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| Policy name | Code of Meeting Practice |
| Responsible manager(s) | General Manager |
| Contact officer(s) | Executive Support, Public Officer |
| Directorate | Office of the General Manager |
| Approval date | |
| Community Strategic Plan | 7. We are an engaged and connected community 8. We work together to achieve our goals |
| Delivery Program | Office of the General Manager |
| Operational Plan | Ensure Council meetings are delivered to requirements of the Code of Meeting Practice |

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INTRODUCTION

This Code meets the requirements of the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all Council meetings (including meetings where the Council has resolved itself into a “committee of the whole” under section 373 of the *Local Government Act 1993* (Act)), and committees of Council of which all the members are Councillors (committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

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

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

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

This Code makes reference to relevant clauses and sections of the Act, Regulation and the Council’s own supplementary provisions.

The Act or Regulation may be directly quoted, or Council’s practical interpretation of the Act or Regulation described.

The 'Practice' notes in this Code are intended to be explanatory and advisory notes only, in order to assist with the understanding of the relevant provisions. For the avoidance of doubt, the Practice sections do not form part of the Code and should not be used to construe a particular provision of the Code.

The Appendices in this Code are intended to be explanatory and advisory documents only, in order to assist with the understanding and application of the Code. For the avoidance of doubt, the Appendices do not form part of the Code and should not be used to construe a particular provision of the Code.

Defined terms are included in the Definitions section of this Code at page 46.

Guide to reference in this Code

The Act or Regulation may be directly quoted, or Council's practical interpretation of the Act or Regulation described.

Revision of the Code

The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any Amendments to the Act or Regulation, and where Council is of the opinion that any minor Amendments required are insubstantial.

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| 1.0 | PART 1 – MEETING PRINCIPLES |
| 1.1 | <p>Council and committee meetings should be:</p> <p><i>Transparent:</i> Decisions are made in a way that is open and accountable.</p> <p><i>Informed:</i> Decisions are made based on relevant, quality information.</p> <p><i>Inclusive:</i> Decisions respect the diverse needs and interests of the local community.</p> <p><i>Principled:</i> Decisions are informed by the principles prescribed under Chapter 3 of the Act.</p> <p><i>Trusted:</i> The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.</p> <p><i>Respectful:</i> Councillors, staff and meeting attendees treat each other with respect.</p> <p><i>Effective:</i> Meetings are well organised, effectively run and skilfully chaired.</p> <p><i>Orderly:</i> Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.</p> |
| 2.0 | PART 2 – BEFORE THE MEETING |
| | <i>Timing of Ordinary meetings</i> |
| 2.1 | <p>Council is required to meet at least 10 times each year, each time in a different month.</p> <p style="text-align: right;">LGA Sec 365</p> |
| 2.2 | <p>Ordinary meetings of Council will be held on the following occasions:</p> <ol style="list-style-type: none"> 1. Council adopts an annual schedule of dates for Ordinary Council meetings. 2. 2nd and 4th Tuesday of each month unless otherwise resolved. 3. Meetings will commence at 11.00am and conclude by 2.00pm, with the potential to extend by one hour to 3.00pm, if Council resolves. 4. This commencement time may vary for particular meetings if Council resolves. 5. Extraordinary meetings of Council will be held as and when required. 6. Council will recess during January. |
| | <p><i>Practice</i></p> <ol style="list-style-type: none"> 1. <u>Appendix “A”</u> sets out a summary guide to Ordinary Council meetings. 2. Where four or more Councillors indicate their intention to attend a seminar (or the like) which would conflict with a Council meeting, the date of that meeting may be altered by resolution of Council to ensure availability of the maximum number of Councillors possible. |
| | <i>Extraordinary meetings</i> |
| 2.3 | <p>If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of</p> |

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| | the request. The Mayor can be one of the two Councillors requesting the meeting. <div>LGA Sec 366</div> |
| 2.4 | Where practicable, Council will provide three days' notice to Councillors and the community of a proposed Extraordinary Council meeting. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. The Mayor must call an Extraordinary meeting of the Council on any matter or matters considered necessary in accordance with 2.3 of this Code. 2. The Mayor in consultation with the General Manager must determine the time and place of an Extraordinary meeting called in accordance with 2.3. 3. Extraordinary meetings are not only held in "extraordinary" circumstances, but are usually held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required. |
| | Notice to the public of Council meetings |
| 2.5 | The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council. <div>LGA Sec 9 (1)</div> |
| 2.6 | For the purposes of clause 2.5, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice will be published on the Council's website, local newspaper and in the Customer Service Centre foyer, 89 Vulcan Street, Moruya. |
| 2.7 | For the purposes of clause 2.5, notice of more than one (1) meeting may be given in the same notice. |
| 2.8 | To ensure the community has sufficient time to determine when and where Ordinary meetings are held, such a notice will be published and displayed no later than the Wednesday immediately prior to such meetings. |
| | Notice to Councillors of Ordinary Council meetings |
| 2.9 | The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. <div>LGA Sec 367 (1)</div> |
| 2.10 | 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. <div>LGA Sec 367 (3)</div> |
| 2.11 | Business papers for Ordinary Council meetings shall be distributed to Councillors by the Wednesday prior to the meeting day. |
| 2.12 | The day of issue and the day of the meeting are not to be counted as days of the notice (sect. 36 Interpretations Act 1987). |

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| 2.13 | In addition to the meeting cycle adopted, Council may resolve to hold additional meetings as considered necessary. |
| 2.14 | Additional meetings of Council convened by resolution of Council are subject to five days' notice rule and must be advertised in accordance with Clause 2.6 of this Code of Meeting Practice. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. Business Papers for Ordinary Council meetings will be available on Council's website no later than the Wednesday prior to the meeting. 2. Copies of the agenda and business paper will also be available in the public gallery prior to the meeting. 3. Agendas for Extraordinary meetings will be made available as soon as is possible, and no later than 9.00am on the day of the meeting. 4. Reports recommended by the General Manager to be confidential in nature (refer 13.1) (sect.10A (2) of the Act) will be included in the business paper and these reports shall be marked appropriately as "confidential" items. |
| | Notice to Councillors of Extraordinary meetings (Emergency) |
| 2.15 | <p>Notice of less than three (3) days may be given to Councillors of an Extraordinary meeting of the Council in cases of emergency.</p> <p style="text-align: right;">LGA Sec 367 (2)</p> |
| 2.16 | If an Extraordinary meeting of Council is called in an emergency, a minimum of one days' notice, where practicable, will be provided to Councillors and the community. |
| 2.17 | The notice will be published in the Customer Service Centre foyer, 89 Vulcan Street, Moruya and Council's website . |
| | <p>Practice</p> <p>The General Manager, in consultation with the Mayor, can give notice of less than three days of an Extraordinary meeting called in an emergency. The Act does not define emergency. It could cover things other than natural disasters, states of emergency, or urgent deadlines that must be met. Initially, the General Manager will decide what an "emergency" is.</p> |
| | Giving notice of business to be considered at council meetings |
| 2.18 | 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 no later than 12.30pm on the Friday preceding the distribution of the agenda for the meeting of Council at which the Notice of Motion is to be considered. |
| 2.19 | A Councillor may, in writing to the General Manager, request the withdrawal of a Notice of Motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. |

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| 2.20 | If the General Manager considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council. |
| 2.21 | Councillors are required, where they propose to move an Amendment to a staff recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies, where possible, of the proposed Amendment to the General Manager at, or prior to, the start of the meeting, for circulation to all Councillors and relevant employees. |
| 2.22 | Urgent business regarding operational issues will not be accepted, as there are alternative channels available to deal with these issues outside of meetings. |
| | <p>Practice</p> <p>A Motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something and formally puts the subject of the Motion forward as an item of business for the Council to consider.</p> <p>More information on Motions is provided in Appendix "D" of this Code.</p> |
| | Questions with notice |
| 2.23 | A Councillor may, by way of a notice submitted under clause 2.18, ask a question for response by the General Manager about the performance or operations of the Council. This question must be submitted no later than 12.30pm on the Friday preceding the distribution of the agenda for the meeting of Council at which the Questions with notice is to be considered. |
| 2.24 | A Councillor is not permitted to ask a question with notice under clause 2.23 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council. |
| 2.25 | The General Manager or their nominee may respond to a question with notice submitted under clause 2.23 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting. |
| 2.26 | Questions with notice must directly relate to the business of Council. |
| 2.27 | <p>Questions should not contain:</p> <ul style="list-style-type: none"> (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (b) argument; (c) inference; (d) imputation. |
| 2.28 | Questions should not ask for legal opinion to be provided at the Council meeting. |
| 2.29 | Questions should not refer to confidential matters that have been previously, or are yet to be, discussed by Council in closed session, nor refer to confidential matters as listed in Clause 13.1 (Sect 10A(2) of the Act). |

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| 2.30 | The General Manager or specified delegate may return to a Councillor any Question with Notice that does not comply with this Code and provide a written reason. The question may be rewritten and resubmitted in accordance with 2.23. |
| 2.31 | The Council business papers may include supplementary answers to previous questions, following Questions with Notice. |
| 2.32 | If the General Manager considers that a questions with notice submitted by a Councillor for consideration at an Ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to Questions with Notice for inclusion with the business papers for the meeting at which the Questions with Notice is to be considered by the Council. |
| 2.33 | Each Councillor may put a maximum of two Questions with Notice to any meeting. |
| 2.34 | There is no guarantee that a response can be given to a Question with Notice for the next scheduled meeting, unless practical to do so. Some questions may require extra time to prepare a suitable response. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. Questions on Notice will be in a written format and delivered to the General Manager or their delegate for response at the next scheduled meeting where practicable as per 2.23 above. 2. Questions which are of a personal nature or are not relevant to Council business shall not be raised or debated. |
| | <i>Agenda and business papers for Ordinary meetings</i> |
| 2.35 | The General Manager must cause the agenda for a meeting of Council to be prepared as soon as practicable before the meeting. |
| 2.36 | <p>The General Manager must ensure that the agenda for an Ordinary meeting of Council states:</p> <ol style="list-style-type: none"> (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and (b) if the mayor is the Chairperson – any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and (c) all matters, including matters that are the subject of staff reports, to be considered at the meeting, and (d) any business of which due notice has been given under clause 2.18. |
| 2.37 | Nothing in clause 2.36 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 8.6. |
| 2.38 | The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council. |
| 2.39 | Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting: |

