

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 28/06/2022 – ADOPTION OF CODE OF MEETING PRACTICE**

<b>ITEM-50</b>	<b>PAGE 2</b>	<b>Attachment A:</b> Code of Meeting Practice
	<b>PAGE 44</b>	<b>Attachment B:</b> Submissions received – Public exhibition of the Code of Meeting Practice

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**ITEM-50**      **Attachment A:**      Code of Meeting Practice

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# Code of Meeting Practice

June 2022

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City of  
Newcastle

## Table of Contents

<b>1 Introduction</b> .....	<b>1</b>
Scope.....	1
<b>2 Meeting Principles</b> .....	<b>1</b>
<b>3 Before the Meeting</b> .....	<b>2</b>
Timing of Meetings.....	2
Extraordinary Council Meetings .....	2
Notice to the public of Meetings .....	2
Notice to Councillors of Meetings.....	3
Notice to Councillors of Extraordinary Council Meetings .....	3
Giving notice of business to be considered at Meetings by notice of motion .....	3
Agenda and Business Papers for Meetings.....	4
Statement of ethical obligations .....	5
Availability of Agenda and Business Papers to the public .....	5
Agenda and Business Papers for Extraordinary Council Meetings .....	5
Workshops.....	6
<b>4 Public Voice and Public Briefings</b> .....	<b>6</b>
<b>5 Coming Together</b> .....	<b>6</b>
Attendance by Councillors at Meetings .....	6
Quorum for a Meeting .....	7
Meetings held by audio-visual link.....	8
Attendance by Councillors at Meetings by audio-visual link.....	8
Entitlement of the public to attend Meetings.....	10
Webcasting of Meetings.....	10
Attendance of the CEO and other CN staff at Meetings .....	10
<b>6 The Chairperson</b> .....	<b>11</b>
The Chairperson at Meetings.....	11
Election of the Chairperson in the absence of the Lord Mayor and Deputy Lord Mayor.....	11
Chairperson to have precedence .....	11
<b>7 Modes of address</b> .....	<b>12</b>
<b>8 Order of business</b> .....	<b>12</b>
<b>9 Consideration of business at Meetings</b> .....	<b>13</b>
Business that can be dealt with at a Meeting .....	13
Lord Mayoral Minutes.....	13
Staff reports .....	14
Reports of Committees of Council.....	14
Questions.....	14
Petitions.....	14
<b>10 Rules of debate</b> .....	<b>15</b>
Motions to be seconded.....	15
Notices of motion .....	15
Chairperson’s duties with respect to motions .....	16
Motions requiring the expenditure of funds.....	16
Amendments to motions .....	16
Foreshadowed Motions.....	17
Limitations of the number and duration of speeches .....	17
Procedural Motions .....	18
Motion to adjourn a matter (lay a matter on the table) .....	18
Motion to adjourn a Meeting.....	18

<b>11</b>	<b>Voting</b> .....	<b>18</b>
	Voting entitlements of Councillors .....	18
	Voting at Meetings .....	18
	Voting on Planning Decisions.....	19
<b>12</b>	<b>Committee of Council</b> .....	<b>19</b>
<b>13</b>	<b>Dealing with items by exception</b> .....	<b>20</b>
<b>14</b>	<b>Closure of Meetings to the public</b> .....	<b>20</b>
	Grounds on which Meetings can be closed to the public .....	20
	Matters to be considered when closing Meetings to the public .....	21
	Notice of likelihood of closure not required in urgent cases .....	22
	Representations by members of the public .....	22
	Expulsion of non-Councillors from Meetings closed to the public .....	23
	Obligations of Councillors attending Meetings by audio-visual link .....	23
	Information to be disclosed in resolutions closing Meetings to the public .....	23
	Resolutions passed at closed Meetings to be made public .....	23
	Matters not identified as confidential .....	23
	Access to Business Papers relating to closed Meetings.....	24
<b>15</b>	<b>Keeping order at Meetings</b> .....	<b>24</b>
	Point of order .....	24
	Questions of order .....	24
	Motions of dissent .....	24
	Act of disorder.....	24
	How disorder at a Meeting may be dealt with .....	25
	Expulsion from Meetings.....	25
	How disorder by Councillors attending Meeting by audio-visual link may be dealt with .....	26
	Use of mobile phones and the unauthorised recording of Meetings .....	26
<b>16</b>	<b>Conflicts of interest</b> .....	<b>26</b>
<b>17</b>	<b>Decisions of the Council</b> .....	<b>27</b>
	Council decisions .....	27
	Rescinding or altering Council decisions .....	27
	Recommitting resolutions to correct an error.....	28
<b>18</b>	<b>Time limits on Meetings</b> .....	<b>28</b>
<b>19</b>	<b>After the Meeting</b> .....	<b>29</b>
	Minutes of Meetings .....	29
	Access to correspondence and reports laid on the table at, or submitted to, a Meeting.....	30
	Implementation of decisions of the Council .....	30
<b>20</b>	<b>Committee of Council</b> .....	<b>30</b>
	Application of this Part .....	30
	Council committees whose members are all Councillors.....	31
	Functions of Committees of Council.....	31
	Notice of Committee of Council meetings.....	31
	Attendance at Committee of Council Meetings.....	31
	Non-members entitled to attend Committee of Council meetings .....	31
	Chairperson and deputy Chairperson of Committees of Council .....	31
	Procedure in committee Meetings .....	32
	Closure of committee Meetings to the public.....	32
	Disorder in Committee of Council meetings .....	32
	Minutes of Council committee Meetings .....	33
	Council Committees - Advisory Committees .....	33
<b>21</b>	<b>Irregularities</b> .....	<b>33</b>

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<b>Appendix A - Definitions.....</b>	<b>35</b>
<b>Document Control.....</b>	<b>37</b>

# 1 Introduction

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

This Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

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

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

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

If a specific matter is not addressed in the Act, the Regulation, the Model Meeting Code, or the Code, the matter must be administered in accordance with a ruling from the Chairperson having regard to advice provided by the Department of Planning, Industry and Environment and/or relevant City of Newcastle (**CN**) staff.

Meetings should address policy, strategic direction, resource allocation, statutory decisions and appropriate Council issues. Meetings should not address the day to day management of CN, which is the responsibility of the Chief Executive Officer (**CEO**) under the Act.

## Scope

1.1 The Code applies to Meetings.

## 2 Meeting Principles

2.1 City of Newcastle (CN) commits itself to the following:

- 2.1.1 **Transparent** – Decisions are made in a way that is open and accountable.
- 2.1.2 **Informed** – Decisions are made based on relevant, quality information.
- 2.1.3 **Inclusive** – Decisions respect the diverse needs and interests of the local community.
- 2.1.4 **Principled** – Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- 2.1.5 **Trusted** – The community has confidence that Councillors and CN staff act ethically and make decisions in the interests of the whole community.
- 2.1.6 **Respectful** – Councillors, CN staff and Meeting attendees treat each other with respect. Councillors and CN staff are obliged to conduct themselves in accordance with the Code of Conduct.
- 2.1.7 **Effective** – Meetings are well organised, effectively run and skillfully chaired.
- 2.1.8 **Orderly** – Councillors, CN staff and Meeting attendees behave in a way that contributes to the orderly conduct of the Meeting.

## 3 Before the Meeting

### Timing of Meetings

- 3.1 Omitted.<sup>1</sup>
- 3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary Meetings.

*Note: Under section 365 of the Act, Councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A.*

- 3.2A The resolution adopting the Meeting cycle must be passed before the first Meeting of each calendar year. The Meeting schedule may be amended by resolution.

### Extraordinary Council Meetings

- 3.2B Council may schedule additional Meetings, known as Extraordinary Council Meetings.

- 3.3 If the Lord Mayor receives a request in writing, signed by at least two (2) Councillors, the Lord Mayor must call an Extraordinary Council Meeting to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request.

s. 366 of the Act.

- 3.3A Extraordinary Council Meetings also may be called by:

- a) the Lord Mayor; or
- b) CEO.

- 3.3B The CEO must give each Councillor notice of an Extraordinary Council Meeting in accordance with clause 3.9. The notice must contain the reason for calling the Extraordinary Council Meeting.

