



CODE OF MEETING PRACTICE

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| Date | Amendment | Reference |
|------------|---|---|
| 08/02/1994 | Adopted in Principle | PR/3 |
| 19/04/1994 | Formally adopted | PR/38 |
| 01/07/1994 | Government Gazette No. 88 (Legislation Change) | 1994 |
| 10/11/1995 | Government Gazette No. 138 (Legislation Change) | 1995 |
| 31/12/1996 | Government Gazette No. 143 (Legislation Change) | 1996 |
| 1/3/1998 | <i>Local Government Amendment (Open Meetings) Act 1997</i> | Policy and Finance 7/4/98 - PF/70 |
| 1/3/1998 | Government Gazette No. 32 (Legislation Change) (<i>Local Government (Meetings) Amendment Regulation 1998</i>) | |
| 26/6/1998 | Government Gazette No. 97 (Legislative Change) (<i>Local Government Amendment (Meetings) Act</i>) | |
| 1/8/1999 | Repeal of Local Government (Meetings) Regulation | 1993 |
| 1/8/1999 | Government Gazette No. 98 (Legislative Change) (<i>Local Government (Meetings) Regulation 1999</i>) including amendment 2/5/2000 | PF/92 |
| 5/6/2001 | Amendments following review in respect of the rescission or alteration of resolutions | Policy and Finance 5/6/2001 - PF/110 |
| 9/7/2002 | Amendment to Clause 24 regarding notice of business to be transacted | PF/135 - 9/7/2002 |
| 13/8/2002 | Schedule 3 - Additional item in Policy and Finance agenda, "Items for Inspection" | PF/182 |
| 12/11/2002 | Clause 36(3) Local procedure limiting speeches in Council to 3 minutes | MM/20 |
| 8/4/2003 | Clause 77 Public Notice of Meetings. Amendment to accord with Local Government Act (Clause 5 Regulation) | PF/55 |
| 12/8/2003 | Clause 22 - Mayor to make statement acknowledging Indigenous people of Mosman (Clause 12 Regulation) | PF/147 |
| 10/2/2004 | Amendment to Clause 48 regarding Acts of Disorder | PF/22 |
| 7/6/2004 | Amendment to Clause 24(1)(a) regarding Notice of Business Amendment to Clause 33(6) adding an additional sub-clause (d) re questions without notice Amendment to Clause 84(7) re late correspondence | CS/21 |
| 1/11/2004 | Amendment to Clause 6 regarding How Often Does the Council Meet Amendment to Clause 9 regarding Notice of Meetings Amendment to Clause 22 regarding Order of Business (Clause 12 Regulation) Amendment to Clause 45 regarding Motion of Adjournment Amendment to Clause 46 regarding Termination of Council Meetings | CS/74 |
| 18/11/2004 | Amendment to Clause 59 regarding Departure from Council and Committee Meetings Amendment to Clause 85 regarding Receipt, Tabling, Submission, Presentation and Reading of Documents | |
| 7/2/2005 | Deletion of Clause 27 regarding Committee Reports Renumbering of clauses 28-90 to 27-89 Addition to sub-clause 38(2) regarding Voting at Council Meetings Addition to sub-clause 41 regarding matters to be included in Minutes of Council meeting Amendment to Clause 66 regarding Termination of Committee Meetings New sub-clause 70(6) regarding Non-pecuniary interests Addition to sub-clause 76(2) regarding Public Notice of Meetings | CS/3 |

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| | Amendment to sub-clause 77(7)(d) regarding who is entitled to attend meetings Addition to sub-clause 83(1) regarding Public Addressing Meetings Amendments to Schedules 1, 2 and 3 | |
| 2/5/2006 | Amendments to reflect Department of Local Government Meetings Practice Note (Practice Note 16) November 2005 Update of references to Local Government (General) Regulation 2005. Re-write of Code to contemporise with current procedures and protocols. | CS/27 |
| 3/10/2006 | Amendments including Clause 44 (5) being amended. | CS/60 |
| 3/4/2007 | Amendments to Clause 33(6)(a) | GM/16 |
| 1/5/2007 | Amendments to Clause 33(1)(c) and 33(6)(a) | CS/31 |
| 23/09/2008 | Amendment to acknowledge new Model Code of Conduct that came into effect 28 June 2008 replacing the Code of Conduct Committee with Conduct Review Committee. Amendment to include Mosman Sustainability Advisory Group. Amendment to accord with <i>Local Government and Planning Legislation Amendment (Political Donations) Act 2008</i> and the need for a division to be called whenever a planning decision is put. | |
| 4/8/2009 | Amendment to Clause 12A(2) to delete the words "and state the reasons for the leave". | |
| 3/11/2009 | Draft amendments to reflect Division of Local Government Meetings Practice Note (Practice Note 16) August 2009. | |
| 2/2/2010 | Adoption of draft amended Code of Meeting Practice following public exhibition | CS/5 |
| 30/11/2010 | Amendment to Clause 22 (6) (ii) which deals with Councillors having first call on items on the agenda, be amended to limit the items to a maximum of three items per Councillor on each round of the table. | CS/76 |
| 5/3/2013 | Review of Code of Meeting Practice - Placed on Public Exhibition from 13 March - 25 April 2013 | CS/15 |
| 7/5/2013 | Adoption of Code of Meeting Practice following Public Exhibition | CS/33 |
| 5/2/2015 | Amendment to Clause 23(1)(a) to delete the words "providing that the business only be considered at the first Ordinary Council meeting of the month". | NM/1 |
| 14/04/2015 | Adoption of Code of Meeting Practice following Public Exhibition | CS/11 |
| | Amendment to provide for webcasting of open session of Council meetings | |

TABLE OF CONTENTS

| | |
|---|----------|
| PART 1 - PRELIMINARY | 1 |
| 1. The Code of Meeting Practice | 1 |
| 2. Definitions (Clause 231 Regulation) | 1 |
| 3. Act and Regulation | 2 |
| PART 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS | 4 |
| 4. How Often Does the Council Meet (s 365 LG Act) | 4 |
| 5. Calling of Extraordinary Meetings Upon Request by Councillors (s 366 LG Act) | 4 |
| 6. Convening a Meeting | 4 |
| 7. Notice of Meetings (s 9(1) and s 367 LG Act) | 4 |
| 8. What is the Quorum for a Meeting (s 368 LG Act) | 5 |
| 9. What Happens when a Quorum is not Present (Clause 233 Regulation) | 5 |
| 10. Presence at Council Meetings (Clause 235 Regulation) | 6 |
| 11. Leave of Absence | 6 |
| 12. Attendance of General Manager at Meetings (s 376 LG Act) | 6 |
| PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS | 7 |
| 13. What is the Role of the Mayor (s 226 LG Act) | 7 |
| 14. What is the Role of Councillors (s 232 LG Act) | 7 |
| 15. Who Presides at Meetings (s 369 LG Act) | 8 |
| 16. Councillor to be Elected to Preside at Certain Meetings (Clause 236 Regulation) | 8 |
| 17. Chairperson to Have Precedence (Clause 237 Regulation) | 8 |
| 18. Chairperson's Duty with Respect to Motions (Clause 238 Regulation) | 9 |
| 19. Minutes (s 375 LG Act) | 9 |
| 20. Business at Council Meetings | 9 |
| 21. Order of Business (Clause 239 Regulation) | 10 |
| 22. Agendas for Council Meetings (Clause 240 Regulation) | 11 |
| 23. Giving Notice of Business, Notices of Motion and Urgency Provisions (Clause 241 | 12 |
| 24. Agenda for Extraordinary Meeting (Clause 242 Regulation) | 13 |
| 25. Official (Mayoral) Minutes (Clause 243 Regulation) | 13 |
| 26. Report of a Departmental Representative to be Tabled at Council Meeting (Clause 244 Regulation) | 14 |
| 27. Notice of Motion - Absence of Mover (Clause 245 Regulation) | 14 |
| 28. Motions to be Seconded (Clause 246 Regulation) | 14 |
| 29. How Subsequent Amendments may be Moved (Clause 247 Regulation) | 15 |
| 30. Motions contrary to Officer's Recommendation for Development Applications | 15 |
| 31. Motions of Dissent (Clause 248 Regulation) | 15 |
| 32. Petitions May be Presented to the Council | 16 |
| 33. Questions may be put to Councillors and Council Employees (Clause 249 Regulation) | 16 |
| 34. Mode of Address | 17 |
| 35. Limitation as to Number of Speeches (Clause 250 Regulation) | 17 |
| 36. Defamatory Statements | 18 |
| 37. Motions Put without Debate | 19 |
| 38. What are the Voting Entitlements of Councillors (s 370 LG Act) | 19 |
| 39. Voting at Council Meetings and Divisions (Clause 251 Regulation) | 19 |
| 40. Confidential and Closed Sessions | 21 |
| 41. Representations by Members of the Public - Closure of Part of Meeting (Clause 252 Regulation) | 22 |
| 42. Resolutions Passed at Closed Meetings to be made Public (Clause 253 Regulation) | 22 |
| 43. Matters to be included in Minutes of Council Meeting (Clause 254 Regulation) | 22 |
| 44. What Constitutes a Decision of the Council (s 371 LG Act) | 23 |
| 45. Who Makes and Acts on Council decisions | 24 |
| 46. Rescinding or Altering Resolutions (s 372 LG Act) | 24 |
| 47. Motions of Adjournment | 26 |
| 48. Termination of Council Meetings | 26 |