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| | <p>(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</p> <p>(b) states the grounds under section 10A(2) of the Act relevant to the item of business.</p> <p style="text-align: right;">Clause 2.39 reflects section 9(2A)(a) of the Act.</p> |
| 2.40 | <p>The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.</p> |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. In accordance with Clause 2.36 above, the General Manager decides the business of which due notice is to be given and therefore included in the Agenda for a meeting of Council. 2. The Mayor and Councillors are provided with business papers at the same time. 3. Once the agenda for a meeting has been sent to Councillors, an item of business on the agenda cannot be removed from the agenda prior to the meeting. 4. Any items determined as confidential by the General Manager will be marked "Confidential" and listed at the end of the business paper. This will form the confidential business paper for the meeting. 5. Where a Councillor is (or in the opinion of the General Manager is likely to be) the subject of proceedings by or against the Council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings will, if the matter is of a kind of business referred to in Clause 13.1 (sect. 10A of the Act), be withheld from the business paper of that Councillor and will not be made available to that Councillor by any person. |
| | <p>Availability of the agenda and business papers to the public</p> |
| 2.41 | <p>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.</p> <p style="text-align: right;">LGA Sect 9(2)(4)</p> |
| 2.42 | <p>Clause 2.41 does not apply to the business papers for items of business that the General Manager has identified under clause 2.39 as being likely to be considered when the meeting is closed to the public.</p> <p style="text-align: right;">LGA Sect 9(2A)(b)</p> |

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| 2.43 | For the purposes of clause 2.41, 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. LGA Sect 9(3) |
| 2.44 | A copy of an agenda, or of an associated business paper made available under clause 2.41, may in addition be given or made available in electronic form. LGA Sect 9(5) |
| <i>Agenda and business papers for Extraordinary meetings</i> | |
| 2.45 | The General Manager must ensure that the agenda for an Extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting. |
| 2.46 | Despite clause 2.45, 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. |
| 2.47 | A Motion moved under clause 2.46(a) can be moved without notice but only after the business notified in the agenda for the Extraordinary meeting has been dealt with. |
| 2.48 | Despite clauses 9.20–9.30, only the mover of a Motion moved under clause 2.47(a) can speak to the Motion before it is put. |
| 2.49 | A Motion of dissent cannot be moved against a ruling of the Chairperson under clause 2.46(b) on whether a matter is of great urgency. |
| <i>Pre-meeting briefing sessions</i> | |
| 2.50 | Prior to each Ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for Extraordinary meetings of the Council and meetings of committees of the Council. |
| 2.51 | Pre-meeting briefing sessions are to be held in the absence of the public. |
| 2.52 | The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions. |
| 2.53 | 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. |
| 2.54 | Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration. |
| 3.0 | PART 3 – PUBLIC FORUMS |
| 3.1 | The Council will hold a public forum prior to each Ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public |

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| | on items of business to be considered at the meeting unless there are no registered speakers. Public forums will also be held prior to extraordinary Council meetings and meetings of committees of the Council unless there are no registered speakers . |
| 3.2 | Public forums are to be chaired by the Mayor or their nominee |
| 3.3 | To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and should state whether they wish to speak 'for' or 'against' the item. |
| 3.4 | Approved speakers at the public forum are to provide a written copy of their address to the Council by 12.00noon the business day prior to the meeting via email to council.meetings@esc.nsw.gov.au or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries. |
| 3.5 | Public forum will commence at 9.30am. |
| 3.6 | One hour will be allocated to public forum prior to a Council meeting. |
| 3.7 | The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application. |
| 3.8 | If there are more speakers register than time permits, Council could resolve to extend the Public Forum session for 15 minutes only and potentially limit the number of speakers of up to three to speak 'for' or 'against' any item of business |
| 3.9 | If more speakers apply, than can be dealt with in the allocated time, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager will draw the names from a ballot. |
| 3.10 | Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the Chairperson. |
| 3.11 | The order of speakers at the public forum is determined by the order of the agenda. |
| 3.12 | Public forum will not be webcast. |
| 3.13 | Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard. |
| 3.14 | 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. |
| 3.15 | A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. |

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| 3.16 | Speakers are under no obligation to answer a question put under clause 3.15. Answers by the speaker, to each question are to be direct, succinct and without argument. |
| 3.17 | Speakers at public forums cannot ask questions of the Council, Councillors or Council staff. |
| 3.18 | When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements. |
| 3.19 | If the Chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 3.18, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking. |
| 3.20 | Clause 3.19 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code. |
| 3.21 | Where a speaker engages in conduct of the type referred to in clause 3.18, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate. This refusal must be provided in writing. |
| 3.22 | Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration. |
| 3.23 | In the unusual circumstance that Council is proposing a significant issue, a dedicated Public Forum session can be facilitated, should the need arise. The date and time of such a session will be at the determination of the General Manager. |
| 3.24 | A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of Public Forum. |
| 3.25 | Any person who contravenes or attempts to contravene clause 3.24, may be expelled from the meeting as provided for under section 10(2) of the Act. |
| 3.26 | As per clause 3.4, a written copy of the presentation must be provided to Council by 12.00noon the business day before the Council meeting and this will be published on Council's website. If a written copy of the presentation is not provided then this will be ruled a breach of this Code and (at the ruling of the Chairperson) the presenter may not be allowed to address Council at future meetings. |
| 4.0 | PART 4 – COMING TOGETHER |

| | <i>Attendance by Councillors at meetings</i> |
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| 4.1 | <p>All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.</p> <p>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.</p> |
| 4.2 | A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting. |
| 4.3 | If a Councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not raise their hand to vote on an issue, then their vote is taken as against the Motion. |
| 4.4 | Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act. |
| 4.5 | A Councillor's request for leave of absence from Council meetings should, if practicable, identify the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought. |
| 4.6 | For the purposes of Clause 4.4 (sect. 234(1)(d) of the Act), a Councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor. |
| 4.7 | The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence. |
| 4.8 | <p>A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.</p> <p style="text-align: right;">LGA Sect 234(1)(d)</p> |
| 4.9 | A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend. |
| 4.10 | The tendering of an apology is an accepted convention by which those present at a meeting are notified that the Councillor tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the Chairperson as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons. |

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| | <p>Practice</p> <ol style="list-style-type: none"> 1. A Councillor shall only be present at a Council meeting whilst in the Council Chamber (or another designated venue). The area known as the Council Chamber includes the public gallery seating area. 2. A Councillor is deemed not to have left the Chamber until they have passed through any of the three doors leading to it. 3. A Councillor must be present in person at a Council meeting to vote, as per <u>Clause 4.2</u> (Reg 235). There is no provision for proxy votes to be allowed at Council meetings. Councillors cannot participate in a meeting by videoconferencing or teleconference. 4. A Councillor with a pecuniary interest in a matter cannot be present at, or in sight of, the meeting that is considering the matter or voting on it. 5. The seating arrangements for a meeting may be determined by the Chairperson of the meeting, <u>if Councillors cannot agree</u>. |
| | The quorum for a meeting |
| 4.11 | <p>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.</p> <p style="text-align: right;">LGA Sect 368(1)</p> |
| 4.12 | <p>Clause 4.11 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.</p> <p style="text-align: right;">LGA Sect 368(2)</p> |
| 4.13 | <p>A meeting of the Council must be adjourned if a quorum is not present:</p> <ol style="list-style-type: none"> (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or (b) within half an hour after the time designated for the holding of the meeting, or (c) at any time during the meeting. |
| 4.14 | <p>In either case, the meeting must be adjourned to a time, date and place fixed:</p> <ol style="list-style-type: none"> (a) by the Chairperson, or (b) in the Chairperson's absence, by the majority of the Councillors present, or (c) failing that, by the General Manager. |
| 4.15 | <p>A reconvened meeting, being for the purpose of completing unfinished business of the previous adjourned meeting, shall be deemed a continuation of that adjourned meeting and no new business shall be brought forward.</p> |
| 4.16 | <p>If during a meeting of Council, a quorum is not present, the Chairperson shall suspend the proceedings for a period of three minutes, to allow the return of any absent Councillors. If a quorum is not then present at the end of the three-minute suspension, the provisions of clause 4.13 shall apply.</p> |
| 4.17 | <p>The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.</p> |
| 4.18 | <p>Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by</p> |

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| | attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible. |
| 4.19 | Where a meeting is cancelled under clause 4.18, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary meeting of the Council or at an Extraordinary meeting called under clause 2.3. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. A quorum is the minimum number of Councillors necessary to conduct a meeting. If a quorum is not present at any time during a meeting, then the meeting cannot continue until a quorum is achieved or restored. If a quorum cannot be achieved or restored, the meeting must be adjourned. (See Clause 4.13, Reg 233). 2. Council meetings must be adjourned if a quorum is not present within half an hour after the meeting is due to start. 3. Where apologies have been received for a majority of Councillors the meeting will immediately be adjourned to a date and time specified by the Chairperson. 4. While a Council meeting without a quorum can be opened, it cannot make any decisions (s.371 of the Act). 5. Councillors should avoid leaving a meeting with the intention of removing the quorum so that business cannot proceed, as this is a political misuse of the meeting procedure. |
| | Entitlement of the public to attend Council meetings |
| 4.20 | 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. <div style="text-align: right;">LGA Sect 10(1)</div> |
| 4.21 | Clause 4.20 does not apply to parts of meetings that have been closed to the public under section 10A of the Act. |
| 4.22 | <p>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:</p> <ol style="list-style-type: none"> (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. <div style="text-align: right;">LGA Section 10(2)</div> <p>Note: Clause 14.16 confer a standing authorisation on all Chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 14.16 authorises Chairpersons to expel persons other than Councillors from a council or committee meeting.</p> |
| | Webcasting of meetings |
| 4.23 | All meetings of the Council and committees of the Council are to be webcast on the Council's website. |