- 3.3C Extraordinary Council Meetings may deal with:

- a) matters stated in the notice of the Extraordinary Council Meeting;
- b) Lord Mayoral Minutes if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting; and
- c) late items of business as provided in clause 10.4C.

*Note: Extraordinary Council Meetings may be held on a scheduled Ordinary Council Meeting or Committee of Council Meeting night.*

### Notice to the public of Meetings

- 3.4 The Council must give notice to the public of the time, date and place of each of its Meetings.

s. 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a Meeting is to be published before the Meeting takes place. The notice must be published on the Council's website, and in

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<sup>1</sup> Clauses referred to as Omitted – where there was an option of two clauses within the Office of Local Government's Model Code of Meeting Practice for Local Councils in NSW and the clause reflecting CN's current practice has been retained so as to maintain consistent numbering with the Model Code.  
Code of Meeting Practice  
Version #7 Effective XX June 2022



such other manner that the Council is satisfied is likely to bring notice of the Meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) Meeting may be given in the same notice.

### **Notice to Councillors of Meetings**

- 3.7 The CEO must send to each Councillor, at least three (3) days before each Meeting, the Agenda being a notice specifying the time, date and place at which the Meeting is to be held, and the business proposed to be considered at the Meeting.

s. 367(1) of the Act.

- 3.8 The notice and the Agenda for, and the Business Papers relating to, the Meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, Agenda and Business Papers in that form.

s. 367(3) of the Act.

- 3.8A The CEO will generally provide the notice, Agenda and Business Papers to Councillors five (5) calendar days prior to the Meeting.

### **Notice to Councillors of Extraordinary Council Meetings**

- 3.9 Notice of less than three (3) days may be given to Councillors of an Extraordinary Council Meeting in cases of emergency.

s. 367(2) of the Act.

### **Giving notice of business to be considered at Meetings by notice of motion**

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next Ordinary Meeting by way of a notice of motion. To be included on the Agenda of the Meeting, the notice of motion must be in writing and must be submitted to the CEO by 5pm on the day twelve (12) days before the Ordinary Council Meeting is to be held.

- 3.11 A Councillor may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the Agenda and business paper for the Ordinary Council Meeting at which it is to be considered.

- 3.11A A notice of motion submitted in relation to rescission or altering of motions may only be withdrawn with the consent of all signatories to the notice of motion.

- 3.11B A Councillor who has submitted a notice of motion under this section is to move the motion that is the subject of the notice of motion at the Meeting at which it is being considered.

- 3.11C If a Councillor who has placed a notice of motion on the Business Papers is absent from a Meeting:

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

- 3.12 If the CEO considers that a notice of motion submitted by a Councillor for consideration at an ordinary Meeting has legal, strategic, financial or policy implications which should be taken into consideration by the Meeting, the CEO may prepare a report in relation to the notice of motion for inclusion with the Business Papers for the Meeting at which the notice of motion is to be considered by the Council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the CEO must either:
- prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the Business Papers for the Meeting at which the notice of motion is to be considered by the Council, or
  - by written notice sent to all Councillors with the Business Papers for the Meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.
- 3.14 A Councillor may, by way of notice submitted under clause 3.10, ask a question for response by the CEO about the performance or operations of CN.
- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the CEO or a member of staff of CN, or a question that implies wrongdoing by the CEO or a member of staff of CN.
- 3.16 The CEO or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the Business Papers for the relevant Meeting or orally at the Meeting.

## Agenda and Business Papers for Meetings

- 3.17 The CEO must cause the Agenda for a Meeting to be prepared as soon as practicable before the Meeting.
- 3.18 The CEO must ensure the Agenda for a Meeting states:
- all matters to be dealt with arising out of the proceedings of the previous Meetings of the Council, and
  - if the Lord Mayor is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the Agenda is prepared, to put to the Meeting as a Lord Mayoral Minute, and
  - all matters including matters that are the subject of CN staff reports and reports of Committee Meetings to be considered at the Meeting; and
  - any business of which due notice has been given under clause 3.10. (This does not apply to Extraordinary Council Meetings).
- 3.19 Nothing in clause 3.18 limits the power of the Lord Mayor to put a Lord Mayoral Minute to a Meeting under clause 9.6.
- 3.20 The CEO must not include in the Agenda for a Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next Meeting.
- 3.21 Where the Agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the Meeting is closed to the public, the CEO must ensure that the Agenda of the Meeting:
- identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the Meeting is closed to the public), and
  - states the grounds under section 10A(2) of the Act relevant to the item of business.
- s. 9(2A)(a) of the Act.

- 3.22 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the Meeting is closed to the public, are included in a business paper provided to Councillors for the Meeting concerned. Such details must not be included in the Business Papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.
- 3.22A If in the opinion of the CEO, the confidential nature of an item of business listed on Agenda is such that circumstances require the CEO to take additional steps to protect the confidentiality of the item, the CEO may:
- a) distribute the Business Paper in hard copy or electronic form at the time of the item; and
  - b) remove access to the Business Paper at the conclusion of the Meeting.
- 3.22B In such circumstances notice will be included on the Agenda without breaching confidentiality.

### Statement of ethical obligations

- 3.23 Business Papers for all Meetings must contain a statement reminding Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under CN's Codes of Conduct to disclose and appropriately manage conflicts of interest.

### Availability of Agenda and Business Papers to the public

- 3.24 Copies of the Agenda and the associated Business Papers, such as correspondence and reports for Meetings, are to be published on CN's website after being made available to Councillors, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of CN, at the relevant Meeting and at such other venues determined by the Council.
- s. 9(2) and (4) of the Act.
- 3.25 Clause 3.23 does not apply to the Business Papers for items of business that the CEO has identified under clause 3.21 as being likely to be considered when the Meeting is closed to the public.
- s. 9(2A)(b) of the Act.
- 3.26 For the purposes of clause 3.23, copies of Agendas and Business Papers must be published on the CN's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
- s. 9(3) of the Act.
- 3.27 A copy of an Agenda, or of an associated Business Paper made available under clause 3.23, may in addition be given or made available in electronic form.
- s. 9(5) of the Act.

### Agenda and Business Papers for Extraordinary Council Meetings

- 3.28 The CEO must ensure that the Agenda for an Extraordinary Council Meeting deals only with the matters stated in the notice of the Meeting.
- 3.29 Despite clause 3.28, business may be considered at an Extraordinary Council Meeting, even though due notice of the business has not been given, if:
- a) a motion is passed to have the business considered at the Meeting, and

- b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Meeting (this may include Lord Mayoral Minutes).
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the Agenda for the Extraordinary Council Meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.29(b) on whether a matter is of great urgency.

## Workshops

- 3.33 Prior to each Meeting, the CEO may arrange a Workshop to brief Councillors on business to be considered at a Meeting or on topics coming to a Meeting in the future.
- 3.34 Workshops are to be held in the absence of the public.
- 3.35 Workshops may be held by audio-visual link. A request by a Councillor for approval to attend a Workshop by audio-visual link must be made in writing to the CEO prior to the Workshop in question.
- 3.36 The CEO or a member of staff nominated by CEO is to preside at Workshops.
- 3.37 Councillors must not use Workshops to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the Meeting at which the item of business is to be considered.
- 3.38 Councillors (including the Lord Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a Workshop, in the same way that they are required to do so at a Meeting. A written record of all conflict of interest declarations made at Workshops and how the conflict of interest was managed by the Councillor who made the declaration will be maintained.
- 3.39 Councillors may by resolution request the CEO schedule a Workshop. The resolution must include a clear statement about the subject of the requested Workshop.
- 3.40 The provisions of the Code (except this Part) do not apply to the operation or meeting procedure of Workshops. Procedures at Workshops will be agreed between the CEO and the participants.

## **4 Public Voice and Public Briefings**

- 4.1 Public Voice and Public Briefings provide an opportunity for members of the public to make presentations to Council. Please refer to CN's Public Voice and Public Briefings Policy for more information. Public Voice and Public Briefings Committees of Council are to be conducted in accordance with this Code.

