council.

- 17.27 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.
- 17.28 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 17.29 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.
- 17.30 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.

## General Business Committee

- 17.31 Council shall establish a General Business Committee comprising all Councillors and the Chief Executive Officer (general manager).

- 17.32 The General Business Committee shall meet following other standing Committees.
- 17.33 Recommendations of the General Business Committee will be referred to the subsequent ordinary meeting of Council for consideration as long as that ordinary meeting is not held immediately following the meeting of standing Committees.
- 17.34 A minimum of three working days must separate the holding of the General Business Committee and the ordinary meeting of Council where those recommendations are to be considered.
- 17.35 General Business Committee shall not be used:
- (a) to raise matters of significance where the use of a notice of motion would be appropriate
  - (b) where the item relates to routine maintenance or construction problems or, enquiries that can be dealt with by a service request
  - (c) for a report of attendance at a meeting or a function. Such a report of attendance is to be given to the Council Liaison Support Officer for distribution as an information report.
  - (d) where items would take an extended period of time to implement.
- 17.36 The chairperson of the General Business Committee will determine the appropriateness of an item being raised in accordance with 17.35.
- 17.37 Examples of General Business Committee items may include requesting a site inspection in accordance with this code.

## Inspection Committees

- 17.38 Councillors may resolve to hold a site inspection of a particular property, area, or situation, at either a standing Committee or ordinary Council meeting.
- 17.39 Inspection Committees can be either:
- (a) a Council Inspection Committee, consisting of all Councillors for issues relevant to the city as a whole, or
  - (b) a Ward Inspection Committee, consist of Councillors from a particular ward for issues relevant to a particular ward.
- 17.40 Despite clause 17.38, all Councillors may attend any ward inspection. The quorum for a Council inspection Committee is three Councillors. The quorum for a ward Councillor inspection Committee is two Councillors.
- 17.41 Inspection Committees shall only discuss the issue for which the inspection was called.
- 17.42 Inspection Committees are for information gathering by Councillors. This information may be, but not limited to, from officers, applicants or their representative/s, other affected parties including residents, adjoining or nearby property owners, or objectors to a proposal.
- 17.43 Inspection Committees, at the close of open discussion, will consider a motion being the recommendation to Council from the inspection Committee.
- 17.44 Inspection Committees shall be chaired in accordance with clause 4.9.

## 18 Irregularities

- 18.1 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 18.1 reflects section 374 of the Act.**

## Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 11.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to the motion
audio recorder	any device capable of recording speech
audio recording	a recording made by any device capable of recording sound
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 NSW
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 4.1 and 4.2 of this code  in relation to a meeting of a Committee – means the person presiding at the meeting as provided by section 369 of the Act and clauses 4.1 and 4.2 of this code  in relation to a meeting of a Committee – means the person presiding at the meeting as provided by clause 17.11 of this code
this code	means the Council’s adopted code of meeting practice
Committee of Council	means a Committee established by the Council in accordance with clause 17.1 of this code (being a Committee consisting entirely of Councillors) or the Council when it has resolved itself into a Committee of the whole under clause 8.1
Council official	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes Councillors, administrators, Council staff, Council Committee members and delegates of the Council
day	means calendar day
division	means a request by two Councillors under clause 7.5 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 6.17 of this code during debate on an original motion
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 6.16 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 numbers of Councillors or Committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
tape recorder	includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not
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

## Appendix A – Practice for the conduct of on-site inspections

### Aim

For Councillors to familiarise themselves with the site and area to gain an understanding of the impact of any proposal.

### Decisions to have an on-site inspection

When a decision to hold an inspection is made, it is important that a clear indication be given as to who will be notified of the inspection as part of the Council resolution.

### Quorum

The quorum for a Council Inspection Committee is three Councillors.

The quorum for a ward Councillor Inspection Committee is two Councillors.

### Conduct of inspections

The purpose of the inspection is for the gathering of facts and for Councillors to gain an appreciation and a full understanding of the on-site circumstances of a proposal. Any parties present are expected to contribute to this purpose. A decision on the proposal will not be made at the inspection.

### Key points relating to the conduct of inspections include:

- The Chairperson at the inspection will have absolute authority.
- Applicants and objectors may be asked to contribute by assisting with advice and explanation of their various points of view and to answer questions from Councillors and Council officers.
- Objectors/applicants are not to debate issues with each other, Councillors or Council officers.
- Applicants and objectors will have the right to apply to address Council or Committee meeting when the matter is under consideration if they have not already addressed Council.

Inspections shall not be used for the transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) Council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council or Committee meeting.

### Chairperson of inspection

The Chairperson of the inspection will be either the Mayor, Deputy Mayor or as determined by the Councillors present at the inspection.