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| 4.24 | Clause 4.23 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act. |
| 4.25 | 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. |
| 4.26 | <p>A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum period of 7 years, and then destroyed. Note: This surpasses the requirements of State Records Act 1998 'General Retention and Disposal Authority: Local Government Records GA39 (13.6.2) which are; 'to retain until minutes of meeting have been confirmed, then destroy'.</p> <p>Full written transcriptions of proceedings shall not be made available.</p> <p>Recordings are not to be used except in accordance with this Code.</p> |
| | <i>Attendance of the General Manager and other staff at meetings</i> |
| 4.27 | <p>The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.</p> <p>LGA Sect 376(2)</p> |
| 4.28 | <p>The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.</p> <p>LGA Sect 376(1)</p> |
| 4.29 | <p>The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.</p> <p>LGA Sect 376(3)</p> |
| 4.30 | The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager. |
| 5.0 | PART 5 – THE CHAIRPERSON |
| | <i>The Chairperson at meetings</i> |
| 5.1 | <p>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.</p> <p>LGA Sect 369(1)</p> |
| 5.2 | <p>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.</p> <p>LGA Sect 369(2)</p> |
| | <i>Election of the Chairperson in the absence of the Mayor and Deputy Mayor</i> |
| 5.3 | If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting. |
| 5.4 | <p>The election of a Chairperson must be conducted:</p> <ul style="list-style-type: none"> (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or (b) by the person who called the meeting or a person acting on their behalf if |

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| | neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee. |
| 5.5 | If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot. |
| 5.6 | For the purposes of clause 5.5, the person conducting the election must: <ul style="list-style-type: none"> (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random. |
| 5.7 | The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson. |
| 5.8 | Any election conducted under clause 5.4, and the outcome of the vote, are to be recorded in the minutes of the meeting. |
| | <i>Chairperson to have precedence</i> |
| 5.9 | When the Chairperson rises or speaks during a meeting of the Council: <ul style="list-style-type: none"> (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. |
| | <i>Practice</i> <ol style="list-style-type: none"> 1. A Chairperson shall be heard without interruption and everyone should maintain silence while the Chairperson is speaking. 2. In addressing Council, Councillors and other persons addressing the Council shall at all times speak through the Chairperson. 3. Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson. 4. A Councillor, despite the clauses immediately above, may, through a Motion of Dissent, challenge a ruling from the Chairperson. |
| 6.0 | PART 6 – MODES OF ADDRESS |
| 6.1 | If the Chairperson is the Mayor, they are to be addressed as ‘Mayor’. |
| 6.2 | Where the Chairperson is not the Mayor, they are to be addressed as either ‘Mr Chairperson’ or ‘Madam Chairperson’. |
| 6.3 | A Councillor is to be addressed as ‘Councillor [surname]’. |
| 6.4 | A Council officer is to be addressed by their official designation. |
| 6.5 | Councillors must not make imputations of improper motives or personal reflections and must refrain from the use of defamatory, offensive or inappropriate words in reference to any Councillors, employees of Council and members of the public, consistent with Council’s Code of Conduct. |
| 6.6 | A Councillor or officer of Council shall address all remarks or questions through to the Chairperson. This includes remarks or questions to Council employees, which the Chairperson will refer through the General Manager. |

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| | <p>Practice</p> <ol style="list-style-type: none"> 1. The Chairperson is responsible for making sure that the Council carries out its meetings in accordance with the Code and any statutory requirements. One part of this is maintaining order at meetings. This would include requiring a Councillor to apologise for insults, personal comments, or implying improper motives with respect to another Councillor, Council employee or member of the public. The Chairperson may also call a Councillor to order whenever they believe it is necessary to do so. 2. The law of defamation is primarily concerned with the protection of reputation and to provide a remedy for injury to reputation caused by any defamatory communication or publication. 3. A statement may be said to be defamatory if it is likely to cause the Ordinary, reasonable member of the community to think less of the person concerned, or to shun or avoid them. 4. For a statement to be defamatory, its meaning must be communicated to a person other than the defamed person. This can be by spoken words, signs or gestures, writing, images, in person or by broadcast. 5. Councillors, Council employees and members of the public can seek legal compensation, apology etc., if they are defamed. 6. Councillors should be guided by their own legal advice on defamation issues. |
| 7.0 | PART 7 – ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS |
| 7.1 | <p>The general order of business for an Ordinary meeting of the Council shall be:</p> <ol style="list-style-type: none"> 01 Welcome, Acknowledgement of Country 02 Evacuation Message and Housekeeping 03 Apologies and applications for a leave of absence by Councillors 04 Confirmation of minutes 05 Disclosures of interests 06 Mayoral minute(s) 07 Notices of Motions 08 Questions with notice 09 Petitions 10 Reports to Council 11 Delegate Reports 12 Urgent Business 13 Confidential matters 14 Conclusion of the meeting. |
| 7.2 | <p>The order of business as fixed under clause 7.1 may be altered for a particular meeting of the Council if a Motion to that effect is passed at that meeting. Such a Motion can be moved without notice.</p> <p>Note: Part 12 allows Council to deal with items of business by exception.</p> |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. Standing orders may be suspended for many reasons including: to bring forward an item which is of particular interest to the public in attendance; and where an item within the business paper needs to be considered in |

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| | <p>conjunction with another item under a separate heading or any other circumstance allowed by the Chairperson.</p> <p>2. Council meetings will conclude at 2.00pm (with potential extension to 3.00pm if required). Business not concluded by this time will be disposed of to a date time and place determined by the Council, or (if no other resolution is passed dealing with disposing of the unfinished business) included on the business paper for the next Council meeting. It is noted that the resolution is required to be passed prior to the scheduled closure time of the meeting, except where the meeting is in closed session in which case the resolution is required upon the conclusion of the closed session.</p> |
| 7.3 | Despite clauses 9.20–9.30, only the mover of a Motion referred to in clause 7.2 may speak to the Motion before it is put. |
| 7.4 | Meetings will commence at 11.00am with an option for a break for lunch at 12.00pm, and conclude at 2.00pm, with a potential to extend by one hour to 3.00pm if so resolved; unless otherwise resolved by Council. |
| 8.0 | PART 8 – CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS |
| | <i>Business that can be dealt with at a Council meeting</i> |
| 8.1 | <p>The Council must not consider business at a meeting of the Council:</p> <ul style="list-style-type: none"> (a) unless a Councillor has given notice of the business, as required by clause 2.18, and (b) unless notice of the business has been sent to the Councillors in accordance with clause 2.9 in the case of an Ordinary meeting or clause 2.15 in the case of an extraordinary meeting called in an emergency. <p style="text-align: right;"><i>consistent with Sect 367 of Act and Reg 241(1)</i></p> |
| 8.2 | <p>Clause 8.1 does not apply to the consideration of business at a meeting, if the business:</p> <ul style="list-style-type: none"> (a) is already before, or directly relates to, a matter that is already before the Council, or (b) is the election of a Chairperson to preside at the meeting, or (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or (d) is a Motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council. |
| 8.3 | <p>Despite clause 8.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:</p> <ul style="list-style-type: none"> (a) a Motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council. |
| 8.4 | A Motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a Motion referred to in clause 8.3(a) can speak to the Motion before it is put. |
| 8.5 | A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 8.3(b). |
| | <i>Mayoral Minutes</i> |

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| 8.6 | Subject to clause 8.9, if the Mayor is the Chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge. |
| 8.7 | A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a Mayoral Minute without the Motion being seconded. |
| 8.8 | A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council. |
| 8.9 | A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council. |
| | Practice <ol style="list-style-type: none"> 1. A Mayoral Minute prepared in accordance with Clause 8.6 above may be by formal notice contained in the business paper or tabled at the meeting subject to clause 8.9. 2. Although a seconder is not required if the Mayor is the mover, the normal rules of debate must apply to make sure the Motion is adequately discussed before being put to the meeting for a vote. |
| | Staff reports |
| 8.10 | A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council. |
| | Reports of committees of Council |
| 8.11 | The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council. |
| 8.12 | If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation. |
| | Questions |
| 8.13 | 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 2.18 and 2.23. |
| 8.14 | A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda. |
| 8.15 | A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager. |
| 8.16 | 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 |

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| | the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council. |
| 8.17 | Councillors must put questions directly, succinctly, respectfully and without argument. |
| 8.18 | The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. If a question is put without notice, it can be ruled out of order if it does not relate to, or arise naturally out of, subjects before Council. 2. There is no guarantee that such questions can be answered during that meeting if time is required to prepare a suitable response. |
| 9.0 | PART 9 – RULES OF DEBATE |
| | <i>Motions to be seconded</i> |
| 9.1 | Unless otherwise specified in this code, a Motion or an Amendment cannot be debated unless or until it has been seconded. |
| | <i>Notices of Motion</i> |
| 9.2 | A Councillor who has submitted a Notice of Motion under clause 2.18 is to move the Motion the subject of the Notice of Motion at the meeting at which it is to be considered. |
| 9.3 | If a Councillor who has submitted a Notice of Motion under clause 2.18 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the Motion when it is before the Council. |
| 9.4 | <p>In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of the Council:</p> <ol style="list-style-type: none"> (a) any other Councillor may, with the leave of the Chairperson, move the Motion at the meeting, or (b) the Chairperson may defer consideration of the Motion until the next meeting of the Council. |
| 9.5 | Councillors are to ensure that, where it is intended that Council employees be asked to carry out some specific defined action, a Notice of Motion is written in such a way that, if carried, the Motion carries clear and unambiguous direction. |
| | <p>Practice</p> <p>A Motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something and formally puts the subject of the Motion forward as an item of business for the Council to consider.</p> |
| | <i>Chairperson's duties with respect to Motions</i> |
| 9.6 | It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful Motion that is brought before the meeting. |
| 9.7 | 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. |