## **5 Coming Together**

### Attendance by Councillors at Meetings

- 5.1 All Councillors must make reasonable efforts to attend Meetings.

*Note: A Councillor may not attend a Meeting as a Councillor (other than the first Meeting after the Councillor is elected or a Meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.*

- 5.2 A Councillor cannot participate in a Meeting unless personally present at the Meeting, unless permitted to attend the Meeting by audio-visual link under this Code.
- 5.3 *Omitted.*
- 5.4 Where a Councillor is unable to attend one or more Meetings, the Councillor should request that the Council grant them a leave of absence from those Meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a Meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.5 A Councillor's request for leave of absence from Meetings should, if practicable, identify (by date) the Meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary Council Meetings without prior leave of the Council, or leave granted by the Council at any of the Meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- s. 234(1)(d) of the Act.
- 5.8 A Councillor who intends to attend a Meeting despite having been granted a leave of absence should, if practicable, give the CEO at least two (2) days' notice of their intention to attend.
- 5.8A When participating in a Meeting, Councillors must:
- a) seek the leave of the Chairperson before exiting the Meeting room and indicate to the Chairperson if their absence will be temporary or if they are retiring early from the Meeting;
  - b) apologise to the Chairperson if they arrive late; and
  - c) sit at the Councillors' table and not move around the Meeting room or sit in the gallery.
- 5.8B Every person present must remain silent while a Councillor is speaking to enable Councillors to be heard without interruption, unless otherwise permitted under this Code.

## Quorum for a Meeting

- 5.9 The Quorum of a Meeting is the majority of Councillors who hold office at the time and are not suspended from office.
- s. 368(1) of the Act.
- 5.10 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a Performance Improvement Order issued in respect of Council.
- s. 368(2) of the Act.
- 5.11 A Meeting must be adjourned if a quorum is not present:
- a) at the commencement of the Meeting where the number of apologies received for the Meeting indicates that there will not be a quorum for the Meeting,
  - b) within half an hour after the time designated for the holding of the Meeting,
  - c) at any time during the Meeting.

- 5.12 In either case, the Meeting must be adjourned to a time, date and place fixed:
- by the Chairperson, or
  - in the Chairperson's absence, by the majority of Councillors present, or
  - failing that, by the CEO.
- 5.13 The CEO must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a Meeting, together with the names of the Councillors present.
- 5.13A A Meeting without quorum can be opened but resolutions cannot be passed at a Meeting without quorum.
- 5.14 Where, prior to the commencement of a Meeting, it becomes apparent that a quorum may not be present at the Meeting, or that the health, safety or welfare of Councillors, CN staff and members of the public may be put at risk by attending the Meeting because of a natural disaster or a public health emergency, the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on CN's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a Meeting is cancelled under clause 5.14, the business to be considered at the Meeting may instead be considered, where practicable, at the next ordinary Meeting or at an Extraordinary Council Meeting called under clause 3.3.
- 5.15A Nothing prevents a Meeting commencing half an hour (or more) after the time designated for holding the Meeting where the delay is due to technical, health and safety or other reasons determined appropriate by the Lord Mayor. If quorum is not present at a Meeting commencing half an hour after the time designated for holding the Meeting, clause 5.11c) applies.

### Meetings held by audio-visual link

- 5.16 A Meeting may be held by audio-visual link where the Lord Mayor determines that the Meeting should be held by audio-visual link because of a natural disaster, a public health or other emergency. The Lord Mayor may only make a determination under this clause where they are satisfied that attendance at the Meeting may put the health and safety of Councillors and staff at risk. The Lord Mayor must make a determination under this clause in consultation with the CEO and, as far as is practicable, with each Councillor.
- 5.17 Where the Lord Mayor determines under clause 5.16 that a Meeting is to be held by audio-visual link only, the CEO must:
- give written notice (by email or SMS message is sufficient) to all Councillors that the Meeting is to be held by audio-visual link, and
  - take all reasonable steps to ensure that all Councillors can participate in the Meeting by audio-visual link, and
  - cause a notice to be published on the Council's website and in such other manner the CEO is satisfied will bring it to the attention of as many people as possible, advising that the Meeting is to be held by audio-visual link and providing information about where members of the public may view the Meeting.
- 5.18 This Code applies to a Meeting held by audio-visual link under clause 5.16 in the same way it would if the Meeting was held in person.

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



- 5.19 Councillors may attend and participate in Meetings by audio-visual link with the approval of the Meeting.
- 5.20 A request by a Councillor for approval to attend a Meeting by audio-visual link must be made in writing to the Lord Mayor and CEO by no later than 12pm on the day of the Meeting in question and must provide reasons why the Councillor will be prevented from attending the Meeting in person.
- 5.21 Councillors may request approval to attend more than one Meeting by audio-visual link. Where a Councillor requests approval to attend more than one Meeting by audio-visual link, the request must specify the Meetings the request relates to in addition to the information required under clause 5.19.
- 5.22 CN must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a Meeting by audio-visual link.
- 5.23 A Councillor who has requested approval to attend a Meeting by audio-visual link may participate in the Meeting by audio-visual link until the Meeting determines whether to approve their request and is to be taken as present at the Meeting. The Councillor may participate in a decision in relation to their request to attend the Meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a Councillor to attend a Meeting by audio-visual link must be made by a resolution of the Meeting concerned. The resolution must state:
  - a) the Meetings the resolution applies to, and
  - b) the reason why the Councillor is being permitted to attend the Meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the Meeting refuses a Councillor's request to attend a Meeting by audio-visual link, their link to the Meeting is to be terminated.
- 5.26 A decision whether to approve a Councillor's request to attend a Meeting by audio-visual link is at the Meeting's discretion. The Meeting must act reasonably when considering requests by Councillors to attend Meetings by audio-visual link. However, the Meeting are under no obligation to approve a Councillor's request to attend a Meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the Meeting by these means.
- 5.27 The Meeting may refuse a Councillor's request to attend a Meeting by audio-visual link where the Meeting is satisfied that the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this Code on one or more previous occasions they have attended a Meeting by audio-visual link.
- 5.28 This Code applies to a Councillor attending a Meeting by audio-visual link in the same way it would if the Councillor was attending the Meeting in person. Where a Councillor is permitted to attend a Meeting by audio-visual link under this Code, they are to be taken as attending the Meeting in person for the purposes of the Code and will have the same voting rights as if they were attending the Meeting in person.
- 5.29 A Councillor must give their full attention to the business and proceedings of the Meeting when attending a Meeting by audio-visual link. The Councillor's camera must be on at all times during the Meeting except as may be otherwise provided for under this Code.
- 5.30 A Councillor must be appropriately dressed when attending a Meeting by audio-visual link and must ensure that no items are within sight of the Meeting that are inconsistent

with the maintenance of order at the Meeting or that are likely to bring the Meeting into disrepute.

## Entitlement of the public to attend Meetings

5.31 Everyone is entitled to attend a Meeting. The Council must ensure that all Meetings are open to the public.

s. 10(1) of the Act.

5.31A The public must act in a respectful manner and in accordance with any directions of the Chairperson.

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

5.33 A person (whether a Councillor or another person) is not entitled to be present at a Meeting 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.

s. 10(2) of the Act.

## Webcasting of Meetings

5.34 Each Meeting is to be recorded by means of an audio or audio-visual device.

5.35 At the start of each Meeting, the Chairperson must inform the persons attending the Meeting that:

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

5.36 The recording of a Meeting is to be made publicly available on the council's website:

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

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

5.38 Clauses 5.36 and 5.37 do not apply to any part of a Meeting that has been closed to the public in accordance with section 10A of the Act.

s. 236 of the Regulation.

5.39 Recordings of Meetings may be disposed of in accordance with the *State Records Act 1998*.

## Attendance of the CEO and other CN staff at Meetings

5.40 The CEO is entitled to attend, but not to vote at, a Meeting.

s. 376(1) of the Act.

5.41 The CEO is entitled to attend a Meeting and may, if a member of the committee, exercise a vote.

s. 376(2) of the Act.



5.42 The CEO may be excluded from a Meeting while the Meeting deals with a matter relating to the standard of performance of the CEO or the terms of employment of the CEO.

s. 376(3) of the Act.