| | |
|--|----|
| PART 4 - KEEPING ORDER AT MEETINGS | 27 |
| 49. Councillor Conduct at Meetings | 27 |
| 50. Questions of Order (Clause 255 Regulation) | 27 |
| 51. Acts of Disorder (Clause 256 Regulation) | 27 |
| 52. How Disorder at a Meeting May be Dealt With (Clause 257 Regulation) | 28 |
| 53. Power to Remove Persons from Meeting after Expulsion Resolution (Clause 258 Regulation) | 29 |
| 54. Committee of Council (s 373 Act) | 30 |
| 55. Committee of the Whole (Clause 259 Regulation) | 30 |
| 56. Council May Establish Committees (Clause 260 Regulation) | 30 |
| 57. Functions of Committees (Clause 261 Regulation) | 31 |
| 58. Notice of Committee Meetings to be Given (Clause 262 Regulation) | 31 |
| 59. Giving Notice of Business | 31 |
| 60. Non-members Entitled to Attend Committee Meetings (Clause 263 Regulation) | 31 |
| 61. Representatives by Members of the Public - Closure of part of Meeting (Clause 264 Regulation) | 31 |
| 62. Procedure in Committees (Clause 265 Regulation) | 31 |
| 63. Committees to Keep Minutes (Clause 266 Regulation) | 32 |
| 64. Chairperson and Deputy Chairperson of Committees (Clause 267 Regulation) | 32 |
| 65. Absence from Committee Meetings (Clause 268 Regulation) | 33 |
| 66. Reports of Committees (Clause 269 Regulation) | 33 |
| 67. Disorder in Committee Meetings (Clause 270 Regulation) | 33 |
| 68. Certain Persons may be expelled from Council Committee Meetings (Clause 271 Regulation) | 34 |
| 69. Termination of Committee Meetings | 34 |
| PART 6 - PECUNIARY INTERESTS | 35 |
| 70. What is a "Pecuniary Interest"? (S442 Act) | 35 |
| 71. Who has a Pecuniary Interest? (S443 Act) | 35 |
| 72. What Interests do not have to be Disclosed? (S448 Act) | 36 |
| 73. Disclosure and Participation in Meetings (S 451, S456 and S457 LG Act) | 36 |
| 74. Participation in Meetings Despite Pecuniary Interest (S448 LG Act) | 38 |
| 75. Disclosures to be Recorded (S453 LG Act) | 39 |
| 76. General Disclosure (S454 LG Act) | 39 |
| 77. Powers of Council in Relation to Meetings | 40 |
| 78. Powers of Minister in Relation to Meetings (S458 LG Act) | 40 |
| 79. Public Notice of Meetings (S9 LG Act) (Clause 232 Regulation) | 41 |
| 80. Who is Entitled to Attend Meetings (S10 LG Act) | 42 |
| 81. Which parts of a Meeting can be Closed to the Public (s 10A LG Act) | 43 |
| 82. Further Limitations Relating to Closure of Parts of Meetings to Public (S10B LG Act) | 44 |
| 83. Notice of Likelihood of Closure not Required in Urgent Cases (S10C LG Act) | 45 |
| 84. Grounds for Closing Part of Meeting to be Specified (S10D LG Act) | 45 |
| 85. Public Access to Correspondence and Reports (S11 LG Act) | 45 |
| 86. Public Addressing Meetings | 46 |
| PART 8 - MISCELLANEOUS | 48 |
| 87. Receipt, Tabling, Submission, Presentation and Reading of Documents | 48 |
| 88. Information Relating to Proceedings at Closed Meetings Not To Be Disclosed (S664 LG Act) | 49 |
| 89. Inspection of the Minutes of the Council or Committee (Clause 272 Regulation) | 49 |
| 90. Audio/Video Recording of Meeting of Council or Committee prohibited without permission (Clause 273 Regulation) | 50 |
| 91. Recording and Webcasting of Meetings by the Council | 50 |
| 92. Council Seal (Clause 400 Regulation) | 51 |
| 93. Certain Circumstances do not Invalidate Council's Decision (s 374 LG Act) | 51 |
| 94. Referendums (s 15 LG Act) | 52 |
| 95. Suspended Councillors | 52 |
| 96. Workshops | 53 |
| 97. Traffic Committee | 53 |

98. Audit Committee.....54

99. Community Consultative Committees.....54

SCHEDULE 155

The *Local Government Act 1993* requires that this Code is not inconsistent with the provisions of the Act and Regulation. This Code also includes the requirements of the Office of Local Government Meetings Practice Note (Practice Note 16), August 2009.

The Practice Note can be viewed on:

- Council's document management system (Document Set ID 2188554)
- Council's web site
<http://mosman.nsw.gov.au/council/meetings/council-official-calendar/>
- Office of Local Government web site
<https://www.olg.nsw.gov.au/sites/default/files/Practice-Note-16-Meetings-Practice-Note-August-2009.pdf>

PART 1 - PRELIMINARY

1. The Code of Meeting Practice

- i. The Act and the Regulation set out the basic procedure that must be followed at Council meetings. Council adopts this Code to cover the relevant provisions of the Act, the Regulation and additional provisions that are consistent with the Act or the Regulation (s.360 (2) of the Act).
- ii. Council must publicly notify its draft Code and consider all submissions before adopting it (s.361 and s.362 of the Act). Once the Code is adopted, Council and Council committees consisting only of Councillors must run meetings following the Code (s.360 (3) of the Act).
- iii. Failure to run meetings in line with the Act and the Regulation is a breach of the Act (s.672 of the Act). Any person may bring proceedings in the Land and Environment Court to fix or stop a breach of the Act (s.674 of the Act).
- iv. Failure to follow the Meeting Code does not result in the proceedings of the Council or committee meeting being invalid (s.374 (e) of the Act). Although a breach, failure to follow the Act, the Regulation or the Meeting Code is not an offence under the Act and therefore no specific penalties apply.
- v. Changes to the Act or Regulation will automatically impact this Code. Any legislative changes will be included in this Code to ensure that its provisions are in line with those changes. If inconsistent, the provisions of the Code will be changed or taken out to match the Act and the Regulation.
- vi. The Meeting Code is automatically amended as a result of changes to the Act or Regulation. These changes do not require public notification under sections 361 to 363 of the Act.
- vii. Any amendment to the additional provisions provided by the Council in its Meeting Code will require public notification.

2. Definitions (Clause 231 Regulation)

- (1) In this Code:

Amendment, in relation to an original motion, means a motion moving an amendment to that motion

Chairperson:

- a. in relation to a meeting of the Council - means the person presiding at the meeting as provided by Clause 15 of this Code (Section 369 of the Act) and
- b. in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 64 of this Code (Clause 267 of the Regulation)

Committee, in relation to the Council, means a Committee established under Clause 56 of this Code (Clause 260 of the Regulation) or the Council when it has resolved itself into a Committee of the Whole

Councillor is a person elected or appointed to civic office as a member of the governing body (of Council) and includes a Mayor

Quorum for a meeting of the Council or Committee is a majority of the Councillors of the Council who hold office for the time being and who are not suspended from office (s 368 of the LG Act)

Record means a document (including any written or printed material) or object (including a sound recording, video recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by the Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council

Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse
- (b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a)

Resident means any member of the public including resident ratepayers, non-resident ratepayers and non-ratepaying residents, excepting in relation to Clause 86(1) of this Code which limits access to Open Question Time to Mosman residents and ratepayers only.

the Act, means the *Local Government Act 1993*

the LG Act means the *Local Government Act 1993*

the Code means the Mosman Municipal Council Code of Meeting Practice

the Regulation means the Local Government (General) Regulation 2005

- (2) Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

3. Act and Regulation

- (1) This Code is made under the *Local Government Act 1993*, including Sections 360 (2) and 748, and is in accordance with the *Local Government (General) Regulation 2005*.
- (2) The object of this Code is to provide for the convening and conduct of meetings of Mosman Municipal Council and of Committees of Council of which all the members are Councillors. Provision is also made for Committees and groups that do not have Councillors solely as members.
- (3) Where this Code does not contain a provision dealing with any particular situation, relating to the convening and conduct of meetings, then those provisions of the rules

governing the conduct of sessions of the Legislative Assembly of the Parliament of New South Wales shall apply.

- (4) This Code reflects the best practice standards provided in the Office of Local Government's Meetings Practice Note (Practice Note 16).
- (5) This Code may be amended only in accordance with the provisions of Section 363 of the Act.

PART 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

4. How Often Does the Council Meet (s 365 LG Act)

- (1) The Council is required to meet at least 10 times each year, each time in a different month. Council will generally meet on the first and third Tuesdays of every month (except January) commencing at 7.00pm unless in the opinion of the General Manager following consultation with the Mayor it is deemed that there is insufficient business to warrant two meetings in any one month, in such circumstances the meeting will be held on the first Tuesday.

5. Calling of Extraordinary Meetings Upon Request by Councillors (s 366 LG Act)

- (1) The Mayor may call extraordinary meetings of the Council upon receipt of a written request from at least one other Councillor. The Mayor cannot call an extraordinary meeting by him or herself.
- (2) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. A copy of the request must be forwarded to the General Manager.
- (3) If the Mayor fails within 7 days after receipt of the request pursuant to subsection (2), to give a direction to the General Manager for the sending of notices to Councillors for an extraordinary meeting to be held within the period specified in subsection (2), the General Manager must send a notice to each Councillor specifying that the meeting be held on a date within the period specified in subsection (2).

6. Convening a Meeting

A meeting cannot be held unless due notice in writing has been given to all members and a quorum is present (See Part 2 of this Code).

7. Notice of Meetings (s 9(1) and s 367 LG Act)

(1) Three Days Notice

The General Manager of the Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting. Agendas for meetings are to be delivered to Councillors on the Wednesday prior to the week during which those Council meetings are being held.

- (2) Sufficient public notice of the time and place of ordinary and extraordinary Council meetings must be published in the local newspaper or in other ways if it is likely to come to the public's attention. If public notice is unable to be given in the local newspaper, public notice will be deemed to have been made when the agenda is posted to Council's website.

(3) **Emergency Meetings**

Notice of less than three days may be given of an extraordinary meeting called in an emergency.

(4) **Electronic Form**

A notice under this Section and the agenda relating to the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice and the agenda in that form (s.367 (3) of the LG Act).

(5) **If Proper Notice Is Not Given**

A Council resolution will still be valid even if proper notice had not been given for the meeting in which the decision was made (s.374 of the Act). If the meeting does not follow the Act, the Regulation, the Model Code or council's Meeting Code there may be a 'breach' of the Act (s.672), but this does not mean that the decision is invalid (s.374 of the LG Act).

8. What is the Quorum for a Meeting (s 368 LG Act)

A quorum is the minimum number of Councillors necessary to hold a meeting. Council cannot make a valid resolution without a quorum.