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| 9.8 | Before ruling out of order a Motion or an Amendment to a Motion under clause 9.7, the Chairperson is to give the mover an opportunity to clarify or amend the Motion or Amendment. |
| 9.9 | Any Motion, Amendment or other matter that the Chairperson has ruled out of order is taken to have been lost. |
| | <i>Amendments to Motions</i> |
| 9.10 | An Amendment to a Motion must be moved and seconded before it can be debated. |
| 9.11 | An Amendment to a Motion must relate to the matter being dealt with in the original Motion before the Council and must not be a direct negative of the original Motion. An Amendment to a Motion which does not relate to the matter being dealt with in the original Motion, or which is a direct negative of the original Motion, must be ruled out of order by the Chairperson. |
| 9.12 | The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed Amendment before a seconder is called for. |
| 9.13 | If an Amendment has been lost, a further Amendment can be moved to the Motion to which the lost Amendment was moved, and so on, but no more than one (1) Motion and one (1) proposed Amendment can be before Council at any one time. |
| 9.14 | While an Amendment is being considered, debate must only occur in relation to the Amendment and not the original Motion. Debate on the original Motion is to be suspended while the Amendment to the original Motion is being debated. |
| 9.15 | If the Amendment is carried, it becomes the Motion and is to be debated. If the Amendment is lost, debate is to resume on the original Motion. |
| 9.16 | An Amendment may become the Motion without debate or a vote where it is accepted by the Councillor who moved the original Motion. |
| | <i>Practice</i> <ol style="list-style-type: none"> 1. An Amendment is a change to the Motion before the Council (the substantive Motion) and is moved while the initial Motion is being debated. 2. An Amendment which is a direct negative of the Motion proposed is not legitimate and will not be accepted by the Chairperson, as the same effect can be achieved by voting against the original Motion. 3. When an Amendment is defeated, the original Motion stands. |
| | <i>Foreshadowed Motions</i> |
| 9.17 | A Councillor may propose a foreshadowed Motion in relation to the matter the subject of the original Motion before the Council, without a seconder during debate on the original Motion. The foreshadowed Motion is only to be considered if the original Motion is lost or withdrawn and the foreshadowed Motion is then moved and seconded. If the original Motion is carried, the foreshadowed Motion lapses. |
| 9.18 | Where an Amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further Amendment that they propose to move after the first Amendment has been dealt with. There is no limit to the number of foreshadowed Amendments that may be put before the Council at any time. |

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| | However, no discussion can take place on foreshadowed Amendments until the previous Amendment has been dealt with and the foreshadowed Amendment has been moved and seconded. |
| 9.19 | Foreshadowed Motions and foreshadowed Amendments are to be considered in the order in which they are proposed. However, foreshadowed Motions cannot be considered until all foreshadowed Amendments have been dealt with. |
| | <i>Limitations on the number and duration of speeches</i> |
| 9.20 | A Councillor who, during a debate at a meeting of the Council, moves an original Motion, has the right to speak on each Amendment to the Motion and a right of general reply to all observations that are made during the debate in relation to the Motion, and any Amendment to it at the conclusion of the debate before the Motion (whether amended or not) is finally put. |
| 9.21 | A Councillor, other than the mover of an original Motion, has the right to speak once on the Motion and once on each Amendment to it. |
| 9.22 | A Councillor must not, without the consent of the Council, speak more than once on a Motion or an Amendment, or for longer than five (5) minutes at any one time. |
| 9.23 | Despite clause 9.22, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a Motion or an Amendment, and for longer than five (5) minutes on that Motion or Amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. |
| 9.24 | Despite clause 9.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting. |
| 9.25 | Despite clauses 9.20 and 9.21, a Councillor may move that a Motion or an Amendment be now put: (a) if the mover of the Motion or Amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or (b) if at least two (2) Councillors have spoken in favour of the Motion or Amendment and at least two (2) Councillors have spoken against it. |
| 9.26 | The Chairperson must immediately put to the vote, without debate, a Motion moved under clause 9.25. A seconder is not required for such a Motion. |
| 9.27 | If a Motion that the original Motion or an Amendment be now put is passed, the Chairperson must, without further debate, put the original Motion or Amendment to the vote immediately after the mover of the original Motion has exercised their right of reply under clause 9.20. |
| 9.28 | If a Motion that the original Motion or an Amendment be now put is lost, the Chairperson must allow the debate on the original Motion or the Amendment to be resumed. |
| 9.29 | All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking. |
| 9.30 | Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter. |
| 10.0 | PART 10 - VOTING |

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| | <i>Voting entitlements of Councillors</i> |
| 10.1 | Each councillor is entitled to one (1) vote. LGA Sect 370(1) |
| 10.2 | The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. LGA Sect 370(2) |
| 10.3 | Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the Motion being voted upon is lost. |
| | <i>Voting at council meetings</i> |
| 10.4 | A Councillor who is present at a meeting of the Council but who fails to vote on a Motion put to the meeting is taken to have voted against the Motion. |
| 10.5 | If a Councillor who has voted against a Motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes. |
| 10.6 | The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division. |
| 10.7 | When a division on a Motion is called, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the Motion and those who vote against it are recorded in the Council's minutes for the meeting. |
| 10.8 | When a division on a Motion is called, any Councillor who fails to vote will be recorded as having voted against the Motion in accordance with clause 10.4 of this code. |
| 10.9 | Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot. |
| | <i>Voting on planning decisions</i> |
| 10.10 | The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision. LGA Sect 375A |
| 10.11 | 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. |
| 10.12 | 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. |
| 10.13 | Clauses 10.10–10.12 apply also to meetings that are closed to the public. LGA Sect 375A <i>Note: The requirements of clause 10.10 may be satisfied by maintaining a register</i> |

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| | <i>of the minutes of each planning decision.</i> |
| 11.0 | PART 11 – COMMITTEE OF THE WHOLE |
| 11.1 | The Council may resolve itself into a committee to consider any matter before the Council. LGA Sect 373 |
| 11.2 | All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches. <i>Note: Clauses 9.20 – 9.30 limit the number and duration of speeches.</i> |
| 11.3 | The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported. |
| 11.4 | The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a Motion for adoption has been made and passed. |
| 11.5 | If at the time, Council resolves itself into the committee of the whole while the meeting was open to the public, then the meeting will remain open to the public unless Council resolves to exclude the public under 13.1 (Sect. 10A of the Act). |
| 11.6 | The committee of the whole may not pass a Council resolution. It makes recommendations to Council in the same way as any other committee of Council. |
| 11.7 | Once the committee of the whole has completed its business, the Council meeting resumes. |
| 12.0 | PART 12 - DEALING WITH ITEMS BY EXCEPTION |
| 12.1 | The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution. |
| 12.2 | Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on. |
| 12.3 | The Council or committee must not resolve to adopt any item of business under clause 12.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on. |
| 12.4 | Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 7.2. |
| 12.5 | A Motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper. |

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| 12.6 | Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously. |
| 12.7 | Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the Council's Code of Conduct. |
| 13.0 | PART 13 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC |
| | <i>Grounds on which meetings can be closed to the public</i> |
| 13.1 | <p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10A(1)(2)</p> |
| 13.2 | <p>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.</p> <p style="text-align: right;">LGA Sect 10A(3)</p> |
| | <i>Matters to be considered when closing meetings to the public</i> |
| 13.3 | <p>A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10B(1)</p> |

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| 13.4 | <p>A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10B(2)</p> |
| 13.5 | <p>If a meeting is closed during the discussion of a Motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the Motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.</p> <p style="text-align: right;">LGA Sect 10B(3)</p> |
| 13.6 | <p>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:</p> <ul style="list-style-type: none"> (a) a person may misinterpret or misunderstand the discussion, or (b) the discussion of the matter may: <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10B(4)</p> |
| 13.7 | <p>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.</p> <p style="text-align: right;">LGA Sect 10B(5)</p> |
| | <i>Notice of likelihood of closure not required in urgent cases</i> |
| 13.8 | <p>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 2.36 as a matter that is likely to be considered when the meeting is closed, but only if:</p> <ul style="list-style-type: none"> (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and (b) the Council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter: <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10C</p> |
| | <i>Representations by members of the public</i> |
| 13.9 | <p>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.</p> <p style="text-align: right;">LGA Sect 10A(4)</p> |

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| 13.10 | A representation under clause 13.9 is to be made after the Motion to close the part of the meeting is moved and seconded. |
| 13.11 | Where the matter has been identified in the agenda of the meeting under clause 2.39 as a matter that is likely to be considered when the meeting is closed to the public, and the matter has been specified in accordance with s 10A(2) in order to make representations under clause 13.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon the business day prior to the meeting which the matter is to be considered. |
| 13.12 | The General Manager (or their delegate) may refuse an application made under clause 13.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application. |
| 13.13 | No more than 10 speakers are to be permitted to make representations under clause 13.9. |
| 13.14 | If more than 10 speakers are to make representations under clause 13.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the General Manager or their delegate will draw the names from a ballot. |
| 13.15 | The General Manager (or their delegate) is to determine the order of speakers. |
| 13.16 | Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 2.39 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under clause 13.9 after the Motion to close the part of the meeting is moved and seconded. No more than 10 speakers will make representations in such order as determined by the Chairperson. |
| 13.17 | Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard. |
| | <i>Expulsion of non-Councillors from meetings closed to the public</i> |
| 13.18 | 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. |
| 13.19 | If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- |