5.43 The attendance of other CN staff at a Meeting, (other than as members of the public) shall be with the approval of the CEO.

5.44 The CEO and other CN staff may attend Meetings by audio-visual-link. Attendance by CN staff at Meetings by audio-visual link (other than as members of the public) shall be with the approval of the CEO.

## **6 The Chairperson**

### **The Chairperson at Meetings**

6.1 The Lord Mayor, or at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor presides at Meetings of the Council.

s. 369(1) of the Act.

6.2 If the Lord Mayor and the Deputy Lord Mayor are absent, a Councillor elected to chair the Meeting by the Councillors present presides at a Meeting.

s. 369(2) of the Act.

### **Election of the Chairperson in the absence of the Lord Mayor and Deputy Lord Mayor**

6.3 If no Chairperson is present at a Meeting at the time designated for the holding of the Meeting, the first business of the Meeting must be the election of a Chairperson to preside at the Meeting.

6.4 The election of a Chairperson must be conducted:

- a) by the CEO or, in their absence, a staff member of the Council designated by the CEO to conduct the election, or
- b) by the person who called the Meeting or a person acting on their behalf if neither the CEO nor a designated staff member is present at the Meeting, or if there is no CEO or designated staff member.

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

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

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

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

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

### **Chairperson to have precedence**

6.9 When the Chairperson rises or speaks during a Meeting:

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

## 7 Modes of address

- 7.1 If the Chairperson is the Lord Mayor or Deputy Lord Mayor, they are to be addressed as 'Lord Mayor' or 'Deputy Lord Mayor'.
- 7.2 Where the Chairperson is not the Lord Mayor or Deputy Lord Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 7.4A Any person addressing an Ordinary Council Meeting or Extraordinary Council Meeting must stand. Any person addressing a Committee of Council Meeting may remain seated.
- 7.4B Any person addressing a Meeting must address the Councillors not the gallery.

## 8 Order of business

- 8.1 Omitted.
- 8.2 The general order of business for an Ordinary Meeting shall be:
  1. Opening of the Meeting
  2. Acknowledgement of Country (Chairperson and all present to stand)
  3. Prayer (Chairperson and all present to stand)
  4. Apologies and applications for a leave of absence or attendance by audio-visual link
  5. Confirmation of minutes of previous Meeting
  6. Disclosures of interests
  7. Lord Mayoral Minutes
  8. Reports from Committees of Council
  9. Reports from CN staff
  10. Notices of Motion
  11. Confidential matters (public excluded)
  12. Late item of business
  13. Close of business
- 8.3 The order of business as fixed under clause 8.2 may be altered for a Meeting if a motion to that effect is passed at that Meeting. Such a motion can be moved without notice. A motion to alter the order of business is a Procedural Motion to which only the mover can speak. The seconder has no right to address the Meeting and there is no right of reply.

*Note: Nothing prevents a late item of business being brought forward on the order of business provided a resolution of Council supports this.*

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

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.
- 8.4A The Chairperson may examine the Agenda with Councillors at any time during the Meeting and deal with items of business that Councillors do not wish to debate, provided there is no objection from any Councillor present.

## **9 Consideration of business at Meetings**

### **Business that can be dealt with at a Meeting**

- 9.1 The Council must not consider business at a Meeting:
- a) unless a Councillor has given notice of the business, as required by clause 3.10, and
  - b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an Ordinary Council Meeting or clause 3.9 in the case of an Extraordinary Council Meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a Meeting, if the business:
- a) is already before, or directly relates to, a matter that is already before the Council, or
  - b) is the election of a Chairperson to preside at the Meeting, or
  - c) subject to clause 9.9, is a matter or topic put to the Meeting by way of a Lord Mayoral Minute, or
  - d) is a motion for the adoption of recommendations of a Committee of Council, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a Meeting even though due notice of the business has not been given (late item of business) to the Councillors if:
- a) a motion is passed to have the business considered at the Meeting, and
  - b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary Meeting.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.3(b).

### **Lord Mayoral Minutes**

- 9.6 Subject to clause 9.9, if the Lord Mayor is the Chairperson at an Ordinary Council Meeting, the Lord Mayor may, by minute signed by the Lord Mayor, put to the Meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.6A The Lord Mayor is entitled to put a Lord Mayoral Minute to an Extraordinary Council Meeting if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting or where it is accepted as a Late Item of Business.
- 9.7 A Lord Mayoral Minute, when put to a Meeting, takes precedence over all business on the Council's Agenda for the Meeting. The Chairperson (but only if the Chairperson is the Lord Mayor) may move the adoption of a Lord Mayoral Minute without the motion being seconded.

- 9.8 A recommendation made in a Lord Mayoral Minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A Lord Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary Council Meeting.
- 9.10 *Omitted.*

## Staff reports

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

## Reports of Committees of Council

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

## Questions

- 9.14 A question must not be asked at a Meeting unless it concerns a matter on the Agenda of the Meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the Agenda.
- 9.16 A Councillor may, through the CEO, put a question to a CN staff member about a matter on the Agenda. CN staff are only obliged to answer a question put to them through the CEO at the direction of the CEO.
- 9.17 A Councillor or CN staff to whom a question is put is entitled to be given reasonable notice of the question and sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or CN staff to whom a question is put is unable to respond to the question at the Meeting at which it is put, they may take it on notice and report the response to the next Meeting or as a Councillor Service Request.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18A If, in the view of the Chairperson, a question is not correctly put, the Chairperson may rule the question out of order.
- 9.19 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or CN staff.
- 9.19A Routine or non-urgent requests for information should be referred as a Councillor Service Request in accordance with CN policies.

## Petitions

- 9.20 If a person would like a petition to be tabled at a Meeting, that person should provide the petition to the CEO by 5pm on the day 12 days before the Meeting or to a Councillor sufficiently in advance of the Meeting.
- 9.21 A petition should contain the following information:
- a) a clear and concise statement identifying the subject of the petition;
  - b) a statement specifying the number of pages of the petition and the number of signatures; and

- c) the name, address, phone number and signature of the person lodging the petition, together with the name of the organisation/group they represent (if the petition is submitted on behalf of an organisation or group).
- 9.22 The CEO may not permit the tabling of the petition if in the CEO's opinion, it does not meet the requirements of clause 9.21.
- 9.23 A copy of the petition, other than information as at 9.21 a) and 9.21 b), will not be included in Council's Business Papers, and therefore will not be made publicly available. A copy of the petition will, however, be circulated to the Councillors for their information and/or to assist in performing their civic duty.

## **10 Rules of debate**

### **Motions to be seconded**

- 10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.
- 10.1A Debate is to be restricted to Items of Business.

### **Notices of motion**

- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the Meeting at which it is to be considered.
- 10.2A A notice of motion having the same effect as a motion rejected by a Meeting may be lodged if less than three months has elapsed since the resolution was rejected and if signed by three Councillors.
- 10.2B If a motion previously rejected by a Meeting is again rejected by a Meeting, no motion to the same effect may be brought to any Meeting within three months of that rejection.
- 10.2C The provisions of this section may not be evaded by substituting a motion differently worded, but in principle the same.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the Agenda and business paper for the Meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the Agenda for a Meeting:
- a) any other Councillor may, with the leave of the Chairperson, move the motion at the Meeting, or
  - b) the Chairperson may defer consideration of the motion until the next Meeting.
- 10.4A Provided there is no objection from any Councillor present, any motion before a Meeting may be put to the vote without discussion or debate.
- 10.4B The Chairperson may rule that a motion or an amendment is out of order if, in the view of the Chairperson, the proposed motion or amendment:
- a) is vague and equivocal in its language;
  - b) is the direct negative of, or is inconsistent with, a resolution passed by the Meeting;
  - c) is an amendment which is a direct negative of the motion which it proposes to amend;
  - d) proposes an action that is unlawful;
  - e) is outside the authority of the Meeting;

- f) insults, makes unfavourable personal remarks about another person
- g) is unnecessary in that it proposes a course of action or policy already resolved by the Meeting;
- h) is vexatious; or
- i) is proposed solely as a way to impede the orderly transaction of business.