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. The quorum for the present Council is four Councillors including the Chairperson.

Councillors that leave a meeting due to a pecuniary interest in a matter are not counted for the purpose of a quorum (Clause 235 Regulation).

9. What Happens when a Quorum is not Present (Clause 233 Regulation)

(1) A meeting of the Council must be adjourned if a quorum is not present:

- a. within half an hour after the time designated for the holding of the meeting; or
- b. at any time during the meeting.

(2) In either case, the meeting must be adjourned to a time, date and place fixed:

- a. by the Chairperson; or
- b. in his or her absence - by the majority of the Councillors present; or
- c. failing that, by the General Manager.

(3) 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.

- (4) When meetings are adjourned, each Councillor and the public shall be notified of the new date, time or place.
- (5) Councillors shall avoid leaving a meeting with the intention of removing the quorum so that business cannot proceed.
- (6) When a meeting is adjourned, a new agenda and business papers shall not be issued. As the meeting is a continuation of the same meeting, business not already on the agenda could be dealt with only in accordance with the urgency procedure detailed at Clause 24 of this Code.

10. Presence at Council Meetings (Clause 235 Regulation)

- (1) The Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

11. Leave of Absence

- (1) Leave of absence may be granted to Councillors from Council or Committee meetings, at the discretion of the Council (s.234 (1) (d) of the Act).
- (2) A Councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent. (cl 235A(1) Reg)
- (3) A Councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend. (cl 235A(2) Reg)
- (4) A Councillor who does not attend three (3) consecutive council meetings will lose their civic office unless leave has been granted (s.234 (1) (d) Act).

12. Attendance of General Manager at Meetings (s 376 LG Act)

(1) Cannot Vote

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 the members are Councillors.

(2) Can Vote

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.

(3) Exclusion from Meeting

However, 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 the employment of the General Manager.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

13. What is the Role of the Mayor (s 226 LG Act)

- (1) The role of the Mayor is:
 - to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
 - to exercise such other functions of the Council as the Council determines
 - to preside at meetings of the Council
 - to carry out the civic and ceremonial functions of the Mayoral Office.
- (2) The Mayor holds office until the successor is declared elected (s 230 (3) (b) of LG Act).
- (3) When necessary, the Mayor may exercise the policy-making functions of the Council between meetings (s.226 of the Act). The Mayor shall report his or her actions to the next Council meeting by way of a Mayoral Minute.

14. What is the Role of Councillors (s 232 LG Act)

(1) Member of Governing Body

The role of the Councillor is, as a member of the governing body of the Council:

- to direct and control the affairs of the Council in accordance with the Act
- to participate in the optimum allocation of the Council's resources for the benefit of the area
- to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions.
- to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

(2) Elected Person

The role of the Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community and the Council.

Councillors start holding office on the day they are elected and other than the Mayor cease holding office on the day of the ordinary election (s 233 of LG Act).

15. Who Presides at Meetings (s 369 LG Act)

(1) Mayor or Deputy

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.

(2) Absence (s 369 (2) of LG Act)

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

16. Councillor to be Elected to Preside at Certain Meetings (Clause 236 Regulation)

- (1) 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.
- (2) The election must be conducted;
 - a. by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - b. if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a Chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of sub-clause (3), the person conducting the election must:
 - a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

17. Chairperson to Have Precedence (Clause 237 Regulation)

When the Chairperson rises or speaks during a meeting of the Council:

- a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and

- b. every Councillor present must be silent to enable the Chairperson to be heard without interruption.

18. Chairperson's Duty with Respect to Motions (Clause 238 Regulation)

- (1) 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.
- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

19. Minutes (s 375 LG Act)

(1) Minutes to be Kept

The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

(2) Confirmation

The correctness of the minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.

- (3) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- (4) Minutes may be confirmed at an extraordinary meeting of the Council.

(5) Signature

The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed on the last page by the person presiding at that subsequent meeting.

20. Business at Council Meetings

(1) Council Meetings

The following business can be discussed and dealt with at Council meetings:-

- a. Business which a Councillor has given written notice of within the required time before the meeting (cl.241(1)(a) of the Regulation), and of which notice has been given to Councillors (s.367 of the LG Act);
- b. Business that is already before the Council or directly relates to a matter that is already before the Council (cl.241(2)(a) of the Regulation). For example, business that was discussed at the last Council meeting, or business in a report made by Council staff in response to an earlier Council request for a report;

- c. The election of a Chairperson for the meeting (cl.241(2)(b) of the Regulation);
- d. A matter raised in a Mayoral Minute (cl.241(2)(c) of the Regulation);
- e. A motion to adopt committee recommendations (cl.241(2)(d) of the Regulation);
- f. Business ruled by the Chairperson to be of great urgency (cl.241(3) of the Regulation) but only after a motion is passed to allow this particular business to be dealt with. This motion can be moved without notice.

(2) Extraordinary Council Meetings

The following business can be discussed and dealt with at Extraordinary Council meetings:-

In general, only matters stated in the meeting agenda may be dealt with at an Extraordinary Council meeting. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting, but only after the business in the agenda is finished (cl.242 of the Regulation).

21. Order of Business (Clause 239 Regulation)

- (1) At a meeting of the Council (other than an extraordinary meeting), the general order of business is as fixed by this code and in accordance with Schedule 1 to this Code.

(2) Suspension of Standing Orders

The order of business fixed under Sub-clause (1) may be altered if a motion to suspend standing orders is carried, with the exception that items may be brought forward where it is apparent that there are people present in the public gallery with an interest in the item without the need to move a motion of suspension. Such a motion can be moved without notice.

- (3) Despite Clause 37 of this Code, only the mover of a motion referred to in sub-clause (2) may speak to the motion before it is put.

(4) Calling of items for individual consideration:

- i. Prior to the commencement of each meeting, the General Manager will ask residents present if they seek to address the Council on an item listed on the agenda and will register their names.
- ii. Prior to considering these items, the Mayor will ask Councillors which items on the agenda they wish to speak to or discuss. Councillors will have the opportunity for the first call of items to be discussed individually on a rotational basis. Councillors are limited to calling a maximum of three items per Councillor on each round of the table. Staff will then indicate whether they wish any items to be called.
- iii. The General Manager will advise of any items called by residents and not called by Councillors and ask those residents whether they still wish to address the Council or withdraw the call.

- iv. The General Manager will then confirm those items called by residents and Councillors and those deemed appropriate for the officer's or Committee's recommendation to be adopted en globo.
- v. The Mayor will then call for a Motion to adopt the officer's or Committee's recommendation in relation to those items not called by residents, Councillors and staff and which are not the subject of a declaration of conflict of interest.
- vi. Council will allow residents to address the meeting and to receive questions from Councillors in relation to those items called by residents.
- vii. The item will then be debated and determined by Council.

22. Agendas for Council Meetings (Clause 240 Regulation)

The provision of and use of information in agendas shall be in accordance with Council's Code of Conduct.

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
 - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - b. if the Mayor (or the Deputy Mayor if acting for 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. subject to sub-clause (2), any business of which due notice has been given; and
 - d. full details of those items the subject of recommendations from Committees, with appropriate notation in respect of those items "Resolved" by the Committees. The Official Minutes of Council Meetings are to include details of all matters determined by Council and Committees.
- (2) The General Manager must not include in the Agenda for a meeting of the Council, any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- (4) The General Manager must ensure that the details of any item of business to which Section 9 (2A) of the Act applies are included in an agenda for the meeting concerned.
- (5) Nothing in this clause limits the powers of the Chairperson under Clause 25.
- (6) Copies of the agenda must be available for the public at the Council offices and at the meeting, free of charge in accordance with Section 9 of the Act.
- (7) Plans submitted with applications for development consent are not to be included in the business papers. Plans are provided to Councillors by way of attachment only and

copies are therefore not available to the public. Plans (other than the site and elevation plans provided for public notification) may be viewed by the public but not copied.

- (8) Additional information can be provided to Councillors by way of attachments to the business papers and late correspondence. Late correspondence is distributed in accordance with Clause 87(7) of this Code. Copies of attachments are provided to the press and public with the agenda. Late correspondence is not provided to the press and public.
- (9) Copies of public submissions in relation to Development Applications shall not be provided in the Councillor's attachments, as the issues raised shall be dealt with in the staff report. Correspondence received after preparation of the business papers shall be forwarded to Councillors as late correspondence.
- (10) A staff recommendation once included on the agenda can be amended by circulation of a written further staff recommendation prior or at the meeting or upon the oral advice of the General Manager at the meeting.

23. Giving Notice of Business, Notices of Motion and Urgency Provisions (Clause 241 Regulation)

- (1) Council must not transact business at a meeting of the Council:
 - a. unless the Councillor has given notice of the business in writing by 12 noon on the Tuesday immediately preceding the meeting; and
 - b. unless notice of the business has been sent to the Councillors at least 3 days before the meeting or, in the event of an extraordinary meeting called in an emergency, at least one day.
- (2) A Councillor may withdraw a notice of motion before it is placed on the agenda.
- (3) Notices of Motion listed on the agenda shall not be accompanied by supporting notes or comments from staff. Should further information be required the council may resolve to call for a staff report.
- (4) Sub-clause (1) does not apply to the consideration of business at a meeting if the business:
 - a. (i) is already before, or directly relates to a matter that is already before the council; or
 - (ii) is the election of a Chairperson to preside at the meeting as provided by clause 16 (1); or
 - (iii) is a matter or topic put to the meeting by the Chairperson in accordance with clause 25; or
 - (iv) is a motion for the adoption of recommendations of a Committee of the council.

- b. reports of Committees of the Council;
 - c. reports from officers which in the opinion of the Chairperson or the General Manager are urgent; and
 - d. reports from officers placed on the agenda pursuant to a decision of a Committee that additional information be provided to the Council in relation to a matter before the Committee.
- (5) Despite sub-clause (1), business may be transacted at a meeting of the Council even though due notice of the business has not been given to Councillors. However, this can happen only if:
- a. a motion is passed to have the business transacted at the meeting; and
 - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency and the reason for urgency is recorded in the Minutes.