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| | mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting. |
| | <i>Information to be disclosed in resolutions closing meetings to the public</i> |
| 13.20 | <p>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:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sect 10D</p> |
| | <i>Resolutions passed at closed meetings to be made public</i> |
| 13.21 | 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. |
| 13.22 | 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 13.21 during a part of the meeting that is webcast. |
| 14.0 | PART 14 – KEEPING ORDER AT MEETINGS |
| | <i>Points of order</i> |
| 14.1 | 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. |
| 14.2 | A point of order cannot be made with respect to adherence to the principles contained in clause 1.1. |
| 14.3 | A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it. |
| | <i>Questions of order</i> |
| 14.4 | 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. |
| 14.5 | 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. |
| 14.6 | 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. |

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| 14.7 | The Chairperson's ruling must be obeyed unless a Motion dissenting from the ruling is passed. <div>LG Reg 255</div> |
| | <i>Motions of dissent</i> |
| 14.8 | 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. |
| 14.9 | 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. |
| 14.10 | 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. |
| | <i>Practice Note</i> <ol style="list-style-type: none"> 1. A Motion of Dissent does not require a seconder. 2. The Chairperson shall not be bound to leave the Chair during debate on a Motion of Dissent. 3. A Councillor upon moving a Motion of Dissent from the ruling of the Chairperson at a Council meeting shall be given the opportunity to explain the reason for the Motion. 4. The Chairperson may reply to the Motion of Dissent and there shall be no further debate before the Motion is put to the vote. 5. If a Motion of Dissent is carried, the ruling of the Chairperson is overturned; if it is not, the ruling stands and the business shall proceed as if the Motion had not been presented. 6. The Mayor or Chairperson, if the situation arises, shall have a casting vote on any Motion of Dissent. |
| | <i>Acts of disorder</i> |
| 14.11 | <p>A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:</p> <ol style="list-style-type: none"> (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 |

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| | (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. |
| 14.12 | <p>The chairperson may require a Councillor:</p> <ul style="list-style-type: none"> (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or (b) to withdraw a Motion or an Amendment referred to in clause 14.11(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 14.11(d) and (e). |
| 14.13 | For the purposes of this Clause the question of disorderly conduct is at the discretion of the Chairperson. |
| 14.14 | Acts of disorder committed by Councillors during Council meetings may amount to misconduct within the meaning of sect 440F of the Act. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. A Councillor commits an act of disorder if the Councillor, at a meeting of the Council reads beyond five minutes from any correspondence, report or other document, without the leave of Council. 2. Clause 14.12 authorises the Chairperson to require a Councillor to retract comments or to apologise without reservation for an act of disorder in the circumstances specified. 3. An act of disorder includes, but is not limited to, conduct where a person, without the consent of the Chairperson or in the opinion of the Chairperson, conducts themselves or behaves in such a way as to interrupt or impede debate by Councillors or the conduct of the meeting. 4. Examples of disorderly conduct could include, but are not limited to, the following (but the ultimate determination is at the Chairperson's discretion): <ol style="list-style-type: none"> a. Audibly interrupts the conduct of the meeting; b. Behaves or acts in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting; c. Holds up, waves or displays a placard, banner, sign or document, in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting; d. Uses any video recorder, camera, filming device, voice recorder, or any electronic recording device without permission of the Council; e. Distributes in the Council Chamber or its precincts Federal, State or Local Government "how to vote" material or other election material without permission of the Council; or f. Insults or makes personal reflections on or imputes improper motives to any employee of Council. 5. If a Councillor does not act as requested by the Chairperson, a Councillor may be expelled from the meeting. This can be done by the Council, Chairperson (if authorised to do so by a resolution of the meeting) or by a person presiding at the meeting. However, Council must have resolved to authorise |

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| | the person presiding to exercise the power of expulsion: this is in accordance with Clause 14.16 or 14.17 and Sect. 10(2) of the Act). |
| | <i>How disorder at a meeting may be dealt with</i> |
| 14.15 | If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors. |
| | <i>Practice</i> <ol style="list-style-type: none"> 1. Council has a duty of care to provide a workplace in which all employees are treated with respect and which is free from bullying, harassment, discrimination and other intimidating behaviours. 2. Where the Chairperson determines that an employee present at a Council meeting is not being treated appropriately they may request that any offending comment be withdrawn and/or an apology given. 3. If the comment is not withdrawn and/or the apology given, the General Manager or their delegate may, in accordance with 4.30, withdraw the employee(s) from the meeting. |
| | <i>Expulsion from meetings</i> |
| 14.16 | 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. |
| 14.17 | Clause 14.16, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act. |
| 14.18 | A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 14.12. 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. |
| 14.19 | 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. |
| 14.20 | Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting. |
| 14.21 | 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 |

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| | 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. |
| 14.22 | A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a committee of which all members are Councillors if expelled from the meeting: <ol style="list-style-type: none"> by a resolution of the meeting, or by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion. |
| | <p>Practice</p> <ol style="list-style-type: none"> A Councillor who is named by the Chairperson for an act of disorder referred to in Clause 14.11 above, and fails to apologise for the disorder if requested to by the Chairperson, may be expelled from the meeting by resolution of Council in accordance with Clause 14.16 and Clause 14.17. A Councillor expelled from a meeting in accordance with the above shall leave the Chamber for the duration of the meeting. The expulsion of a Councillor shall be recorded in the minutes of the meeting. |
| | <i>Use of mobile phones and the unauthorised recording of meetings</i> |
| 14.23 | Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council. |
| 14.24 | A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee. |
| 14.25 | Any person who contravenes or attempts to contravene clause 14.24, may be expelled from the meeting as provided for under section 10(2) of the Act. |
| 14.26 | If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting. |
| 15.0 | PART 15 – CONFLICTS OF INTEREST |
| 15.1 | All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made. |
| | <p>Practice</p> <ol style="list-style-type: none"> It is the responsibility of each individual to determine whether or not they have a pecuniary interest, and if necessary to obtain legal advice. |

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| | <p>2. It is not the role of the Chairperson or the General Manager to rule on any question of pecuniary interest.</p> <p>3. The Code of Conduct adopted by Council for the purposes of sect 440 of the Act imposes obligations on Councillors, employees and delegates of Council with respect to the management of pecuniary and non-pecuniary interests.</p> <p>(Refer to Council's <u>Code of Conduct</u> for more information)</p> |
| 16.0 | PART 16 – DECISIONS OF THE COUNCIL |
| | <i>Council decisions</i> |
| 16.1 | <p>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.</p> <p style="text-align: right;">LGA Sect 371</p> |
| 16.2 | <p>Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.</p> <p><i>Rescinding or altering Council decisions</i></p> |
| 16.3 | <p>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 2.18.</p> <p style="text-align: right;">LGA Sect 372(1)</p> |
| 16.4 | <p>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.</p> <p style="text-align: right;">LGA Sect 372(2)</p> |
| 16.5 | <p>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 2.18.</p> <p style="text-align: right;">LGA Sect 372(3)</p> |
| 16.6 | <p>A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a Motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the Motion was lost.</p> <p style="text-align: right;">LGA Sect 372(4)</p> |
| 16.7 | <p>If a Motion to alter or rescind a resolution has been lost, or if a Motion which has the same effect as a previously lost Motion is lost, no similar Motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a Motion differently worded, but in principle the same.</p> <p style="text-align: right;">LGA Sect 372(5)</p> |
| 16.8 | <p>The provisions of clauses 16.5–16.7 concerning lost Motions do not apply to Motions of adjournment.</p> <p style="text-align: right;">LGA Sect 372(7)</p> |
| 16.9 | <p>A Notice of Motion submitted in accordance with clause 16.6 may only be withdrawn under clause 2.19 with the consent of all signatories to the Notice of Motion.</p> |
| 16.10 | <p>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.</p> |

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| | LGA Sect 372(6) |
| | <i>Recommitting resolutions to correct an error</i> |
| 16.11 | 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: <ul style="list-style-type: none"> (a) to correct any error, ambiguity or imprecision in the Council's resolution, or (b) to confirm the voting on the resolution. |
| 16.12 | In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 16.11(a), the Councillor is to propose alternative wording for the resolution. |
| 16.13 | The Chairperson must not grant leave to recommit a resolution for the purposes of clause 16.11(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. |
| 16.14 | A Motion moved under clause 16.12 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a Motion referred to in clause 16.11 can speak to the Motion before it is put. |
| 16.15 | A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 16.11. |
| 16.16 | A Motion moved under clause 16.11 with the leave of the Chairperson cannot be voted on unless or until it has been seconded. |
| 17.0 | PART 17 – TIME LIMITS ON COUNCIL MEETINGS |
| 17.1 | Meetings of the Council and committees of the Council are to conclude no later than 2.00pm , subject to clause 17.2 . |
| 17.2 | If the business of the meeting is unfinished at 2.00pm , the Council or the committee may, by resolution, extend the time of the meeting to 3.00pm . |
| 17.3 | If the business of the meeting is unfinished at 2.00pm , and the Council does not resolve to extend the meeting, the Chairperson must either: <ul style="list-style-type: none"> (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. |
| | <i>Motion to adjourn meeting</i> |
| 17.4 | <ul style="list-style-type: none"> (a) A Councillor may move the procedural Motion “that the meeting be adjourned”. (b) The Motion before being put to the vote must be seconded by a Councillor. (c) The mover of the Motion may address the meeting on the Motion. (d) No further debate on the Motion is permitted. |
| | <i>Amendment to Motion to adjourn meeting</i> |
| 17.5 | <ul style="list-style-type: none"> (a) Amendments to the Motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting. (b) Amendments to the Motion to adjourn a meeting are to be moved and seconded. (c) The mover of the Amendment may address the meeting as to the content of the proposed Amendment. |