10.4C A Councillor may move a motion of dissent to a ruling under this section in accordance with clause 15.8.

### Chairperson's duties with respect to motions

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

### Motions requiring the expenditure of funds

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

### Amendments to motions

- 10.10 An Amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An Amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An Amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.12 The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed Amendment before a seconder is called for.
- 10.13 If an Amendment has been lost, a further Amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed Amendment can be before Council at any one time.
- 10.14 While an Amendment is being considered, debate must only occur in relation to the Amendment and not the original motion. Debate on the original motion is to be suspended while the Amendment to the original motion is being debated.
- 10.15 If the Amendment is carried, it becomes the motion and is to be debated. If the Amendment is lost, debate is to resume on the original motion.
- 10.16 An Amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.
- 10.16A Only one Amendment should be before the Meeting at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted on



before the next. Where possible, the Amendments should be put forward and debated in the order in which they affect the original motion.

## Foreshadowed Motions

- 10.17 A Councillor may propose a Foreshadowed Motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The Foreshadowed Motion is only to be considered if the original motion is lost or withdrawn and the Foreshadowed Motion is then moved and seconded. If the original motion is carried, the Foreshadowed Motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed Amendments are to be considered in the order in which they are proposed. However, Foreshadowed Motions cannot be considered until all foreshadowed Amendments have been dealt with.
- 10.19A The Chairperson may rule any Foreshadowed Motion to be new business and therefore out of order.

## Limitations of the number and duration of speeches

- 10.20 A Councillor who, during a debate at a Meeting, moves an original motion, has the right to speak on each Amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any Amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each Amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an Amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an Amendment, and for longer than five (5) minutes on that motion or Amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a Meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or Amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

- 10.28 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the Amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.
- 10.30A This section does not apply if Council resolves itself into a Council Committee pursuant to section 12.

## Procedural Motions

10.30B All motions provided in this Part are Procedural Motions. Procedural Motions:

- a) must be accepted by the Chairperson;
- b) must be seconded unless otherwise provided in this Part;
- c) can not be amended except to provide clarification; and
- d) notice requirements in the Code do not apply.

## Motion to adjourn a matter (lay a matter on the table)

10.30C A Councillor may move a motion to adjourn a matter under consideration. A resolution adjourning a matter must indicate the reason for adjournment and include a timeframe for the matter to be brought back before Council.

## Motion to adjourn a Meeting

10.30D A Councillor may move a motion to adjourn a Meeting.

10.30E If a Meeting resolves to adjourn the Meeting for 24 hours or less, notice is not required to reconvene the Meeting.

10.30F If a Meeting resolves to adjourn the Meeting for longer than 24 hours, notice for the reconvening of the Meeting must be given as provided in the Act and Regulation.

# 11 Voting

## Voting entitlements of Councillors

11.1 Each Councillor is entitled to one vote.

s. 370(1) of the Act.

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

s. 370(2) of the Act.

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

11.4 *Omitted.*

## Voting at Meetings

11.5 A Councillor who is present at a Meeting but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.



- 11.5A A Councillor who is absent from the Meeting room or unable to be seen or heard on an audio-visual link (including when their screen is frozen) when a vote on a motion is put to the Meeting is not counted as having cast a vote.
- 11.6 If a Councillor who has voted against a motion put at a Meeting so requests, the CEO must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the Chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The CEO must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the Meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.10 Voting at a Meeting, including voting in an election at a Meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Deputy Lord Mayor is to be by secret ballot.
- 11.10A Where a motion comprises multiple parts, a Councillor may move a motion that the matter be voted on in seriatim.
- 11.11 *Omitted.*

## Voting on Planning Decisions

- 11.12 The CEO must keep a register containing, for each planning decision made at a Meeting (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a Meeting.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to Meetings that are closed to the public.

s. 375A of the Act.

*Note: The requirements of clause 11.13 may be satisfied by maintaining a register of the minutes of each planning decision.*

## **12 Committee of Council**

- 12.1 The Council may resolve itself into Committee of Council to consider any matter before the Council.
- s. 373 of the Act.
- 12.2 All the provisions of this Code relating to Meetings, so far as they are applicable, extend to and govern the proceedings of the Council when in Committees of Council, except the provisions limiting the number and duration of speeches.
- Note: Clauses 10.20-10.30 limit the number and duration of speeches.*
- 12.3 The CEO or, in the absence of the CEO, a CN staff member designated by the CEO, is responsible for reporting to the Council the proceedings of the Committee of Council.

It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.
- 12.4A A Committee of Council may make a decision where there is an Instrument of Delegation in place.

## **13 Dealing with items by exception**

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

## **14 Closure of Meetings to the public**

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

- 14.1 The Meeting may close to the public so much of its Meeting as it comprises the discussion or the receipt of any of the following types of matters:
- a) personnel matters concerning particular individuals (other than Councillors);
  - b) the personal hardship of any resident or ratepayer;
  - c) information that would, if disclosed, confer a commercial advantage on a person with whom CN 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;
    - ii. confer a commercial advantage on a competitor of CN; 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, CN staff or CN 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; and
- i) alleged contraventions of CN's Code of Conduct.

s. 10A(1) and (2) of the Act.

- 14.2 The Meeting 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.

s. 10A (3) of the Act.

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

- 14.3 A Meeting is not to remain closed during the discussion of matters referred to in clause 14.1:

- a) Except for so much of the discussion of anything to preserve 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 Meeting concerned is satisfied that discussion of the matter in an open Meeting would, on balance, be contrary to the public interest.

s. 10B(1) of the Act.

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

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

s. 10B(2) of the Act.

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

s. 10B(3) of the Act.

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

- a) A person may misinterpret or misunderstand the discussion, or
- b) the discussion of the matter may:
  - i. cause embarrassment to the Meeting concerned, or to Councillors or to CN staff, or
  - ii. cause a loss of confidence in the Meeting.

s. 10B(4) of the Act.

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

s. 10B(5) of the Act.

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

14.8 Part of a Meeting, or of a committee of the Council, may be closed to the public while the Meeting considers a matter that has not been identified in the Agenda for the Meeting under clause 3.21 as a matter that is likely to be considered when the Meeting is closed, but only if:

- a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- b) the Meeting, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - i. should not be deferred (because of the urgency of the matter), and
  - ii. should take place in a part of the Meeting that is closed to the public.

s. 10C of the Act.

## Representations by members of the public

14.9 The Meeting 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.

s. 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the Meeting is moved and seconded.

14.11 Where the matter has been identified in the Agenda of the Meeting under clause 3.21 as a matter that is likely to be considered when the Meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 5pm two (2) business days before the Meeting at which the matter is to be considered.

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

14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the CEO or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the CEO or their delegate is to determine who will make representations to the Council.

14.15 The CEO (or their delegate) is to determine the order of speakers.

14.16 Where the Meeting proposes to close a Meeting or part of a Meeting to the public in circumstances where the matter has not been identified in the Agenda for the Meeting under clause 3.21 as a matter that is likely to be considered when the Meeting is closed to the public, the Chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the Meeting is moved and seconded. The Chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the Chairperson.

14.17 Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the Meeting should be closed to the public. If a speaker

digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

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

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

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

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

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

- 14.21 The grounds on which part of a Meeting is closed must be stated in the decision to close that part of the Meeting and must be recorded in the minutes of the Meeting. The grounds must specify the following:
- a) the relevant provision of section 10A (2) of the Act,
  - b) the matter that is to be discussed during the closed part of the Meeting,
  - c) the reasons why the part of the Meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open Meeting would be, on balance, contrary to the public interest.

s. 10D of the Act.

### Resolutions passed at closed Meetings to be made public

- 14.22 If the Council passes a resolution during a Meeting, or a part of a Meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the Meeting, or the relevant part of the Meeting, has ended, and the resolution must be recorded in the publicly available minutes of the Meeting.
- 14.23 Resolutions passed during a Meeting, or a part of a Meeting, that is closed to the public must be made public by the CEO or Chairperson under clause 14.22 during a part of the Meeting that is webcast.