Such a motion can be moved without notice.

- (6) Despite Clause 35 of this code, only the mover of a motion referred to in sub-clause (5) can speak to the motion before it is put.

24. Agenda for Extraordinary Meeting (Clause 242 Regulation)

- (1) 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) Despite sub-clause (1), business may be transacted at an extraordinary meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- a. a motion is passed to have the business transacted at the meeting; and
 - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite Clause 37, only the mover of a motion referred to in sub-clause (2) can speak to the motion before it is put.

25. Official (Mayoral) Minutes (Clause 243 Regulation)

- (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of the Council, the Mayor (or Deputy Mayor, if acting for the Mayor) is entitled to put to the meeting without notice by way of a Mayoral Minute any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

Mayoral Minutes shall be submitted to meetings of Council only, not committee meetings.

- (2) Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors before coming to a decision.
- (3) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded. Mayoral Minutes may be amended however any changes should avoid matters that need research or a lot of consideration by the Councillors before coming to a decision.
- (4) A recommendation made in a minute of the Chairperson or in a report made by the Council employee is, so far as adopted by the Council, a resolution of the Council.

26. Report of a Departmental Representative to be Tabled at Council Meeting (Clause 244 Regulation)

When a report of a Departmental representative has been presented to a meeting of the Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- a. is laid on the table at that meeting; and
- b. is subsequently available for the information of Councillors and members of the public at all reasonable times.

27. Notice of Motion - Absence of Mover (Clause 245 Regulation)

In the absence of the Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

- a. any other Councillor may move the motion at the meeting; or
- b. the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

28. Motions to be Seconded (Clause 246 Regulation)

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. A motion formally puts the subject of the motion as an item of business for the Council.

An amendment is a change to the motion before the Council, and takes place while that motion is being debated. An amendment to a motion must be put forward in a motion itself.

- (1) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded. This Clause is subject to Clauses 25 (3) and 35 (5) of this Code.

- (2) The mover has the right to speak first and a general 'right of reply' at the end of the debate. No new arguments or materials should be argued during the 'right of reply' (cl 250 (1) of Regulation).
- (3) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
- (4) An amendment shall not be moved to a motion which is a direct negative to that motion.
- (5) That this Council deprecates time wasting Motions and affirms its intent to administer the Council Area by applying the law in a sensible manner.

29. How Subsequent Amendments may be Moved (Clause 247 Regulation)

- (1) If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be) and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- (2) It is permissible to debate the motion and amendment concurrently.
- (3) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- (4) The Chairperson can rule an amendment to be new business and out of order.

30. Motions contrary to Officer's Recommendation for Development Applications

Should Councillors move a motion to approve a Development Application that staff has recommended for refusal, Councillors shall not move any motion that approves the application, unless the report addresses an option of approval and details conditions of approval. Should the report not address an approval option for the Council's consideration, Councillors must call for a staff report detailing conditions of approval.

Should Councillors move a motion to refuse a Development Application that staff have recommended for approval, appropriate reasons for refusal must be included in the motion.

31. Motions of Dissent (Clause 248 Regulation)

- (1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, 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 discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.

- (3) Despite Clause 37 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.

32. Petitions May be Presented to the Council

- (1) A Councillor may present a petition to the Council.
- (2) The Chairperson must not permit discussion on the petition if the petition does not relate to an item of business on the agenda.
- (3) Petitions may be published in Council's business papers provided such action is not in conflict with the *Privacy and Personal Information Protection Act 1998*.

33. Questions may be put to Councillors and Council Employees (Clause 249 Regulation)

- (1) A Councillor:
 - a. may, through the Chairperson, put a question to another Councillor; and
 - b. may, through the Chairperson and the General Manager, put a question to a Council employee; and
 - c. may, submit a written question without notice to the General Manager which question will be taken as read providing the questions and answers are recorded in the Minutes of the meeting and posted to Council's website by the Friday immediately following the Council Meeting.
- (2) However, the 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.
- (3) The Councillor must put every such question directly, succinctly and without argument. (cl.2.5 Meeting Practice Note Aug 2009)
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to the Councillor or Council employee under this clause. (cl.2.5 Meeting Practice Note Aug 2009)
- (5) Nothing in this Clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.
- (6) Questions without notice will be received in writing from Councillors by the General Manager at the agenda item 'Questions Without Notice' in the order of business. The following apply to questions without notice:
 - a. no arguments or opinions shall be expressed in questions (questions and answers shall be recorded in the Minutes of the Council Meeting as provided in sub-clause 1(c));

- b. the questions and answers be recorded in the Minutes of meeting in which the questions were received and a Register of Questions Without Notice be maintained;
- c. the dealing of the Councillor's question without notice be held over if the Councillor has previously obtained leave from Council pending his/her return;
- d. questions without notice be listed on the Agendas for both Ordinary Council meetings held each month; and
- e. questions without notice shall not be listed on the agenda for Extraordinary meetings of Council.

34. Mode of Address

Councillors and Council employees shall at all times:

- (1) address Councillors by their official designation, as Mr or Madam Mayor or Councillor, as the case may be;
- (2) address Council employees by their position title;
- (3) address the Chairperson (when not the Mayor) as Mr or Madam Chairperson;

and with the exception of the Chairperson, or any Councillor or Council employee prevented by physical disability, shall stand when speaking in Council meetings (Clause 2.2.1 Meeting Practice Note 2009).

35. Limitation as to Number of Speeches (Clause 250 Regulation)

- (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) 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 (cl 250 (2) of Regulation).
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Council has resolved that a Councillor should only speak for three minutes at any time.

- (4) Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:

- a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - b. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under Subclause (4). A seconder is not required for such a motion (cl 250 (5) of the Regulation).
- (6) 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 his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

36. Defamatory Statements

Councillors acting within their official capacity at meetings of Council or committees have a defence of 'qualified privilege' to actions in defamation. Statements need to be made at meetings when carrying out official duties and business relevant to Council, and in good intentions without malice. Statements outside these parameters may not be protected.

The Chairperson may take action to ensure order is maintained at meetings.

- (1) Councillors, staff and members of the public can seek legal compensation, apology etc if they are defamed.
- (2) Councillors acting within their official capacity at meetings of Council or Council committees have a defence of 'qualified privilege' to actions in defamation. This recognises that Councillors may need to speak freely and publicly in carrying out their duties. Qualified privilege needs to be treated with great caution as it only covers statements made at a Council or committee meeting when Councillors are carrying out their duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice.
- (3) A statement made outside of a Council or committee meeting will not be protected by qualified privilege, but may be protected under the *Defamation Act 1974* (NSW). Independent legal advice should be sought on defamation issues.
- (4) Should a Councillor make a possibly defamatory statement at a Council meeting, the Chairperson of a Council meeting is responsible for making sure that the Council carries out its meetings in line with this Code and any relevant legislation. 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.
- (5) The Chairperson may call Councillors to order whenever he or she believes it is necessary to do so. The Chairperson may ask Councillors to take back the statement and apologise. If Councillors refuse to do this, they may be expelled from the meeting

for an act of disorder (cl.256 (3)) of the Regulation and s.10 (2) of the LG Act). This does not prevent legal action from being taken against Councillors by the Council or by another Councillor, a member of Council staff or a member of the public under the *Defamation Act 1974* (NSW) or the common law.

37. Motions Put without Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

38. What are the Voting Entitlements of Councillors (s 370 LG Act)

(1) Councillors

Each Councillor is entitled to one vote. A Councillor must be present (in person) at the meeting to vote. There are no proxy votes.

(2) Person Presiding

However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. The Chairperson does not need to vote the same way on their first and second vote. Should the Chairperson fail to exercise a casting vote the motion being voted upon would be lost (cl 2.10.2 Meeting Practice Note 2009).

39. Voting at Council Meetings and Divisions (Clause 251 Regulation)

- (1) Voting shall be by use of the electronic voting system accessed using the keypad on Councillor's microphone unit. Once votes are entered by all Councillors present, results are displayed on all monitors in the Council Chambers and the Chairperson shall declare the result. The results will also be recorded in the Minutes. The Chairperson may call for voting to be by a show of hands only (except in the case of planning decisions – see sub-clause 4). Where voting is not unanimous, the General Manager must ensure that the names of Councillor's voting for each motion and against each motion and for each amendment and against each amendment are recorded in the Council's Minutes as Council respects the right of residents to know how each Councillor votes on all Council matters.
- (2) 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. A Councillor who is anywhere in the room where the Council meeting is being held is considered to be 'present' for the purposes of voting. This sub-clause does not apply to a Councillor who does not vote because he or she has a pecuniary or non-pecuniary interest in the subject matter of the motion and has left the meeting. This sub-clause does apply to Councillors who declare a non-pecuniary interest and remain at the meeting.
- (3) A division is a means by which the support or objection to a motion is easily seen and is recorded. Two Councillors may rise and call for a division on a motion and the chairperson must then ensure that a division takes place immediately (cl. 251(4) of the Regulation). As Council votes on all matters before it either by means of the electronic voting system or alternatively a show of hands, the way a Councillor votes is easily

seen and recorded. This however does not remove the right of Councillors to call for a division on the motion.

- (4) When a motion for a planning decision is put at a meeting of the Council, a division is required to be called. A planning decision means a decision made in the exercise of a function of Council under the *Environmental Planning and Assessment Act 1979* and includes a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act. A register shall be maintained containing, for each planning decision made, 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. (s 375A of LG Act)
- (5) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division, which allows support or objection to a motion to be easily seen.
- (6) When a division on a motion is demanded, 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 respectively recorded in the Council's Minutes.
- (7) Voting at a Council meeting, including voting in an election at such a meeting is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Note: The *Local Government (General) Regulation 2005*, Part 11 provides that a Council to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 394 and Clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

- (8) A Councillor must not vote on a matter where they have absented themselves during the whole or part of hearing of oral submissions by some parties to Council or Committee meetings and must not return to the Chamber until voting has concluded on the subject matter before the Chair.