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| | (d) Any address to the Motion of adjournment or Amendment is limited to three minutes. |
| 17.6 | Clause 17.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to. |
| 17.7 | Where a meeting is adjourned under clause 17.3 or 17.6, the General Manager must individually notify each Councillor of the time, date and place at which the meeting will reconvene and must publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible. |
| | Practice A meeting can be adjourned for a short break. |
| 18.0 | PART 18 – AFTER THE MEETING |
| | Minutes of meetings |
| 18.1 | The Council is to keep full and accurate minutes of the proceedings of meetings of the Council. <div style="text-align: right;">LGA Sect 375(1)</div> |
| 18.2 | At a minimum, the 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. |
| 18.3 | The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council. <div style="text-align: right;">LGA Sect 375(2)</div> |
| 18.4 | Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to. |
| 18.5 | When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting. <div style="text-align: right;">LGA Sect 375(2)</div> |
| 18.6 | The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any Amendment made under this clause must not alter the substance of any decision made at the meeting. |
| 18.7 | The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation. |
| 18.8 | Minutes are not intended to provide a transcript of the proceedings of the Meeting nor include details of discussion or debate. |
| 18.9 | Council does not provide full (Hansard) transcripts of Council meetings. |

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| 18.10 | The structure and presentation of the minutes shall be at the General Manager's discretion, unless formally directed by Council. |
| | <p>Practice</p> <ol style="list-style-type: none"> 1. The purpose of the minutes is to record business and decisions from the meeting. 2. The minutes shall not record things said by way of debate or comment, unless resolved by Council. 3. The correctness of the minutes of every preceding Ordinary, extraordinary or special meeting (not previously confirmed) shall be taken into consideration as an item of business at every Ordinary meeting of Council where practicable, in order that such minutes can be confirmed. Any Motion or discussion with respect to such minutes will be out of order, except with regard to their accuracy as a true record of proceedings. 4. In relation to the recording of Motions and Amendments, the minutes of the meeting shall show the Motion or Amendment, whether it was "carried" or "lost", and the mover and seconder of the Motion or Amendment. 5. If a Councillor is temporarily absent from the Council Chamber when a vote occurs during a meeting, their absence shall be recorded in the minutes of the meeting. |
| | Access to correspondence and reports laid on the table at, or submitted to, a meeting |
| 18.11 | <p>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.</p> <p style="text-align: right;">LGA Sect 11(1)</p> |
| 18.12 | <p>Clause 18.11 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.</p> <p style="text-align: right;">LGA Sect 11(2)</p> |
| 18.13 | <p>Clause 18.11 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.</p> <p style="text-align: right;">LGA Sect 11(3)</p> |
| 18.14 | Correspondence or reports to which clauses 18.12 and 18.13 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report. |
| 18.15 | In the interests of privacy protection, only a precis of any Petitions tabled at meetings of the Council shall be recorded in the minutes of the meeting, and not the entire Petition containing personal information. |
| | Implementation of decisions of the Council |
| 18.16 | The General Manager is to implement, without undue delay, lawful decisions of the Council. |

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| | LGA Sect 335(b) |
| 19.0 | PART 19 – COUNCIL COMMITTEES |
| | <i>Application of this Part</i> |
| 19.1 | This Part only applies to committees of the Council whose members are all Councillors. |
| | <i>Council committees whose members are all Councillors</i> |
| 19.2 | The Council may, by resolution, establish such committees as it considers necessary. |
| 19.3 | A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council. |
| 19.4 | The quorum for a meeting of a committee of the council is to be: (a) such number of members as the Council decides, or (b) if the Council has not decided a number – a majority of the members of the committee. |
| | <i>Functions of committees</i> |
| 19.5 | 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. |
| | <i>Notice of committee meetings</i> |
| 19.6 | The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying: (a) the time, date and place of the meeting, and (b) the business proposed to be considered at the meeting. |
| 19.7 | Notice of less than three (3) days may be given of a committee meeting called in an emergency. |
| | <i>Attendance at committee meetings</i> |
| 19.8 | A committee member (other than the Mayor) ceases to be a member of a committee if the committee member: (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences. |
| 19.9 | Clause 19.8 does not apply if all of the members of the Council are members of the committee. |
| | <i>Non-members entitled to attend committee meetings</i> |
| 19.10 | 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. |

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| | <i>Chairperson and Deputy Chairperson of Council committees</i> |
| 19.11 | 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. |
| 19.12 | 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. |
| 19.13 | 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. |
| 19.14 | 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. |
| | <i>Procedure in committee meetings</i> |
| 19.15 | 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. |
| 19.16 | Whenever the voting on a Motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 19.15. |
| 19.17 | Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). |
| | <i>Closure of committee meetings to the public</i> |
| 19.18 | The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public. |
| 19.19 | If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting. |
| 19.20 | Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under clause 19.19 during a part of the meeting that is webcast. |

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| | <i>Disorder in committee meetings</i> |
| 19.21 | The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council. |
| | <i>Minutes of Council committee meetings</i> |
| 19.22 | Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes: (a) details of each Motion moved at a meeting and of any Amendments moved to it, (b) the names of the mover and seconder of the Motion or Amendment, (c) whether the Motion or Amendment was passed or lost, and (d) such other matters specifically required under this code. |
| 19.23 | The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee. |
| 19.24 | Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to. |
| 19.25 | When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting. |
| 19.26 | The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any Amendment made under this clause must not alter the substance of any decision made at the meeting. |
| 19.27 | The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation. |
| 20.0 | PART 20 - IRREGULARITIES |
| 20.1 | Proceedings at a meeting of a Council or a Council committee are not invalidated because of: (a) a vacancy in a civic office, or (b) a failure to give notice of the meeting to any Councillor or committee member, or (c) any defect in the election or appointment of a Councillor or committee member, or (d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or (e) a failure to comply with this code. <div style="text-align: right;">LGA Sect 374</div> |
| 21.0 | PART 21 – DISCLOSURE AND MISUSE OF INFORMATION |
| 21.1 | A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made: (a) with the consent of the person from whom the information was obtained, or |

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| | <p>(b) in connection with the administration or execution of the Act, or</p> <p>(c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings, or</p> <p>(d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> or the <i>Government Information (Public Access) Act 2009</i>, or</p> <p>(e) with other lawful excuse.</p> |
| 21.2 | <p>In particular, if part of a meeting of a Council or a committee of Council is closed to the public in accordance with sect 10A(1) of the Act, a person must not, without the authority of the Council or the committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.</p> |
| 21.3 | <p>Clause 21.1(a) does not apply to:</p> <p>(a) the report of a committee of Council after it has been presented to Council, or</p> <p>(b) disclosure made in any of the circumstances referred to in clause 21.1(a)(e), or</p> <p>(c) disclosure made in circumstances prescribed by the Regulation, or</p> <p>(d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with sect. 12 of the Act.</p> |
| 21.4 | <p>A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.</p> |
| 21.5 | <p>A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:</p> <p>(a) the determination of an application for an approval, or</p> <p>(b) the giving of an order.</p> |
| 21.6 | <p>For the purposes of sect. 664(1B)(C) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.</p> |
| 22.0 | PART 22 – COUNCIL SEAL |
| 22.1 | <p>The seal of Council must be kept by the Mayor or the General Manager, as the Council determines.</p> |
| 22.2 | <p>The seal of Council may be affixed to a document only in the presence of:</p> <p>(a) the Mayor and the General Manager, or</p> <p>(b) at least one Councillor (other than the Mayor) and the General Manager, or</p> <p>(c) the Mayor and at least one other Councillor, or</p> <p>(d) at least 2 Councillors other than the Mayor.</p> |
| 22.3 | <p>The affixing of the Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in 22.2) attest by their signatures that the seal was affixed in their presence.</p> |

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| 22.4 | The seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed. |
| 22.5 | For the purposes of 22.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of Council. |
| | <p><i>Practice</i></p> <ol style="list-style-type: none"> 1. A Council seal is like the signature of the council. It signifies Council's approval to the content of the document to which it is affixed. 2. A Council resolution is required before each use of the seal. The resolution must specifically refer to the document to be sealed. |

Definitions

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| the Act | means the <i>Local Government Act 1993</i> |
| act of disorder | means an act of disorder as defined in clause 15.11 of this code |
| Amendment | in relation to an original Motion, means a Motion moving an Amendment to that Motion |
| audio recorder | any device capable of recording speech |
| business day | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales |
| chairperson | in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code |
| this code | means the Council's adopted code of meeting practice |
| committee of the Council | means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the council when it has resolved itself into committee of the whole under clause 12.1 |
| Council official | has the same meaning it has in the Model Code of Conduct for Local Councils in NSW |
| day | means calendar day |
| division | means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a Motion |
| foreshadowed Amendment | means a proposed Amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first Amendment |
| foreshadowed Motion | means a Motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original Motion |
| open voting | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means |
| planning decision | means a decision made in the exercise of a function of a Council under the <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 |

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| quorum | means the minimum number of Councillors or committee members necessary to conduct a meeting |
| the Regulation | means the <i>Local Government (General) Regulation 2005</i> |
| webcast | a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time |
| year | means the period beginning 1 July and ending the following 30 June |

Governance

Supporting Documents

| Name | Link |
|---|--------------|
| Ordinary meetings of Council (2 Pages) | Appendix "A" |
| Guidelines for Public Address to Council | Appendix "B" |
| The role of Chairperson | Appendix "C" |
| Motions, Amendments and Foreshadowed Amendments | Appendix "D" |
| Calling a Point of Order | Appendix "E" |
| Closure of Meetings | Appendix "F" |
| Guide to Council Meetings (handout) | Appendix "G" |
| Conduct of On-Site Inspections | Appendix "H" |
| Guide to preparing and submitting a Petition | Appendix "I" |

Related legislation, policies, codes, and guidelines

| Name | Link |
|--|---|
| Code of Conduct | www.esc.nsw.gov.au/inside-Council/Council/Council-policies |
| <i>Local Government Act 1993</i> | www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N |
| <i>Local Government (General) Regulation 2005</i> | www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+487+2005+cd+0+N |
| <i>OLG Model Code of Meeting Practice</i> | https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Meeting%20Practice%20for%20Local%20Councils%20in%20NSW%202018.pdf |
| <i>OLG Circular 18-45 Commencement of the new Model Code of Meeting Practice for Local Councils in NSW</i> | https://www.olg.nsw.gov.au/news/18-45-commencement-new-model-code-meeting-practice-local-councils-nsw |
| <i>OLG Model Meeting Code FAQ</i> | https://www.olg.nsw.gov.au/sites/default/files/18-45%20Attachment.pdf |
| <i>Model Code of Conduct for Local Councils in NSW (2018)</i> | https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20-2018%20-%20FINAL_0.pdf |
| <i>State Records Act 1998</i> | www.legislation.nsw.gov.au/maintop/view/inforce/act+17+1998+cd+0+N |
| <i>General Disposal Authority: Local Government Records GA39</i> | https://www.records.nsw.gov.au/recordkeeping/rules/gdas/ga39-part-2 |

Related external references

| Name | Link |
|---------------|--|
| State Records | www.records.nsw.gov.au/recordkeeping/recordkeeping |

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| Dictionary to the Local Government Act | www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N |
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Review

This Code of Meeting Practice may be updated as necessary when legislation or the OLG requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its meeting practices.