### Matters not identified as confidential

- 14.23A If a matter has not been identified in the Agenda as being heard in a closed Meeting but it becomes apparent during discussion that the matter is a matter referred to in clause 14.4-14.7, the Meeting must:
- a) consider any public representations;

- b) determine (by resolution) whether the matter is a matter that can be deferred to the next Meeting; and
- c) determine by resolution to close the Meeting as provided in this Part.

## Access to Business Papers relating to closed Meetings

14.23B Where a Meeting closes any part of a Meeting, the Meeting may determine (by way of resolution) to provide public access to the Business Papers and minutes on a specified date.

## **15 Keeping order at Meetings**

### Point of order

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

### Questions of order

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

### Motions of dissent

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

### Act of disorder

- 15.11 A Councillor commits an Act of disorder if the Councillor at a Meeting:
  - a) contravenes the Act, the Regulation or this Code;
  - b) assaults or threatens to assault another Councillor or person present at the Meeting;



- 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 Meeting or addresses or attempts to address the Meeting on such a motion, amendment or matter;
- d) insults, makes unfavourable personal remarks about or imputes improper motives to any other Councillor or person, or alleges a breach of CN's Code of Conduct;
- e) says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring the Council or Committee of Council into contempt;
- f) disturbs the orderly conduct of a Meeting.

s. 182 of the Regulation.

15.11A The Chairperson must rule on an act of disorder immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:

- a) providing Councillors with an opportunity to express their view on the act of disorder; or
- b) providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is an act of disorder.

15.12 The Chairperson may require a Councillor:

- a) to apologise without reservation for the Act of disorder referred to in clauses 15.11(a), (b), or (e), or
- b) to withdraw a motion or an amendment referred in clause 17.11(c) and, where appropriate, to apologise without reservation, or
- c) to retract and apologise without reservation for any statement that constitutes an Act of disorder referred to in clauses 17.11(d) and (e).

## How disorder at a Meeting may be dealt with

15.13 If disorder occurs at a Meeting, the Chairperson may adjourn the Meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

## Expulsion from Meetings

15.14 *Omitted.*

15.15 The Meeting may resolve to expel a person, including a Councillor, from a Meeting, under section 10(2)(b) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the Meeting for that reason does not prevent any other action from being taken against the Councillor for the Act of disorder concerned.

s. 233(2) of the Regulation.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting for engaging in or having engaged in disorderly conduct at the Meeting.

15.18 Where a Councillor or a member of the public is expelled from a Meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the Meeting.

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

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

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

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

- 15.22 Councillors, CN staff and members of the public must ensure that mobile phones are turned to silent during Meetings of the Council and committees of the Council.
- 15.22A Journalists or members of a recognised media organisation may Record the Meeting provided written notice has been lodged with Lord Mayor/Chairperson and CEO by 5pm on the day of the Meeting. A person may be expelled from a Meeting for Recording a Meeting without notice. Recordings may only be used for the purpose of accuracy of reporting as notes for accuracy of minutes or quotes, and are not for broadcast on any channel or device, or to be shared publicly.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a Meeting without the prior authorisation of the Council or the committee.
- 15.24 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of 15.18. Any person who contravenes or attempts to contravene clause 17.21, may be expelled from the Meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the Meeting, fails to leave the place where the Meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the Meeting.

## **16 Conflicts of interest**

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage a conflict of interest they may have in matters being considered at Meetings of the Council and committees of the Council in accordance with CN's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the Meeting at which the declaration was made.
- 16.2 Councillors attending a Meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the Meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed



at the Meeting, the Councillor's audio-visual link to the Meeting must be suspended and the Councillor must not be in sight or hearing of the Meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 Decisions of the Council

### Council decisions

17.1 A decision supported by a majority of the votes at a Meeting at which a quorum is present is a decision of the Council.

s. 371 of the Act.

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

### Rescinding or altering Council decisions

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

s. 372(1) of the Act.

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

s. 372(2) of the Act.

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

s. 372(3) of the Act.

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

s. 372(4) of the Act.

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

s. 372(5) of the Act.

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

s. 372(7) of the Act.

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

17.9A A notice of motion to rescind a resolution which involves the granting of development consent under the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) can not be given after that development consent is effective in accordance with the EP&A Act.

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

s. 372(6) of the Act.

- 17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same Meeting at which the resolution was adopted, where:
- a) a notice of motion signed by three Councillors is submitted to the Chairperson, and
  - b) a motion to have the motion considered at the Meeting is passed, and
  - c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary Meeting.
- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.
- 17.13 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.11(c).

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

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

## **18 Time limits on Meetings**

- 18.1 Meetings of the Council and Committees of the Council are to conclude no later than 10:00pm.
- 18.2 If the business of the Meeting is unfinished at 10:00pm, the Council or the committee may, by resolution, extend the time of the Meeting.

- 18.3 If the business of the Meeting is unfinished at 10:00pm, and the Council does not resolve to extend the Meeting, the Chairperson must either:
- a) defer consideration of the remaining items of business on the Agenda to the next ordinary Meeting, or
  - b) adjourn the Meeting to a time, date and place fixed by the Chairperson.
- Note: a Meeting does not close until the Chairperson formally declares the meeting closed in accordance with the order of business and may only close at the conclusion of all items on the order of business or after the Chairperson has determined to defer remaining items or adjourn the Meeting.*
- 18.4 Clause 18.3 does not limit the ability of the Meeting to resolve to adjourn a Meeting at any time. The resolution adjourning the Meeting must fix the time, date and place that the Meeting is to be adjourned to.
- 18.5 Where a Meeting is adjourned under clause 18.3 or 18.4, the CEO must:
- a) individually notify each Councillor of the time, date and place at which the Meeting will reconvene, and
  - b) publish the time, date and place at which the Meeting will reconvene on the Council's website and in such other manner that the CEO is satisfied is likely to bring notice of the time, date and place of the reconvened Meeting to the attention of as many people as possible.

## 19 After the Meeting

### Minutes of Meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of Meetings of the Council.
- s. 375(1) of the Act.
- 19.2 At a minimum, the CEO must ensure that the following matters are recorded in the Council's minutes:
- a) the names of Councillors attending a council Meeting and whether they attended the Meeting in person or by audio-visual link,
  - b) details of each motion moved at a Meeting and of any amendments moved to it,
  - c) the names of the mover and seconder of the motion or amendment,
  - d) whether the motion or amendment was passed or lost, and
  - e) such other matters specifically required under this Code.
  - f) the circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present;
  - g) the dissenting vote of a Councillor, if requested;
  - h) if a division is called, the names of the Councillors who voted for the motion and against the motion;
  - i) the grounds for closing part of a Meeting to the public;
  - j) the disclosure of a conflict of interest; and
  - k) the conduct of an election and outcome of a vote held under clauses 8.3-8.8.
- 19.3 The minutes of a Meeting must be confirmed at a subsequent Meeting. A motion proposing the adoption of the minutes as a full and accurate statement of the business transacted at the previous Meeting must be dealt with before proceeding to consider

other items of business. A motion to adopt the minutes of the previous Meeting should be proposed and seconded by Councillors who were present at the Meeting to which the minutes relate.

s. 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the Meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent Meeting.

s. 375(2) of the Act.

19.6 The confirmed minutes of a Meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the Meeting.

19.6A Minutes of a Meeting may be confirmed at an Extraordinary Council Meeting. Minutes of an Extraordinary Council Meeting may be confirmed at a Meeting. Minutes of a Committee of Meeting should ordinarily be confirmed at the next Meeting of that Committee of Council.

19.7 The confirmed minutes of a Meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its Meetings on its website prior to their confirmation.

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

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

s. 11(1) of the Act.

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

s. 11(2) of the Act.

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

s. 11(3) of the Act.

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

### **Implementation of decisions of the Council**

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

s. 335(b) of the Act.

## **20 Committee of Council**

### **Application of this Part**

20.1 This Part only applies to Committees of Council whose members are all Councillors.

## Council committees whose members are all Councillors

- 20.2 Council may, by resolution, establish such Committees of Council as it considers necessary.
- 20.3 A Committee of Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by Council.
- 20.4 The Quorum for a Committee of Council meeting is to be:
- such number of members as the Council decides, or
  - if the Council has not decided a number – a majority of the members of the committee.