40. Confidential and Closed Sessions

(1) Deciding Whether a Meeting should be Closed

- i. Certain matters, because of their confidential nature, may be considered in closed meetings. Parts of Council meetings may be closed to the public to discuss the types of matters referred to in section 10A(2) of the LG Act. Although Council decides whether the public is to be kept out of part of a meeting, the General Manager must first decide whether an item of business is likely to be discussed in a closed part of a meeting.
- ii. The General Manager shall indicate on the agenda (without details) that an item of business is likely to be discussed in a closed part of the meeting. The agenda shall also indicate the reason the item will be dealt with in the closed part of the meeting. The General Manager must make sure that any details of this item are put in a confidential business paper (cl.240(4) of the Regulation).
- iii. Council must decide whether a matter is to be discussed during the closed part of a meeting (s.10A(2) of the Act). The Council may disagree with the General Manager's assessment and discuss the matter in an open part of the meeting.
- iv. Council is also required to give members of the public the opportunity to make a statement as to whether part of a meeting should be closed (cl. 252 of the Regulation).

(2) Motion to state grounds for closing meeting

A motion to close a meeting must state the grounds for closing the meeting and the reasons why it is not in the public interest to discuss the matter in an open meeting.

(3) Notice of the intention to close a meeting

Notice of the intention to close a meeting or part of a meeting shall also be made at the time of giving notice of the meeting.

(4) Members of the public shall not be invited

To ensure impartiality and proper conduct, invitations to any member of the public to closed sessions of meetings shall not be made. Only those persons whose presence at the meeting is necessary for the provision of advice, such as Council's solicitor, shall be invited.

(5) Public access to decisions made in closed session.

- i. Resolutions or recommendations made at a closed part of a Council or committee meeting must be made public by the chairperson of the meeting as soon as practical after the closed part of the meeting has ended (cl.253 and cl.269 of the Regulation). This shall be done by a verbal statement from the General Manager.
- ii. If the meeting is a committee meeting, the resolutions or recommendations must also be reported to the next meeting of the Council (cl.269 of the Regulation). If the meeting is a closed meeting of the Committee of the Whole, its

recommendations must be reported to Open Council, usually at the same meeting. A report of the proceedings (including any recommendations of the committee) is recorded in the Council's Minutes.

- iii. While discussions in the closed part of a meeting remain confidential, the separate nature of a resolution or recommendation allows it to be made public immediately after the closed part of the meeting has ended, whilst ensuring that confidential information are not revealed.
- iv. Any person is entitled to inspect minutes containing resolutions or recommendations from the closed parts of meetings.

Part 7 of the Office of Local Government Practice Note 16 offers further guidance in relation to closed parts of meetings.

41. Representations by Members of the Public - Closure of Part of Meeting (Clause 252 Regulation)

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

42. Resolutions Passed at Closed Meetings to be made Public (Clause 253 Regulation)

If 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 part of the meeting has ended.

43. Matters to be included in Minutes of Council Meeting (Clause 254 Regulation)

Section 375 (1) of the LG Act requires a Council to ensure that full and accurate Minutes are kept of the proceedings of a meeting of the Council (other provisions of this Regulation and of the Act require particular matters to be recorded in a Council's Minutes).

Matters to be included in the Minutes of:

- (1) Council meetings

The Act and Regulation require the following matters to be included in the Minutes of Council meetings:

- i. Details of each motion moved at a Council meeting and of any amendments moved to it (cl.254 (a) of the LG Act).
- ii. The names of the mover and seconder of each motion and amendment (cl.254 (b) of the Regulation).
- iii. Whether each motion and amendment is passed or lost (cl.254(c)).
- iv. The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (cl.233 (3)).
- v. The dissenting vote of a Councillor, if requested (cl.251 (2)).
- vi. The names of the Councillors who voted for a motion in a division and those who voted against it (cl.251 (4)).

- vii. A report of the proceedings of the committee of the whole, including any recommendations of the committee (cl.259 (3)).
- viii. The grounds for closing part of a meeting to the public (s.10D).
- ix. The report of a Council committee leading to a rescission or alteration motion (s.372 (6)).
- x. The disclosure to a meeting by a Councillor of a pecuniary interest (s.453).

However, the names of Councillor's voting for each motion and against each motion and for each amendment and against each amendment will be recorded in the Minutes as provided by Clause 39 of this Code. The names of Councillors not present at the meeting at any time and the period of their absence shall also be recorded in the Minutes.

(2) Committee meetings made up of Councillors only

Full and accurate minutes to include at least-

- i. Details of each motion moved at a committee meeting and of any amendments (cl.266 (1) (a) of the Regulation).
- ii. The names of the mover and seconder of each motion and amendment (cl.266 (1) (b) of the Regulation).
- iii. Whether each motion and amendment is passed or lost (cl.266 (1) (c) of the Regulation).
- iv. The grounds for closing part of a meeting to the public (s.10D of the Act).
- v. The disclosure to a meeting by a Councillor of a pecuniary interest (s.453 of the Act).

However, the names of Councillor's voting for each motion and against each motion and for each amendment and against each amendment will be recorded in the Minutes as provided by Clause 39 of this Code. The names of Councillors not present at the meeting at any time and the period of their absence shall also be recorded in the Minutes.

(3) Closed part of a meeting

Minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost (cl. 254 of the Regulation)

44. What Constitutes a Decision of the Council (s 371 LG Act)

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision or resolution of the Council.

A local council is a body politic of the State with perpetual succession and the legal capacity and powers of an individual (s.220 of the Act). This means that the Council is legally separate from the Councillors on it, and that Council decisions are not affected by changes in its Councillors. There are limits on the decisions a Council can make in the caretaker period before an ordinary election. Decisions of Council do not lapse after an election (s s393B of Regulation)

45. Who Makes and Acts on Council decisions

- 1) The Act requires Councillors as a group to direct and control the council's affairs; allocate council resources; determine council policies and objectives; and monitor the Council's performance (s.223 and s.232 of the Act).
- 2) The General Manager is responsible for the efficient and effective operation of Council's organisation and for acting on Council decisions. The General Manager, not Councillors, is responsible for the day-to-day management of the Council and for the employment of Council staff (s.335 of the Act).
- 3) The General Manager is generally responsible for making sure Council's decisions are acted on without unnecessary delay (s 335 (1) of the LG Act).
- 4) If notice of a rescission motion is given during the meeting at which the resolution is carried, the resolution cannot be put into effect until the rescission motion has been dealt with (s.372 (2) of the Act).
- 5) The public has the opportunity to review all Council decisions, including those made at closed meetings, through the inspection of Council's meeting minutes. The right of the public to inspect Council's meeting agendas, business papers, Minutes of Council and committee meetings, and the resolutions of any closed parts of those meetings, is expressly provided for by the *Government Information (Public Access) Act 2009*.

46. Rescinding or Altering Resolutions (s 372 LG Act)

(1) Motion

- i. A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with Clause 23 of this Code.
- ii. A notice of rescission motion must be lodged with the General Manager prior to the close of the meeting at which the resolution is carried.
- iii. A resolution of Council or committee cannot be 'recommitted' at the meeting at which it is passed.
- iv. Council shall not rescind part of a resolution but rather will rescind the whole resolution and move a substantive motion that excludes that part of the resolution that would have otherwise been rescinded.

(2) Substantive Motion if Rescission Motion Carried

If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further (substantive) motion. A notice of a substantive motion may be given at the same time as the notice of motion to alter or rescind a resolution is given or may be subsequently given provided it is made in accordance with Clause 23 of this Code.

(3) **Resolution**

When 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 (s372 (2) of LG Act).

(4) **Motion Negated**

If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with Clause 23 of this Code (s372 (3) of LG Act).

(5) **Signature Requirement**

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 negated by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be. (s372 (4) of LG Act).

(6) **No Similar Motion**

If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same (s372 (5) of LG Act).

(7) **Report**

A motion to which this Clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes (s372 (6) of LG Act).

(8) **Motions of Adjournment**

The provisions of this Clause concerning negated motions do not apply to motions of adjournment.

(9) **Dealing with Rescission Motions**

- i. A rescission motion shall be dealt with at the Council meeting immediately following the meeting when notice of motion to rescind a resolution was lodged, subject to the notice of business being able to be made and included on the agenda in accordance with Clause 23 of this Code.
- ii. Rescission motions shall not be dealt with at the same meeting at which the rescission motion is lodged.

Part 6 of Division of Local Government Practice Note 16 offers further guidance in dealing with Rescission Motions.

47. Motions of Adjournment

- (1) Meetings of Council may be adjourned and the reason for the adjournment must be indicated in the Minutes.
- (2) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (3) If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- (4) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.
- (5) Meetings of Council are to be adjourned at approximately 9pm for a supper recess, with the cost of suppers and refreshments provided at Council and Committee meetings being met by Council and the supper consisting solely of sandwiches, cake, tea, coffee and soft drink, with liquor allowed after Council Meetings at the discretion of the Mayor.
- (6) Resolutions taken up to the stage of adjournment may be actioned.

48. Termination of Council Meetings

Meetings of Council shall conclude at 11.00pm unless the Council votes to extend a meeting to complete the item under consideration, and to consider the report of the General Manager of proceedings (including any recommendations of the Committee to Council.) The Chairperson shall rule on how unfinished business will be dealt with. This may include deferment of the business to the next ordinary meeting of Council or the calling of an extraordinary meeting of Council.

PART 4 - KEEPING ORDER AT MEETINGS**49. Councillor Conduct at Meetings**

- 1) Councillors must act honestly and reasonably in carrying out Council functions (s.439 of the Act). Council's Code of Conduct provides guidance on acceptable and unacceptable conduct (s.440 of the Act). Failure to comply with the Act and Council's Code of Conduct forms misbehaviour under section 440F of the Act and part 13 of the Council's Code of Conduct.
- 2) Councillors have a responsibility to behave professionally in and out of Council meetings. Councillors should maintain good working relationships with each other and act in a manner appropriate to their civic status. This would include orderly behaviour and complying with rulings from the chairperson at Council meetings. This Code and Council's Code of Conduct identify the standards and responsibilities imposed on Councillors by the Act, the Regulation and the Code of Conduct.
- 3) Acts of disorder committed by Councillors during Council or committee meetings may amount to misbehaviour, leading to censure by the Council or suspension.