This Code of Meeting Practice will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner. **Note:** Automatic revocation of a local policy is provided for by sect. 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

Reviews of the effectiveness of this Code could include the following:

| Performance indicator | Data source(s) |
|---|------------------------|
| Complaints, Internal or external review, Number of Breaches of Code | Council records, Audit |

Change history

| Version | Approval date | Approved by | Minute No | File No | Change |
|---------|---------------|-------------|-----------|----------------------|---|
| #6 | 23 Mar 2010 | Council | 10/68 | E06.0429 | Endorsed and adopted. |
| #7 | NA | None | NA | E06.0429 | Placed on exhibition Sep 2012, not adopted by Council. |
| 1.8 | 10 Sep 2013 | Council | 13/271 | E06.0429 E13.7095 | Completely revised and rewritten. Added new Supplementary Provisions, updated format, review date, references, links. Change to evening meetings for 6-12 month trial period. |
| 1.9 | 25 Sep 2013 | Council | NA | E06.0429 | Minor edit: amended Order of Business to include timing of dinner break and Public Forum |
| 1.10 | 24 Jul 2014 | NA | NA | E06.0429 | Minor edit: Updated references to Division of Local Government (DLG) to new name: Office of Local Government (OLG) |
| 2.0 | 9 Dec 2014 | Council | 14/369 | E06.0429 | Updated, removed references to committees, added practice notes and additional appendices. Revert to day-time meetings. Include live-streaming via website. |
| 3 | 26 March 2019 | Council | 19/44 | E06.0429 | Incorporation of OLG Model Code of Meeting Practice for public exhibition |

| | | | | | |
|---|---------|---------|--|--|--|
| 4 | 11 June | Council | | | Incorporation of OLG Model Code of Meeting Practice, updated as a result of public exhibition. |
|---|---------|---------|--|--|--|

Appendix “A” Ordinary Meetings of Council

| | |
|---|--|
| Meeting Date | 2 nd and 4 th Tuesday of month, excluding January |
| Meeting Time | 11.00am till 2.00pm with option to extend to 3.00pm |
| Membership | Full Council – 9 Councillors |
| Quorum | 5 Councillors |
| Chairperson | The Mayor |
| Deputy Chairperson | The Deputy Mayor |
| Casting Vote | Chairperson |
| Charter | To address and consider agenda items relating to the business of Council. |
| Public Participation | In accordance with Council’s Code of Meeting Practice, which allows a maximum of 5 minutes per person, it also allows Councillors to ask questions of the speaker. |
| Advertising | Meetings will be advertised on Council’s website and in local newspaper. |
| Recording | The meetings will be audio-visually recorded for the purpose of live-streaming via the Council’s website. |
| Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act 1993: | <ul style="list-style-type: none"> – the appointment of a General Manager; – the making of a rate; – a determination under sect. 549 of the Act as to the levying of a rate; – the making of a charge; – the fixing of a fee; – the borrowing of money; – the voting of money for expenditure on its works, services or operations; – the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment); – the acceptance of tenders which are required under the Act to be invited by the Council; – the adoption of a management plan under sect. 406 of the Act; – the adoption of a financial statement included in an annual financial report; – a decision to classify or reclassify public land under Division 1 Part 2 Chapter 6 of the Act; – the fixing of an amount or rate for the carrying out by Council of work on private land; – the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work; – the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under sect. 82A of the Environmental Planning and Assessment Act 1979; – the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under sect. 194 of the Act; |

| | |
|--|---|
| | <ul style="list-style-type: none"> – a decision under sect. 356 of the Act to contribute money or otherwise grant financial assistance to persons; – the making of an application or the giving of a notice to the Governor or Minister; – the power of delegation; – any function under the Act or any other Act that is expressly required to be exercised by resolution of the Council. |
| Other matters and functions determined by Ordinary Council meetings will include: | <ul style="list-style-type: none"> – Notices of Motion – Motions of Rescission – Council elections, polls, Constitutional Referendums and Public hearings / inquiries – Ministerial committees and inquiries – Mayor and Councillors' annual fees – Recommendations relating to: <ul style="list-style-type: none"> – Local Government Remuneration Tribunal – Local Government Boundaries – NSW Ombudsman – Administrative Decisions Tribunal – Delegations of Functions by the Minister – Delegation of Functions to General Manager – High-Level Organisational structure – Code of Conduct – Code of Meeting Practice – Honesty and Disclosure of Interests – Access to information – Protection of Privacy – Enforcement Functions (statutory breaches/prosecutions/recovery of rates) – Council land and Property development – Annual Financial Reports, Auditors Reports, Annual Reports and State of the Environment reports – Performance of the General Manager – Equal Employment Opportunity – Powers of Entry – Liability and Insurance – Memberships of organisations – Any matter or function not within the delegable function of committees – Matters referred from committees for determination – Affixing of the Common Seal of Council |

Appendix “B” Guidelines for public address to Council**Who can speak at a Meeting?**

To assist the decision-making process, Council provides the opportunity for members of the public to address Council prior to the meetings. Community members can address Council on items on the agenda, during Public Forum. You can speak as a representative of a local organisation or authority, or you can have someone else speak on your behalf. If you have any questions, please phone us on **02 4474 1358**.

What can I speak about?

You may speak on any Council related matter listed on the agenda, except for confidential matters under sect.10 of the *Local Government Act 1993*, eg some legal matters, tenders, personnel matters (check with us on 02 4474 1358 if you’re not sure)

- You can only speak about issues listed on the Council’s agenda.
- You may not make insulting or defamatory statements, and you should take care when discussing other people’s personal information.
- Where you have previously addressed Council on an issue, further requests to address Council will only be accepted if new issues are to be introduced. Issues previously raised by you are not to be re-canvassed.
- This does not prevent you from addressing Council for the first time on a matter that has previously been the subject of a Public Forum presentation or question by another speaker.

What are the rules for addressing Council at a meeting?

- Speakers must register by 12.00 noon on the business day prior to the meeting.
- A written copy of the presentation must be provided to Council by 12.00noon the business day prior to the meeting. This can be done by emailing council.meetings@esc.nsw.gov.au or hard copy at Council’s main office in Moruya, the Batemans Bay and Narooma libraries.
- Public Forum will commence for one hour from 9.30am to 10.30am.
- Each speaker is permitted to address Public Forum for up to 5 minutes. No extensions will be granted
- You may use and distribute printed information and image. We are unable to accommodate audio-visual presentations or equipment.
- Council accepts no responsibility for any defamatory comments made by speakers in respect of anything said or any material presented to the Meeting.

Conduct of Speakers

- All speakers should conduct themselves with due respect to the Council and observing Council’s Code of Meeting Practice, ie not disrupting the conduct of the meeting, treating all people with respect and courtesy, and not making defamatory comments.

- In the event that you do not conduct yourself accordingly, the Chairperson may request you to apologise, desist from the inappropriate behaviour, return to the public gallery, or otherwise enact provisions of Council's Code of Meeting Practice.
- If you are asked to withdraw and/or apologise for comments or behaviour and refuse to do so, the Chairperson may expel you from the meeting. An expelled presenter will not be able to address Council until an apology has been made at a Council meeting, however will not be able to present at that same meeting.

NOTE: The Chairperson may (at their discretion) vary these practices to promote equity or assist the conduct of the meeting.

How do I register to address Council at a meeting?

Registration should be made to Executive Services by 12.00noon on the business day prior to the meeting, to allow for preparation of the business paper.

A copy of your presentation must be provided to Council by 12.00noon the business day prior to the meeting. Your presentation can be sent to council.meetings@esc.nsw.gov.au OR hand delivered to the Customer Service Centre or Batemans Bay and Narooma libraries.

Your registration must include:

- your name, postal or email address, and contact telephone number (personal details will not be published);
- the organisation or group you are representing (if applicable);
- details of the item number in the agenda, the issue to be addressed or the question to be presented to the meeting;
- whether you are opposing or supporting the matter.

Appendix “C” The role of Chairperson

- The Chairperson shall insist upon the proper conduct of debate.
- The Chairperson should be impartial and consistent in rulings on all occasions regardless of their personal views and beliefs on the subject being discussed whether or not they have made their view known.
- The Chairperson shall receive and put to the meeting any Motion which is brought before the meeting in accordance with the Act, Regulation and Code of Meeting Practice.
- The Chairperson should not permit discussion unless there is a Motion before the meeting.
- The Chairperson shall have no power to adjourn the meeting of his or her own accord except, but not limiting the provisions of the Act or the regulation, the Chairperson can adjourn when the meeting lacks a quorum and when disorder arises.
- The Chairperson has the authority to advise and counsel the meeting.
- The Chairperson shall preserve order and endeavour to prevent interference with speakers by private talk or heckling remarks, offensive statements and the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Regulation 255 – Questions of Order)
- The Chairperson of Council Meeting or Committees of which all Councillors are members shall have the right to exercise a casting vote.