## Functions of Committees of Council

- 20.5 The Council must specify the functions of each of its Committees of Council when the committee is established, but may from time to time amend those functions.
- 20.5A Council may delegate any of its functions to a Committee of Council other than those functions identified in section 377 of the Act.

## Notice of Committee of Council meetings

- 20.6 The CEO must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each Meeting of the committee, a notice specifying:
- the time, date and place of the Meeting, and
  - the business proposed to be considered at the Meeting.
- 20.7 Notice of less than three (3) days may be given of a committee Meeting called in an emergency.

## Attendance at Committee of Council Meetings

- 20.8 A committee member (other than the Lord Mayor) ceases to be a member of a Committee of Council if the committee member:
- has been absent from three consecutive Meetings of the Committee of Council without having given reasons acceptable to the Committee of Council for the member's absences; or
  - has been absent from at least half of the Meetings of the Committee of Council during the immediately preceding calendar year without having given to the Committee of Council acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all Councillors are members of the Committee of Council.

## Non-members entitled to attend Committee of Council meetings

- 20.10 A Councillor who is not a member of a Committee of Council is entitled to attend and speak at a Meeting of the Committee of Council. However, the Councillor is not entitled:
- To give notice of business for inclusion in the Agenda for the Meeting
  - To move or second a motion at Committee of Meeting, or
  - To vote at the Committee of Meeting.

## Chairperson and deputy Chairperson of Committees of Council

- 20.11 The Chairperson of each Committee of Council must be:
- The Lord Mayor, or

- b) if the Lord Mayor does not wish to be the Chairperson of a committee, a member of the committee elected by the Council, or
  - c) if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy Chairperson of the committee. If the Council does not elect a deputy Chairperson of such a committee, the committee may elect a deputy Chairperson.
- 20.13 If neither the Chairperson nor the deputy Chairperson of a committee of the Council is able or willing to preside at a Meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.
- 20.14 The Chairperson is to preside at a Committee of Council meeting. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the Meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the Meeting.

### Procedure in committee Meetings

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

### Closure of committee Meetings to the public

- 20.19 The provisions of the Act and section 14 of this Code apply to the closure of Meetings of committees of the Council to the public in the same way they apply to the closure of Meetings of the Council to the public.
- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a Meeting, or a part of a Meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the Meeting or part of the Meeting has ended, and report the resolution or recommendation to the next Meeting. The resolution or recommendation must also be recorded in the publicly available minutes of the Meeting.
- 20.21 Resolutions passed during a Meeting, or a part of a Meeting that is closed to the public must be made public by the Chairperson under clause 20.20 during a part of the Meeting that is webcast.

### Disorder in Committee of Council meetings

- 20.22 The provisions of the Act and this Code relating to the maintenance of order in Meetings apply to Committee of Council meetings in the same way as they apply to Meetings of the Council.



## Minutes of Council committee Meetings

- 20.23 Each committee of the Council is to keep full and accurate minutes of the proceedings of its Meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- a) the names of Councillors attending a Meeting and whether they attended the Meeting in person or by audio-visual link,
  - b) details of each motion moved at a Meeting and of any amendments moved to it,
  - c) the names of the mover and seconder of the motion or amendment,
  - d) whether the motion or amendment was passed or lost, and
  - e) such other matters specifically required under this Code.
- 20.24 All voting at Committee of Council Meetings (including Meetings that are closed to the public), must be recorded in the minutes of Meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of Meetings of each committee of the Council must be confirmed at a subsequent Meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the Meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent Meeting.
- 20.28 The confirmed minutes of a Meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the Meeting.
- 20.29 The confirmed minutes of a Committee of Council Meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of Meetings of committees of the Council on its website prior to their confirmation.

## Council Committees - Advisory Committees

- 20.29A Council may by resolution establish Advisory Committees as it considers necessary. The resolution must include the adoption of a constituting document (such as a Charter) and Meeting schedule.
- 20.29B The provisions of the Code do not apply to the operation or meeting procedure of Advisory Committees.
- 20.29C Council may by resolution request that an Advisory Committee create a working party to consider an issue or undertake a particular activity.
- 20.29D A Meeting may consider the recommendations contained in a report of an Advisory Committee (staff report) either separately or all concurrently.
- 20.29E The recommendations of an Advisory Committee are, so far as adopted by the Meeting resolutions of the Council (or a Committee of Council).

## **21 Irregularities**

- 21.1 Proceedings at a Meeting are not invalidated because of:
- a) a vacancy in a civic office, or
  - b) a failure to give notice of the Meeting to any Councillor or committee member, or

- 
- c) any defect in the election or appointment of a Councillor or committee member, or
  - d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Meeting in accordance with the CN's Code of Conduct, or
  - e) a failure to comply with this Code.

s. 374 of the Act.



## Appendix A - Definitions

**Act** means the *Local Government Act 1993*.

**Act of disorder** means an action described in section 15.11 of this Code.

**Adjourn a matter** means to lay a matter on the table for consideration and discussion at a future Meeting.

**Advisory Committee** means a committee established by resolution of Council, whose purpose is to provide guidance and make recommendations to Council within an area of expertise. Its members can consist of community members, members of key stakeholder groups and/or Councillors.

**Agenda** means the business proposed to be transacted at a Meeting.

**Amendment** in relation to an original motion, means a proposed alteration or addition to that motion

**Audio-visual link** means a facility that enables audio and visual communication between persons at different places.

**Business Papers** means any documents relating to the Agenda items of a Meeting.

**CEO** means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

**Chairperson** means:

- a) in relation to an Ordinary or Extraordinary Council Meeting— means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and
- b) in relation to a meeting of a Committee of Council – means the person presiding at the meeting as provided by clause 20.11 of this Code.

**City of Newcastle (CN)** means Newcastle City Council.

**Code** means this Code of Meeting Practice.

**Code of Conduct** means the respective Codes adopted by resolution of Council being the Code of Conduct for Councillors; Code of Conduct for Staff; or Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors, as the case may be.

**Committee of Council Meeting** means a committee of the whole of which all members are Councillors as provided by clause 259 of the Regulation.

**Council** means the governing body of City of Newcastle.

**Councillor** means a person elected or appointed to civic office as a member of the governing body of Council and includes the Lord Mayor.

**Division** means a request by two Councillors under section 11.7 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion.

**Extraordinary Council Meeting** means a Meeting held by Council in accordance with clause 3.3 of this Code and section 366 of the Act.

**Foreshadowed Motion** in relation to an original motion, means a proposed motion that is only to be considered if the original motion is rejected.

**Meeting** means an Ordinary Council Meeting, Extraordinary Council Meeting or a Committee of Council Meeting. A specific reference to an Ordinary Council Meeting, Extraordinary Council Meeting or a Committee of Council Meeting means the clause, section or Part applies only to that specific type of Meeting.

**Minister** means the New South Wales Government Minister responsible for Local Government.

**Ordinary Council Meeting** means a Meeting held by Council in accordance with clause 3.2 of this Code and section 365 of the Act.

**Performance Improvement Order** means an order issued under section 438A of the Act.

**Planning Decision** means a decision made in the exercise of a function of Council under the Environmental Planning and Assessment Act 1979 (NSW) including a decision relating to:

- a) a development application;
- b) an environmental planning instrument;
- c) a development control plan; or
- d) a development contribution plan

but not including the making of an order under Division 9.3 of Part 9 of that Act.

**Procedural Motion** means a motion that is not a substantive motion of business before the Meeting.

**Quorum** means the minimum number of Councillors or committee members necessary to conduct a Meeting.

**Regulation** means the *Local Government (General) Regulation 2021*.

**Webcast** means an audio-visual broadcast of a Meeting transmitted across the internet concurrently with the Meeting.

**Workshop** means an informal gathering to provide information to Councillors on issues. Workshops involving Councillors, the CEO, CN staff and other invited persons.

Unless stated otherwise, a reference to a clause, section or Part is a reference to a clause, section or Part of the Code.