50. Questions of Order (Clause 255 Regulation)

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

51. Acts of Disorder (Clause 256 Regulation)

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
 - a. contravenes the Act or any regulation in force under the Act or this Code; or
 - b. assaults or threatens to assault another Councillor or person present at the meeting; or
 - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
 - d. insults or makes personal reflections on or imputes improper motives to any other Councillor, member of staff, consultant or any member of the public present at the meeting; or

- e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt; or

(2) The Chairperson may require a Councillor:

- a. to apologise without reservation for an act of disorder referred to in Sub-clause (1) (a) or (b); or
- b. to withdraw a motion or an amendment referred to in Sub-clause (1)(c) and, where appropriate, to apologise without reservation; or
- c. to retract and apologise without reservation for an act of disorder referred to in Sub-clause (1)(d) or 1(e).

- (3) 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 sub-clause (2). The expulsion of the 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.

52. How Disorder at a Meeting May be Dealt With (Clause 257 Regulation)

- (1) The Code of Conduct provides for sanctions available to Council to address Councillor breaches of the Code. These include apology; counselling; making a public finding of inappropriate conduct; referring the matter to an appropriate investigative body; and prosecution for the breach of any law.
- (2) Council can formally censure a Councillor for misbehaviour through a resolution at a meeting. A decision to seek sanction against a Councillor should reflect the concern of the overwhelming majority of Councillors about the conduct of the Councillor and its impact on Council's operations. Council can request the Chief Executive of the Office of Local Government to suspend a Councillor from civic office. The Local Government Pecuniary Interest and Disciplinary Tribunal may conduct disciplinary proceedings for Councillor misbehaviour. Censure must not interfere with Councillors' common law right to conduct their civic duties.
- (3) If disorder occurs at a meeting of the Council or Committee of the Council, the Chairperson or Deputy Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council or Committee, on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This Sub-clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- (4) 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.

53. Power to Remove Persons from Meeting after Expulsion Resolution (Clause 258 Regulation)

If the Councillor or a member of the public fails to leave the place where a meeting of the Council or Committee of the Council is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting, (Note: Council has delegated to the Mayor "the power of expulsion" - Council Meeting 23 August 1994).

A Police Officer, or any person authorised for the purpose by the Council or Committee or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

Part 8 of Division of Local Government Practice Note 16 offers further guidance in dealing with order at meetings

PART 5 - COUNCIL COMMITTEES

54. Committee of Council (s 373 Act)

The Council may resolve itself into a Committee of the Whole to consider any matter before the Council. The Committee of the Whole may not pass a Council resolution. The Committee of the Whole may make recommendations to the Council on the items considered during Committee.

55. Committee of the Whole (Clause 259 Regulation)

- (1) 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:
 - a. limiting the number and duration of speeches; and
 - b. requiring Councillors and employees of the Council to stand when speaking.
- (2) 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 proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- (3) 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.

56. Council May Establish Committees (Clause 260 Regulation)

- (1) A Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a committee 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.
- (4) Council may resolve to change the composition of its committees whenever it chooses. This can be done by removing a Councillor from a committee and appointing another Councillor as a member, or by changing the total number of Councillors on the committee. Changes in committee composition can come directly from the Council or be recommended by the committee to the Council. The removal of a Councillor from a committee must be exercised lawfully, rationally and fairly.
- (5) Should the General Manager be appointed to a Committee of Council, he or she, like all members must accept the majority decision of the committee. The Council may

however, grant certain responsibilities to the General Manager in relation to the committee

57. Functions of Committees (Clause 261 Regulation)

Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

58. Notice of Committee Meetings to be Given (Clause 262 Regulation)

- (1) The General Manager of the Council must send to each Councillor, at least three days before each meeting of the Committee, a notice specifying:
 - a. the time and place at which and the date on which the meeting is to be held; and
 - b. the business proposed to be transacted at the meeting.
- (2) However, notice of less than three days may be given of a Committee meeting called in an emergency, as determined by the Mayor (or the Deputy Mayor if acting for the Mayor) or General Manager.
- (3) The provisions of Clause 22(2)-(4) of this code apply to the agendas of Committee meetings in the same manner as they apply to the agendas of meetings of the Council.

59. Giving Notice of Business

Where a matter is deemed by the Mayor (or the Deputy Mayor if acting for the Mayor) to be urgent, pursuant to Clause 24(2) of this Code, he/she is to furnish Council with an explanation for the urgency of the item and this reason is to be recorded in the Minutes.

60. Non-members Entitled to Attend Committee Meetings (Clause 263 Regulation)

- (1) A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
- (2) 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.

61. Representatives by Members of the Public - Closure of part of Meeting (Clause 264 Regulation)

1. A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.

62. Procedure in Committees (Clause 265 Regulation)

- (1) Subject to Sub-clause (3), each Committee of the Council may regulate its own procedure.

- (2) Without limiting sub-clause (1), a committee of a Council may decide that, 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. Should the Chairperson fail to exercise a casting vote the motion being voted upon would be lost.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).
- (4) A committee consisting of Councillors only may decide that whenever the voting on a motion is equal, the chairperson is to have the casting vote (as well as an original vote). Without such a decision of the committee, a casting vote cannot be exercised by the chairperson (or another committee member).
- (5) A Councillor not present for an address by a member of the public to the Committee shall not vote on the item concerned and shall leave the meeting at the time the vote is taken, in accordance with sub-clause 39(6) of this Code.
- (6) Committees may resolve items in accordance with the delegation granted to the Committees.

63. Committees to Keep Minutes (Clause 266 Regulation)

- (1) Each Committee of Council must ensure that full and accurate Minutes of the proceedings of its meetings are kept. In particular, 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 is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

64. Chairperson and Deputy Chairperson of Committees (Clause 267 Regulation)

- (1) 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.
- (2) Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. The Deputy Chairperson shall act as Chairperson if the Mayor is not present or chooses not to preside at meetings. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson. In this regard, Council has determined that the Deputy Chairperson be elected by the Committee.

- (3) 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.
- (4) 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.

65. Absence from Committee Meetings (Clause 268 Regulation)

- (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
 - a. has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
 - b. has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.
- (2) Sub-clause (1) does not apply if all of the members of the Council are members of the Committee.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

66. Reports of Committees (Clause 269 Regulation)

- (1) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or part of a meeting, that is closed to the public, the chairperson must:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the Council.

67. Disorder in Committee Meetings (Clause 270 Regulation)

The provisions of the Act, the Regulation and of 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.

68. Certain Persons may be expelled from Council Committee Meetings (Clause 271 Regulation)

- (1) If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her 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, Committee 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.

69. Termination of Committee Meetings

Meetings of Committees shall terminate not later than 11.00pm unless the Committee votes to extend a meeting to complete the remaining items on the agenda.

PART 6 - PECUNIARY INTERESTS**70. What is a "Pecuniary Interest"? (S442 Act)****(1) Pecuniary Interest**

For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 71 of this Code.

(2) Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Clause 72 of this Code.

71. Who has a Pecuniary Interest? (S443 Act)**(1) Interest in a Matter**

For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- a. the person; or
- b. another person with whom the person is associated, as provided in this Clause.

(2) Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- a. the person's spouse or de facto partner or a relative of the person or a partner or employer of the person has a pecuniary interest in the matter; or
- b. the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

(3) No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):

- a. if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or

- b. just because the person is a member of, or is employed by, the Council or a statutory body or is employed by the Crown; or
- c. just because the person is a member of or a delegate of the Council to a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

72. What Interests do not have to be Disclosed? (S448 Act)

The following interests do not have to be disclosed for the purposes of this Part:

- (1) an interest as an elector.
- (2) an interest as a ratepayer or a person liable to pay a charge.
- (3) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part.
- (4) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not).
- (5) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee.
- (6) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument (other than an instrument that effects a change of permissible uses of:
 - a. land in which the person or another person with whom the person is associated as provided in Clause 71 of the Code, has a proprietary interest; or
 - b. land adjoining, or adjacent to, land referred to in paragraph (a); or
 - c. other land in proximity to land referred to in paragraph (a), if the change in uses would affect the value of the land referred to in paragraph (a) if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal).

73. Disclosure and Participation in Meetings (S 451, S456 and S457 LG Act)

- (1) **Disclosure** (S451 LG Act)
 - i. A Councillor, a member of the Council Committee or member of senior staff who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable and in this regard, an item "Disclosure of Pecuniary Interests" is to be provided at

the commencement of Council and Committee meetings to allow disclosure of the interest and the nature of that interest.

- ii. The disclosure is to be made in writing on Council's form and submitted to the General Manager prior to the meeting or at the time the Mayor calls for disclosures of interests.
- iii. The person making the disclosure must leave the room and not be present at or in sight of the meeting at any time while the matter to which a pecuniary interest has been declared is being considered. The person cannot then address the meeting as a 'resident' or 'ratepayer'.
- iv. The disclosure including the nature of the interest shall be recorded in the Minutes and recorded in the Pecuniary Interest Register which is posted to Council's web site.

Council's Code of Conduct provides guidance on conflicts of pecuniary interests.

(2) **Cannot Take Part** (S451 LG Act)

A Councillor, member or member of senior staff must not take part in the consideration or discussion of the matter, but this sub-clause does not prevent a person from taking part in the consideration or discussion of any question as provided for in Clause 74 of this Code.

(3) **Cannot Vote** (S456 LG Act)

A Councillor or member must not vote on any question relating to the matter, but this sub-clause does not prevent a person from voting on any question as provided for in Clause 74 of this Code.

(4) **Council Advisers** (S456 LG Act)

A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given, providing that the person is not required to disclose the person's interest as an adviser.