Agenda for conduct of on-site inspections:

- Council Officer introduces Chairperson and Councillors to those present.
- Chairperson explains
  - purpose of inspection
  - procedures and conduct of inspection including rights and obligations of the various parties present
  - Council Officer outlines the proposal including reference to plans
- If appropriate, applicants and objectors will be asked to put their views to the Councillors with the purpose of contributing to the understanding of the Councillors present.

## **Appendix B – Practice for items raised in General Business Committee**

General Business items are to be actioned or completed, where possible, within 28 days of becoming a resolution of Council. That is, not more than 28 days after Council making a resolution regarding the minutes of a prior General Business Committee meeting.

If it is identified that 28 days is not a practical timeframe to action a General Business item, for example, due to external circumstances or a requirement for more detailed investigation, staff will inform Councillors of an estimated date of completion at the earliest reasonable opportunity.

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## Review and Evaluation

Section 360 of the Act requires Council to adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations, not later than 12 months after an ordinary election of councillors.

## Controlled Document Information

### Authorisation Details

<b>Folder No:</b>	F2005/02446	<b>TRIM Record No:</b>	D09813965
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<b>Department:</b>	Communications & Corporate Strategy	<b>Officer:</b>	Coordinator Council Liaison - Loren Cousins
<b>Key focus area(s):</b>	Shared decision-making		
<b>Review Timeframe:</b> Max < 4 years	12 months (from general election)	<b>Next Scheduled Review Date:</b>	4 September 2022
<b>Authorisation:</b>	Council		
<b>Authorisation - Council Adoption Date:</b>	22 February 2021		

### Related Document Information, Standards & References

<b>Related Legislation:</b>	Local Government Act 1993 Local Government (General) Regulations 2005 Model Code of Meeting Practice for Local Councils in NSW	Requirements for adopted Code.
<b>Related Policies:</b>	Code of Conduct for Councillors - Council Policy Code of Conduct for Council Staff - Council Policy	Requirements and standards applicable to Councillors and Council staff
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name)	(Relationship/Context)
<b>Standards, COP's &amp; Other References</b>	(Standard, COP or Other References)	(Relationship/Context)

### Definitions

Term / Abbreviation	Definition
Amendment:	in relation to an original motion, means a motion moving an amendment to that motion.
Chairperson:	a) In relation to a meeting of Council – means the person presiding at the meeting as provided by Section 369 of the Local Government Act 1993, and b) In relation to a meeting of a Committee of a Council – means the person presiding at the meeting as provided by clause 4.7.
Committee:	In relation to a Council, means a Committee established under clause 4.2. or the Council when it has resolved itself in to Committee of the Whole.
Councillor(s):	Means Councillor(s) elected to Lake Macquarie City Council.
The Act:	Means the Local Government Act 1993.

### Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Councillors, Communications and Corporate Strategy, Business Information and Technology Solutions, Customer Experience, Legal
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## Version History

Version No	Date Changed	Modified By	Details and Comments
1	17/02/2006	G Brown	Policy created
2	05/02/2007	G Brown	To ensure consistency with Department of Local Government Meeting Practice Note (Practice Note No 16)
3	12/08/2008	A Silver	New Template
4	12/08/2008	A Silver	New version – no changes
5	19/10/2009	G Brown	Addition of Inspection Committees and Planning decision divisions
6	3/05/2010	G Brown	Amendments to facilitate General Business Committee
7	6/9/2012	T de Boer	Updated to new CD template Changes made to Meeting Schedule
8	17/06/2013	L Crowe	Budget/REPOL Committee Meeting Schedule added to Council's Meeting Cycle section Change to document owner
9	27/10/2015	R Hamilton	Wording revised to better emphasise objectives of the policy and reflect current names of internal staff positions and external agencies Council's meeting cycle section amended to have Repol Committee meetings commence after Standing Committee Meetings on the second Monday of each month at 5:30pm. Addition of <i>Supplementary Agenda</i> item to Order of Business section Formatting improved to entire document
10	30/6/2016	K McNaughton	Minor wording changes to remove the necessity to stand during Ordinary Council Meetings.
11	1 June 2018	K McNaughton	Policy amended to reflect mandated provisions of Office of Local Governments draft Code of Meeting Practice. Pre – meeting briefing sessions included after consultation with Councillors, to provide the opportunity for Councillors to discuss issues prior to them coming before Council. Additional requirements on the recording of voting in Council and Committee included. Addition of time limits on Council and Committee Meetings Inclusion of Public Forum details into <i>Code of meeting practice</i> to replace public access. Additional inclusions added to procedures for Committee meetings to allow for the addition of time limits on speakers.
12	27 May 2019	L Cousins	Policy amended to reflect provisions of the Office of Local Governments Model Code of Meeting Practice.
13	22 February 2021	L Cousins	Policy amended to include new requirements for retention of webcasting recordings on Council website for at least 12 months and other supplementary provisions.