## Document Control

Policy title	Code of Meeting Practice
Policy owner	Chief Executive Officer
Policy expert/writer	Manager Legal
Associated Procedure Title (if applicable)	N/A
Procedure owner (if applicable)	N/A
Prepared by	Legal
Approved by	Elected Council
Date approved	<a href="#">Click here to enter a date.</a>
Policy approval form reference	ECM#
Commencement Date	<a href="#">Click here to enter a date.</a>
Next revision date (date policy will be revised)	<a href="#">Click here to enter a date.</a>
Termination date	<a href="#">Click here to enter a date.</a>
Version	Version 7
Category	Council
Keywords	code, Meeting, Council, committee, chair, Code of Meeting
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Legislative amendments	Nil.
Relevant Newcastle 2040 theme	Achieving Together
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW) s 9(1), 233(A), 365, 366, 367(1), 367(2), 367(3), Local Government (General) Regulation 2021 (NSW) Privacy and Personal Information Protection Act 1998 (NSW) Health and Personal Information Protection Act 1998 (NSW)</i>
Other related policies/documents/ strategies	CN's Codes of Conduct Effective Communication between Councillors and Staff Policy Public Voice and Public Briefings Policy
Related forms	Public Briefings Application Public Voice Application
Required on website	Yes
Authorisations	Nil.

**CCL 28/06/2022 – ADOPTION OF CODE OF MEETING PRACTICE**

**ITEM-50    Attachment B:**    Submissions received – Public exhibition of  
the Code of Meeting Practice

**DISTRIBUTED UNDER SEPARATE COVER**

Ref:	Submission:
1	<p>I'd like to suggest that the prayer is replaced with the following statement:</p> <p>We gather to represent the people of Newcastle who have entrusted us with this task. Let us take a moment to reflect on our duties to ensure that we fulfil them to the best of our abilities with respect, dignity, fairness, wisdom, truth and compassion. May we always be mindful of those we serve and represent.</p>
2	I endorse Cr McCabe's suggestion that the prayer read by the Lord Mayor be replaced in order of business
3	Please cease use of the prayer, which is not inclusive and which does not add value to the intent – that being a code of practice. A simple statement of agreement about how the group ought to operate to ensure high performance is what's required. The submission put forward by Councillor McCabe is supported in this regard.
4	<p>The Prayer reference by the Mayor seems exclusive of religious diversity of our city. I would welcome a more inclusive reading similar to what Charlotte McCabe is suggesting: "We gather to represent the people of Newcastle who have entrusted us with this task. Let us take a moment to reflect on our duties to ensure that we fulfill them to the best of our abilities with respect, dignity, fairness, wisdom, truth and compassion. May we always be mindful of those we serve and represent. "</p>
5	I don't think there should be a prayer in council meetings, or in anything to do with government.
6	I believe that it is inappropriate for Council to open its meetings with a prayer. The Council is not a religious organisation and its practices should be inclusive for people of all faiths and backgrounds. An alternative should be considered to ensure that Council practices represent the diverse community of Newcastle.
7	<p>Please change the prayer at commencement of meeting to represent a more inclusive council. See below preference</p> <p>' We gather to represent the people of Newcastle who have entrusted us with this task. Let us take a moment to reflect on our duties to ensure that we fulfil them to the best of our abilities with respect, dignity, fairness, wisdom, truth and compassion. May we always be mindful of those we serve and represent.'</p>
8	<p>Please change the prayer at commencement of meeting to represent a more inclusive council. See below preference</p> <p>' We gather to represent the people of Newcastle who have entrusted us with this task. Let us take a moment to reflect on our duties to ensure that we fulfil them to the best of our abilities with respect, dignity, fairness, wisdom, truth and compassion. May we always be mindful of those we serve and represent.'</p>
9	The code of meeting practice should not include any reference to a particular faith or religion. This region is home to countless ethnic, religious and minority groups, to include a prayer or reference to one in particular is to exclude the others.
10	I believe that it is time to remove any reference to God or any religion in public office as not everyone believes in God also it could trigger people that have been abused by members of any religion. I like Charlotte McCabe suggestion below as it is inclusive and to the point of your role and purpose.
11	I think the prayer mentioned in Order of Business 8.2.3 is not inclusive and does not reflect the multicultural and diverse peoples who reside in Australia. In addition, a prayer is not inclusive for those who are areligious (>30% of the population).
12	I do not like the non-secular nature of prayer being used prior to the opening of the council meeting. It should be changed to reflect the secular nature of our community. Religion needs to be kept separate from government/office. Instead, we could acknowledge the representation of community through a brief reflection / acknowledgement of duty.
13	Point 3 of section 8.2 - Prayer. Religion has no place in politics and not only is reciting a prayer before meetings a waste of time, it is a sign that religious sentiment and belief still has sway over decisions made by council that affect the public. The prayer should be removed from proceedings, or in the very least, replaced with something inclusive and progressive that represents the citizens of Newcastle.
14	<p>reference to a prayer Please get rid of prayer. This Greens one is much better: ' We gather to represent the people of Newcastle who have entrusted us with this task. Let us take a moment to reflect on our duties to ensure that we fulfil them to the best of our abilities with respect, dignity, fairness, wisdom, truth and compassion. May we always be mindful of those we serve and represent.'</p>
15	Please omit the prayer from the order of business. We are a secular, multicultural, multi-religious community and it is no longer appropriate to force Councillors or attendees to participate in Christian prayer in the undertaking of Council business. I don't think it needs to be replaced with another affirmation.
16	<p>We bring greetings from the Christian communities of Newcastle and thank you for the ongoing and strong relationship between the Council and the religious communities of this city.</p> <p>We are conscious that on 25 June, Newcastle will celebrate the 175th anniversary of its status as a city on the creation of the Diocese of Newcastle by Queen Victoria followed 4 days later by the consecration of the first Anglican Bishop – William Tyrrell.</p> <p>Christians leaders have been aware that on 26th April an amendment to the Code of Meeting Practice was proposed to the Council by Councillors McCabe and Mackenzie aimed at removing prayer as part of the opening stages of a Council meeting.</p> <p>In the 2016 census, the majority of the citizens of the City indicated some form of affiliation with a religious group with 59% of the citizens of the City identifying with Christianity. While these figures are expected to reduce in the 2021 and future censuses, this affiliation indicates a significant affirmation of some of the basics of religious life such as prayer.</p> <p>Christian leaders recognise that many of the remaining citizens are ambivalent about prayer and some find it offends their view of the world. In this regard, the Christian leaders affirm the need for great sensitivity in choosing the words that may be used.</p> <p>The current prayer is "Almighty God. We humbly ask you to bless this meeting, direct and prosper our deliberations, the advancement of your glory and the true welfare of the people of Newcastle.</p> <p>It is not specifically Christian as no direct reference is made to Jesus Christ or to any Christian formularies.</p> <p>There is an opportunity for revision of the prayer to make it more inclusive. We are open to working with you on this.</p> <p>We take this opportunity to express our gratitude for your support of the 14th consecutive Annual Lord Mayor's Prayer Breakfast will be held on Friday 3 June at which representatives from every sector of the community attend and give generously to local charities.</p> <p>The Council will be aware of the vast number of faith-based charities that daily serve the marginalized. Council and council staff are regularly affirmed and prayed for in the congregations of this City.</p> <p>We encourage the Council to reject this proposed motion and, if it wishes, to invite some church leaders to work with some Councillors on a way forward.</p>
17	<p>It has been for some time this day and age. Hopefully speaking to every one of you. I refer you to page 20. 8 Order of business. 3 Prayer</p> <p>As I began this day and age. Church and state are supposed to be separate. The use of prayer is church. It is not synonymy's with state. The state acts for all. Unfortunately church does not.</p> <p>I am submitting a new pledge instead of prayer (see below). I would expect that a new pledge would surface instead of prayer.</p> <p>Newcastle Council Pledge We gather elected to represent the people of our Awabakal Land Awabakal citizens are of equal merit We shall ensure our duties are with ethics, dignity, honesty and compassion And We as elected members of the council will serve and represent So help us all</p>