(5) **No Knowledge** (S457 LG Act)

A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

(6) Non-pecuniary Interests

- i. Council officials have a number of options available to them for dealing with a declaration of a non-pecuniary conflict of interest. Dependent upon the assessment of the circumstance of the matter, the nature of the interest and the significance of the issue being dealt with at the meeting, that official may choose, inter alia, to either limit involvement in the issue or have no involvement by absenting himself or herself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the LG Act apply (particularly if that person has a significant non-pecuniary conflict of interest). There is however no obligation under this Code to do so.
- ii. A Councillor who decides not to vote on a issue due to a non-pecuniary interest will need to leave the meeting at the time the vote is taken, otherwise the Councillor will be taken as having voted against the motion and recorded as such in the Minutes. Disclosures of non-pecuniary interests shall be recorded in the same manner as pecuniary interest as provided in sub-clause 1 above.
- iii. Areas of non-pecuniary based conflict may include clubs/organisation membership; personal relationships; sponsorship; lobbying; caucus votes; dealing with formal Council officials; political donations and staff political participation.
- iv. Council's Code of Conduct places the responsibility on the Council official to decide whether a conflict of interest (real or perceived) exists and provides guidance in identifying non-pecuniary conflicts of interests.

74. Participation in Meetings Despite Pecuniary Interest (S448 LG Act)

Clause 73 of this Code does not prevent a person from taking part in the consideration or discussion of, or from voting on, any of the following questions:

- (1) a question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;
- (2) a question arising on a motion for a resolution to fill the office of Mayor, if the reason for which abstention from voting would otherwise be required is that a fee for the following 12 months had been determined for the office;
- (3) a question relating to the making of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the only reason for which abstention from voting would otherwise be required is that a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership;
- (4) a question relating to the making of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- a. the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation
 - b. security for damage to footpaths or roads
 - c. any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council;
- (5) a question relating to:
- a. the making or levying of a rate or charge; or
 - b. the fixing or charging of a fee for the supply to a relative of the person by the Council of any commodity or service provided by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - c. the payment of fees and expenses and the provision of facilities to Councillors (including the Mayor);
- (6) a question relating to the passing for payment of a regular account for wages or salary of an employee who is a relative of the person;
- (7) a question relating to the indemnity insurance of Councillors or members of Council Committees.
- (8) a question relating to the appointment of the Councillor to a body as the representative or delegate of the Council even though a fee or other recompense is payable to the representative or delegate.

75. Disclosures to be Recorded (S453 LG Act)

A disclosure made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting, as well as in the Register of Disclosures kept in the custody of the General Manager.

76. General Disclosure (S454 LG Act)

A general notice given to the General Manager in writing by the Councillor or a member of the Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:

- (1) a member, or in the employment, of a specified company or other body; or
- (2) a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of notice.

77. Powers of Council in Relation to Meetings

A Councillor or member of a Council Committee must not, if the Council or Committee so resolves, attend a meeting of the Council or Committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

78. Powers of Minister in Relation to Meetings (S458 LG Act)

The Minister may, conditionally or unconditionally, allow the Councillor or a member of the Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (1) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- (2) that it is in the interests of the electors for the area to do so.

PART 7 - PRESS AND PUBLIC

79. Public Notice of Meetings (S9 LG Act) (Clause 232 Regulation)

(1) Notice of Time and Place

The Council must give notice to the public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors. Such notice must be published in a newspaper circulating in the area before the meeting takes place. Notice of more than one meeting may be given in the same notice.

This clause does not apply to an extraordinary meeting of a council or committee.

(2) Copy of Agenda

The Council and each such Committee must have available for the press and public at the Council Chambers and Library and at each meeting copies (for inspection or taking away by any person) of the current agenda and the associated business papers (such as correspondence and reports) for the meeting free of charge (s.9 of the LG Act.) Late correspondence is not provided to the press and public. The agenda and business papers shall also at the same time be posted to Council's web page, together with attachments to the business papers.

The Council may charge a reasonable fee for posting and handling or for multiple copies. Council may also charge a reasonable fee for providing copies of previous agendas and business papers (S.608 of the LG Act).

This requirement does not apply to an agenda for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the press and public.

The printed public copies are not to include attachments circulated to Councillors. Attachments are posted to Council's website with the business papers. Copies of the business papers (comprising the agenda, reports and attachments) will be made available to the public upon request free of charge at the Council Chambers and Library during respective business hours.

The press copies and copy for the local State Member are to include appropriate reports and attachments as may be determined by the General Manager.

(3) Agendas for Closed Meetings

In the case of a meeting whose 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:

- (a) the agenda for the meeting must indicate that the relevant item of business is of such nature (but must not give details of that item), and

- (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.

(4) Time of Availability

The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors (s.9(3) of the LG Act) Agendas are posted to Council's web site on the evening that agendas are circulated to Councillors. Copies are available at the Civic Centre and Library on the following day.

(5) No Charge

The copies are to be available free of charge (s.9(4) of the LG Act).

(6) Electronic Form of Notice

A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.(s.9(5) of the LG Act)

80. Who is Entitled to Attend Meetings (S10 LG Act)

(1) Except as provided by this Part:

- (a) Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors.
- (b) The Council must ensure that all meetings of the Council and of such Committees are open to the public.

(2) In those cases where Council refers a specific matter to a small number of Councillors for investigation and report to Council or a Committee of Council, and Council deems it inappropriate for the public and press to be present during the preliminary examination and consideration of the matter so referred, the term "Sub-Committee" or "Working Party" be not used and the Council resolution provide for the naming of the Councillors to whom the matter has been so referred.

(3) Result of Expulsion

However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the council or of such a Committee if expelled from the meeting:

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

81. Which parts of a Meeting can be Closed to the Public (s 10A LG Act)**(1) Meetings May Be Closed**

The Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

(2) Grounds for Closure

The matters and information are the following:

- (a) personnel matters concerning particular individuals,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

(3) Closure of Resolution to Close

The Council, or a Committee of the Council of which all the members are Councillors, 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.

(4) Public Right to Make Representations

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.

82. Further Limitations Relating to Closure of Parts of Meetings to Public (S10B LG Act)**(1) Time Spent Closed to be Minimised**

A meeting is not to remain closed during the discussion of anything referred to in Clause 81(2):

- (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.

(2) Qualification of Clause 81(2) (g) of Code

A meeting is not to be closed during the receipt and consideration of information or advice referred to in Clause 81(2) (g) unless the advice concerns legal matters that:

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

(3) Qualification of Clause 81(3) of Code

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 81(3), 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 81(2)).

(4) Irrelevant Matters (s10B (4) of LG Act)

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

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

(5) Meetings Practice Note

In deciding whether a meeting or part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to Part 7, Meetings Practice Note No. 16 or any other relevant guidelines issued by the Chief Executive (Office of Local Government).

83. Notice of Likelihood of Closure not Required in Urgent Cases (S10C LG Act)

Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, 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 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 81(2), and
- (b) the Council or Committee, after considering any representations made under Clause 81(4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

84. Grounds for Closing Part of Meeting to be Specified (S10D LG Act)**(1) Record of Grounds for Closure**

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.

(2) Details to be Specified

The grounds must specify the following:

- (a) the relevant provision of Clause 81(2),
- (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.

85. Public Access to Correspondence and Reports (S11 LG Act)**(1) Reasonable Access**

The Council and a Committee of which all the members are Councillors 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.

(2) Exceptions to Access

This Clause does not apply if the correspondence or reports:

- a. relate to a matter that was received or discussed; or
- b. were laid on the table at, or submitted to, the meeting,

when the meeting was closed to the public.

(3) Section Does Not Apply

This section does not apply if Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Clause 81(2) of this Code, are to be treated as confidential.

(4) Minutes/Agendas

Copies of Council agendas are to be made available to interested parties on a subscription basis for a fee as outlined in Council's Schedule of Fees and Charges.

86. Public Addressing Meetings**(1) Open Question Time**

Open Question Time will be held for a period of 15 minutes commencing at 6.40pm prior to the commencement of a Council meeting scheduled to commence at 7.00 pm. Open Question Time is available only to Mosman residents and ratepayers. Questions may be in writing and must not contain any preamble or comment. Questions may be on any relevant matter unless it is on the Agenda for this meeting.

Open Question Time is an opportunity for questions only, not speeches or discussion, and every endeavour to answer will be given immediately by the Mayor or referred to the General Manager. Any derogatory comments and/or personal attacks on Councillors or staff will result in the offender being instructed to leave the Chamber immediately and any such questions will be disregarded. Further, Open Question Time is not an opportunity for debate amongst the elected members. Questions asked and responses given will not be recorded in the Minutes as Open Question Time is not part of the meeting agenda pursuant to Clause 21 of this Code.

(2) During the course of Committee meetings open to the public, members of the public, including applicants and objectors, be permitted to address the Committee by leave of the Committee in accordance with the following procedure:

- a. Persons registering their name, address and the nature of their interest in the item with the Council officer prior to commencement of the meeting and whether they are for or against the Officer's recommendation. Persons unable to register prior to commencement of the meeting will be permitted to address the Committee at the discretion of the Chairperson;
- b. The Chairperson shall invite speakers to the Councillor's table to make their address and answer Councillor's questions if required. The number of speakers

invited to address Councillors for a particular item and the length of the address remains at the Chairperson's discretion. Speakers shall address the facts of the matter being discussed and not make insulting or defamatory statements or disclose personal information;

- c. As a general practice to ensure due process speakers addressing the Committee shall not present, hold up or otherwise display or circulate to Councillors any material including correspondence, photographs, plans, drawings and models and the like, unless they have previously been submitted to Council staff for assessment and approval has been granted by the General Manager and only then with the leave of the Chairperson; and
- d. A Councillor not present for an address by a member of the public to the Committee shall not vote on the item concerned in accordance with sub-clause 39(6) of this Code.