Appendix “D” Motions, Amendments and foreshadowed Amendments

Motions

- A Motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council.
- If that Motion is passed it becomes a resolution of the Council or the Committee (within the Committee’s delegation).
- The mover of a Motion may be given the opportunity to explain the Motion before a seconder is called for, if considered necessary by the Chairperson.
- Once a Motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
- If there is no objection to a Motion before Council or Committee, there shall be no right of reply, and the Chairperson shall put the Motion.
- Where there is a Motion and an Amendment, following debate on the Amendment and then the Motion, the mover of the Motion has a right of reply prior to voting on the Amendment taking place.
- A Motion should be very specific in its intention, and must be capable of being implemented.
- A Motion should start with the word “THAT”, for example “THAT the road be closed.”
- Motions should be written in a positive sense so that a “yes” vote indicates support for the action, and a “no” vote indicates that no action should be taken.
- The Motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the Motion.
- If possible, a Motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.
- When a Motion is complex in its wording and intent, to assist other Councillors of the Committee/ Council a Councillor shall submit the Motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format. This will allow the Motion/Amendment to be displayed accurately on the visual screens at the time that the Motion or Amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved.
- Likewise, the Chairperson should ensure that any Motion/Amendment is clearly understood by all Councillors present prior to voting.
- A Councillor seconding the Motion is in effect saying "I support this proposal." If no person present is prepared to second the Motion it then lapses and should not be discussed or recorded further.

- The mover of the Motion has the right to speak first, and a general “right of reply” at the end of the debate. No new information or material should be argued during the “right of reply.”
- The seconder of the Motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
- At the end of the debate, the Chairperson puts the Motion to the meeting for voting by Councillors.

Amendments

- An Amendment to a Motion requires a mover and a seconder to put it forward.
- The Amendment must be dealt with before voting on the main Motion. Debate is allowed only in relation to the Amendment and not the main Motion – which is suspended while the Amendment is considered.
- If the Amendment is passed, it becomes the Motion and this new Motion can be debated. If the Amendment is not supported, the main Motion stays in its original form.
- There should only be one Amendment to a Motion before Council at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
- Amendments may be in the form of additional words to a Motion and/or the removal of words. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion. In any case an Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

Foreshadowed Motions/ Amendments

- It is possible to advise the Council of an intention of a foreshadowed Motion or Amendment that relates to the business currently before Council.
- The Chairperson cannot accept the foreshadowed Motion or Amendment until the current Motion or Amendment has been determined.

Appendix “E” Calling a Point of Order**A Point of Order may be called in the following circumstances:**

- (a) A matter is raised that does not relate to the subject being discussed.
 - (b) There is no quorum present in the Council Chamber.
 - (c) There has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate.
 - (d) A Councillor has used objectionable, insulting, offensive, abusive language or made defamatory insinuations about a person's motives or conduct.
 - (e) A speaker has exceeded the time limit for speeches.
 - (f) An Amendment under discussion has not been seconded.
 - (g) A matter is raised which is outside the powers of the Council.
- The Chairperson may rule a Councillor out-of-order in two ways - generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or by the Chairperson on his or her own initiative making the ruling.
 - When a Councillor raises a point of order, the person speaking must stop speaking until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice, for example:
“Under section 8.4 of the Code of Meeting Practice....”
 - No other Councillor may speak on the Point of Order.
 - The Chairperson will then rule on the Point of Order, either by agreeing that the speaker is out-of-order or disagreeing and allowing the speaker to continue.
 - If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent. (Refer to clause 14.8 / Regulation 248)
 - A Point of Order must not be taken for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It must only be concerned with the conduct of the meeting.
 - An explanation or contradiction is not a Point of Order.

Appendix “F” Closure of Meetings

The table below summarises the provisions of sect. 10A and 10B of the Act. Subject to the limitations and restrictions specified, Council may go into closed session for receipt or discussion of any of the following matters, for as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security:

| Matter - Section 10A | Restrictions - Section 10B |
|---|--|
| (2)(a) personnel matters concerning particular individuals | |
| (2)(b) personal hardship of any resident or ratepayer | |
| (2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest |
| (2)(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 council, or (iii) reveal a trade secret | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets) |
| (2)(e) information that would, if disclosed, prejudice the maintenance of law | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest |
| (2)(f) matters affecting the security of the council, Councillors, council employee or council property | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest |
| (2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest |
| (2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land | (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice |
| 2(i) alleged contraventions of any Code of Conduct requirements applicable under sect. 440 <i>Code of Conduct</i> of the Act | (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest |
| (3) so much of its meeting as comprises a Motion to close another part of the meeting | (3) must not include any consideration of the matter or information to be discussed |

Appendix “G” Guide to Council meetings**Welcome to our meeting!**

Meetings of the Council are open to the public.

For the consideration of all present, respectful and orderly conduct is expected and mobile telephones are to be turned to silent during the meeting.

The proceedings of all Council meetings in open session are recorded live and streamed through Council’s website.

Order of business - Council meetings are chaired by the Mayor. Each item on the agenda is dealt with separately. Items in which there is general public interest may be dealt with first. The Public Forum for presentations by community members on agenda items will be held for one hour prior to the Council meeting. This will commence at 9.30am.

Business paper - The business paper is a booklet containing a copy of the report for each item on the agenda. It is available for viewing via Council’s website (www.esc.nsw.gov.au) and at each of Council’s libraries, on the Wednesday prior to the meeting.

Agenda - The agenda lists all items for consideration at the meeting, and is included in the front of the business paper. Separate copies of the agenda are available at the entrance to the Council Chambers on the day of the meeting.

Addressing Council at Public Forum – our Council endeavours to foster open discussion on matters to help make decisions for the benefit of our community. To achieve this, members of the public may request to address a Council meeting during Public Forum on any item listed on the agenda. Anyone wanting to speak at a Public Forum should phone 4474 1358 or email council.meetings@esc.nsw.gov.au by 12noon on the business day prior to the meeting. A written copy of the presentation must be provided to Council by 12.00noon the business day prior to the meeting. This can be done by emailing council.meetings@esc.nsw.gov.au or hard copy at Council’s main office in Moruya and the Batemans Bay and Narooma libraries.

For more information on the meeting process or addressing Council meetings please check Council’s website at www.esc.nsw.gov.au, call 4474 1358, or refer to the [guidelines](#).

Appendix “H” Conduct of On-Site Inspections**Aim**

For Councillors to familiarise themselves with the site and area to gain an understanding of the impact of a proposal (e.g. development or event).

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.

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 onsite circumstances of a proposal. A decision on the proposal will not be made at the inspection.

Key points relating to the conduct of inspections are:

- 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 when the matter is under consideration.
- 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 meeting.

Appendix “I” Guide for preparing and submitting a Petition**What is a Petition?**

A Petition expresses a concern about an issue, usually on matters of public policy or administration, and contains a request for action to be taken (or in some cases, not taken). It is a way that people can directly place issues before Council for a response.

Individuals, groups or organisations may seek to have Petitions presented to the Council.

What must be in a Petition?

To be presented to Council, a Petition must:

- be addressed to “The Eurobodalla Shire Council” or “the Mayor and Councillors of Eurobodalla Shire Council”;
- explain **the reason** for petitioning Council – this must be an issue or matter on which the Council has the power to act, that is, a local government administrative or operational matter (*some matters are the responsibility of State or Federal Government, other local authorities, or private entities*);
- contain **a request for action** to be taken by the Council;
- include the original signature, full name and address of a **principal Petitioner** (the person responsible for the Petition) and at least four other signatures.

Please be aware that a Petition must:

- be written in moderate language;
- not promote illegal acts;
- consist only of original, hand written signatures (photocopies, faxes or electronic signatures are not accepted);
- contain all signatures on pages which include at least the request for action (as stated on the first page of the Petition); and
- not contain attachments, letters, photos or supporting documentation. (Any such documents will be returned to the principal Petitioner.)

Submitting a Petition

Petitions should be submitted by post to the General Manager, the Mayor or to an elected Councillor, who all share the same address at: PO Box 99, Moruya NSW 2537

Action on Petitions

After a Petition is received the General Manager or Councillor will assess whether it complies with requirements. Petitions which comply with requirements will then be presented to the Council at a meeting and may be included on the Council’s website. If a Petition does not meet requirements, it will be returned to the principal Petitioner.

When Council has responded, the response will be recorded in Council’s record system and the response will be sent to the principal Petitioner, and may be included on the Council’s website.

A sample Petition template has been included in this Appendix to assist Petitioners.



TO THE MAYOR AND COUNCILLORS OF EUROBODALLA SHIRE COUNCIL

This Petition of:

draws to the attention of the Council:

We therefore ask the Council to:

Must be addressed to Eurobodalla Shire

Who the petition is **from**, e.g. 'residents of Broulee'

REASON: explain the issue of concern. It must be a matter on which Council has the power to

REQUEST: state the action you want Council to take.

PRINCIPAL PETITIONER

Full Name: _____

Signature: _____

Address: _____

_____ Postcode: _____

Email (if any): _____

Telephone (daytime): _____

CONTACT DETAILS for principal petitioner
This information is only for office use. It will not be published, but when the petition has been presented to Council it may be available for the

NAME AND SIGNATURE

| |
|----|
| 1. |
| 2. |
| 3. |
| 4. |
| 5. |
| 6. |
| 7. |
| 8. |
| 9. |

SIGNATURES OF OTHER PETITIONERS

- At least 5 signatures are required for a petition to go to Council.
- Other information such as postal addresses can be provided, but they are **not** required. (Petitions seeking other information should state that it is a 'voluntary' field)
- If needed, attach more pages for signatures. Signatures on the back of a page or on a blank page, will **not** be counted.

10.

We therefore ask the Council to:

NAME AND SIGNATURE

The request (the action you want Council to take) **must** appear at the top of **each additional page** of names and signatures

1.

2.

3.

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