PART 8 - MISCELLANEOUS**87. Receipt, Tabling, Submission, Presentation and Reading of Documents**

- (1) a. This Clause is subject to the provisions of the *Local Government Act 1993*, as amended, and any Regulation made there under.
 - b. In this Clause "submit" shall include "to cause to be received by Council (or a Committee thereof), table, present, read or any like term".
- (2) Subject to Sub-clause 4, a member shall give to the General Manager or to all members of Council written notice of any intention to submit to any meeting of Council (or a Committee thereof) any document AND of the contents of such documents by 4.00 p.m. on the day of such meetings.
- (3) On receipt of any notice referred to in Sub-clause 2, the General Manager will prior to the convening of the meeting the subject of the written notice distribute to all members of Council (or the Committee, if appropriate) a copy of such notice.
- (4) If a member forms an intention to submit to any meeting of Council (or a Committee thereof) any document in circumstances where notice in accordance with Sub-clause 2 has not been or cannot be given, notice of such intention and of the contents of such document shall as soon as practicable (and in any event prior to submission and distribution of the document) be given to the General Manager whereupon the General Manager shall distribute a copy of such notice to all members of Council (or the Committee, if appropriate) or advise such members of the said intention and contents. If necessary, the Chairperson of the meeting concerned will adjourn the meeting to enable members to be given notice or advice as provided for in this Sub-clause.
- (5) A person shall not submit to any meeting of Council (or a Committee thereof) any document the subject of notice referred to in Sub-clauses 2 or 4 without giving to Council (or the Committee, if appropriate) an opportunity and invitation to resolve itself into a Committee of the Whole and/or that the press and the public be excluded from the whole or any part of the meeting of the Committee specified in the resolution; AND TO withhold access of the document.
- (6) Any correspondence or new information not received by the General Manager by 12.00 noon on the working day preceding a Committee, Ordinary or Extraordinary Meeting of the Council will not be circulated to Councillors.
- (7) In order to ensure due process, Councillors are not to distribute or accept correspondence or other documents from applicants or objectors at Committee or Council meetings except where they have previously been submitted to Council staff for assessment and approval has been granted by the General Manager and only then with the leave of the Chairperson.
- (8) Council documents include those made or received in the course of the official duties by Councillors. Information generated by; in the possession of; or under the control of the Councillors that concerns their civic or Council duties under any Act is considered by the Office of Local Government to be a document of Council. These documents may include information that does not form part of Council's document management system.

- (9) Councillors must not copy additional information to the business papers (such as plans and legal opinions from Council files) and give it to the public.

Section 664(1) of the LG Act states that “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
- (b) in connection with the administration or execution of the Act; or
- (c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings; or
- (d) in accordance with a requirement imposed under the *Ombudsman Act 1974 (NSW)* or the *Government Information (Public Access) Act 2009*; or
- (e) with other lawful excuse.”

Provided the additional information is not part of the business paper and is made publicly available, it can only be given out following section 664(1) of the Act. It is also important to remember copyright law when making copies of information. The General Manager administers public access to information.

88. Information Relating to Proceedings at Closed Meetings Not To Be Disclosed (S664 LG Act)

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(1) of the Act, a person must not, without the authority of the Council or the committee, disclose, otherwise than to the Council, information with respect to the discussion at, or the business of, the meeting.

This Clause does not apply to:

- a. the report of a committee of the Council when presented to the Council; or
- b. disclosure made in circumstances prescribed by the Regulations; or
- c. any agenda resolution or recommendation of a meeting that a person is entitled to inspect in accordance with the *Government Information (Public Access) Act 2009*.

89. Inspection of the Minutes of the Council or Committee (Clause 272 Regulation)

- (1) An inspection of the official Minutes Books of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the Minutes Book of the Council and any Minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

- (3) The draft Minutes of meetings will generally be completed and posted to Council's web site on the Friday following the meeting.
- (4) The Council Minutes following confirmation by Council will be posted to Council's web site and copies will be placed in the Civic Centre and Library for public inspection.

Note: The *Government Information (Public Access) Act 2009* confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of the Council or Committee of the Council.

90. Audio/Video Recording of Meeting of Council or Committee prohibited without permission (Clause 273 Regulation)

- (1) A person may use a tape recorder or video or similar device to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of the Council or the Committee of the Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her 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.
- (4) This Clause includes a video camera, sound recorder and any electronic device capable of recording speech and/or images.

91. Recording and Webcasting of Meetings by the Council

- (1) The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded and webcast live on Council's website for the purpose of facilitating community access to meetings by way of reducing physical and geographical barriers that may prevent the public from attending meetings.
- (2) Webcast archives are stored and available to the public on Council's website for a period of two years after the date of the meeting and are then destroyed. (State Records General Disposal Authority - Local Government Records - GA39 is silent in relation to disposal of Council meeting webcast archives retained for the purpose specified in sub-clause 1.)
- (3) Written transcripts of proceedings are not available.
- (4) Recordings of proceedings are not an official record of the meeting nor do they convey the official Minutes of a Council meeting or the position of Council. Recordings are not to be used except in accordance with this Code.
- (5) This Clause does not apply to Open Question Time (as provided for under Clause 86(1) of this Code).

- (6) Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two years. By attending a Council meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.
- (7) Speakers addressing the Council do not have absolute privilege in respect of opinions expressed or comments made or material presented. Council accepts no responsibility for any defamatory comments in this regard.
- (8) Notice in relation to sub-clauses 6 and 7 is given by the Chairperson at the commencement of a meeting and is provided on the Agenda and Council's website.

92. Council Seal (Clause 400 Regulation)

A Council resolution is required before each use of the Seal, identifying the documents to be sealed.

- (1) The Seal of the Council must be kept by the Mayor or the General Manager, as the Council determines.
- (2) The Seal of the Council may be affixed to a document only in the presence of:
 - a. the Mayor and the General Manager, or
 - b. at least 1 Councillor (other than the Mayor) and the General Manager, or
 - c. the Mayor and at least 1 other Councillor; or
 - d. at least 2 Councillors other than the Mayor.
- (3) 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 sub-clause (2)) attest by their signatures that the Seal was affixed in their presence.
- (4) The Seal of the 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.
- (5) For the purposes of Sub-clause (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 the Council.

93. Certain Circumstances do not Invalidate Council's Decision (s 374 LG Act)

Proceedings at a meeting of the Council or the 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 the Councillor or Committee member; or
- d. a failure of a Councillor or a Committee member to disclose a pecuniary interest at the Council or Committee meeting in accordance with Clause 73; or
- e. a failure to comply with this Code of Meeting Practice.

94. Referendums (s 15 LG Act)

Certain matters cannot be decided by Council and require a constitutional referendum. A decision made at a constitutional referendum binds the Council until it is changed by a later constitutional referendum. By resolving to conduct the referendum, Council agrees to be bound by the result. Following a constitutional referendum, Council shall resolve to confirm or acknowledge the outcome.

95. Suspended Councillors

A suspended Councillor/Mayor has no greater access to Council documents, Council information or Council facilities than any other resident or ratepayer. The suspended Councillor/Mayor can attend Council meetings, but only as a member of the public. Suspended Councillors cannot take part in the election of the Mayor or Deputy Mayor, either as a candidate or as a Councillor, or vote on any matter before the Council.

96. Workshops

- (1) Workshops (or information/briefing sessions) are informal gatherings that can provide background information to Councillors on issues to develop knowledge and expertise. Workshops may involve Councillors, Council staff and invited participants, however do exclude the public.
- (2) Workshops shall not be used as a forum for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Detailed discussions or exchange of views and policy decisions shall be conducted at Council or Committee meetings.
- (3) Workshops shall not be used in relation to Development Applications or business enterprises to ensure transparency and have regard to community perceptions in terms of unfair advantage.
- (4) Workshops are not subject to meeting procedures provided by the Act and Regulation. Individual workshops shall determine their own meeting protocols for the conduct of the meeting, however generally the Mayor, General Manager, a Director or a Manager will be the convenor of a workshop.
- (5) Workshops shall not make any recommendations to the Council. The discussions, deliberations and any outcome of a workshop may be reported to the Council.
- (6) Councillors are not obliged to attend workshops, yet are encouraged by the Office of Local Government to do so. A record of attendance shall be maintained.
- (7) Workshop documents are documents of Council and are available to the public in accordance with the *Government Information (Public Access) Act 2009*. A person refused access to documents can apply for an appeal process in accordance with Council's Complaints Handling Policy or the *Government Information (Public Access) Act 2009*.
- (8) The non-disclosure provisions of sections 664(1) and 664(2) of the LG Act apply to workshops but, because they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1A) and 664(1B) do not apply.

Part 13 of Division of Local Government Practice Note 16 deals with workshops.

97. Traffic Committee

The Mosman Traffic Committee is not a Committee of Mosman Council within the meaning of the *Local Government Act 1993*. Council has been delegated certain powers from the Roads and Maritime Services (RMS), with regard to traffic matters upon its local roads.

The function of the Committee is to deal with local traffic matters generally, other than dealt with by the General Manager under Local Government and related Acts and delegated authority.

The operating arrangements for the Mosman Traffic Committee are contained in the Roads and Traffic Authority's (currently known as RMS) guidelines on 'Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees)'.

Procedures and notes on the conduct of Mosman Traffic Committee meetings are to be in accordance with the delegation and as adopted from time to time by the Council.

98. Audit Committee

Council has adopted an Internal Audit Charter and Audit Committee Charter. The objective of the Audit Committee is to provide independent assurance and assistance to Mosman Council on risk management, control, governance, and external accountability responsibilities.

Membership comprises the Mayor, a Councillor and external independent persons together with non-voting attendees and invitees. Audit Committee meetings are not open to the public.

The Committee meeting procedures are in accordance with the administrative arrangements set out in the Audit Committee Charter.

99. Community Consultative Committees

Council may establish Community Consultative Committees and adopt Charters for each Committee from time to time at its discretion. The adopted Charter for each Committee makes provision for meeting practice.

SCHEDULE 1

GENERAL ORDER OF BUSINESS FOR COUNCIL MEETINGS

(refer Clause 21)

1. Welcome to Visitors including Acknowledgement of Country
2. Apologies and Leave of Absence
3. Disclosures of Interests:
 - A. Pecuniary Interests
 - B. Non-Pecuniary Interest
4. Notice of Meeting Webcast
5. Confirmation of Minutes
6. Mayoral Minutes
7. General Manager's Reports
8. Community Development Department's Reports
9. Corporate Services Department's Reports
10. Environment and Planning Department's Reports
11. Traffic Committee Reports
12. Notice of Motions
13. Rescission Motions
14. Questions Without Notice
15. Councillors' Reports
16. Confidential Matters
17. Call for Rescission Motions