WAVERLEY
COUNCIL

Code of Meeting Practice

CODE OF MEETING PRACTICE

Policy owner	Executive Manager, Governance
Adopted by	Council
Date adopted	21 June 2022
Commencement date	22 June 2022
TRIM Reference	A22/0057
Next revision date	By September 2025
Relevant legislation/codes	Local Government Act 1993; Model Code of Meeting Practice for Local Councils in NSW 2021; Waverley Code of Conduct for Councillors.
Related policies/procedures/guidelines	Waverley Live Streaming of Council Meetings Policy; Hybrid Meetings Etiquette Guide; Waverley Code of Conduct for Staff.
Related forms	

TABLE OF CONTENTS

PART 1 INTRODUCTION 7

PART 2 MEETING PRINCIPLES 9

PART 3 BEFORE THE MEETING 10

Timing of ordinary council meetings 10
Extraordinary meetings 10
Notice to the public of council meetings 11
Notice to councillors of ordinary council meetings 11
Notice to councillors of extraordinary meetings . 12
Notice of motions for ordinary meetings 12
Questions with notice 13
Agenda and business papers for ordinary meetings 13
Statement of ethical obligations 15
Availability of the agenda and business papers to the public 15
Agenda and business papers for extraordinary meetings 16

PART 4 ADDRESSES BY MEMBERS OF THE PUBLIC 17

PART 5 COMING TOGETHER 18

Attendance by councillors at meetings 18
Leave of absence 18
Vacancy of civic office 19
Meeting attendance while on leave of absence .. 19
The quorum for a meeting 19
Attendance by councillors at meetings by audio-visual link 21
Entitlement of the public to attend meetings 21
Live streaming of meetings 22
Attendance of the general manager and other staff at meetings 23
Meetings held in an emergency 23

PART 6 THE CHAIR 25

The chair at meetings 25
Election of the chair in the absence of the mayor and deputy mayor 25
Chair to have precedence 26

Recognising the authority of the chair 26

PART 7 MODES OF ADDRESS 28

PART 8 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS 29

PART 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS 30

Business that can be dealt with at a council meeting 30

Dealing with urgent matters without notice 30

Mayoral minutes 31

Staff reports 32

Reports of committees of council 32

Questions to councillors and staff 33

PART 10 RULES OF DEBATE 34

Motions to be seconded 34

Notices of motion 34

Chair's duties with respect to motions 34

Motions requiring the expenditure of funds 35

Amendments to motions 35

Foreshadowed motions and amendments 37

Motions and amendments to be submitted in writing 37

Limitations on the number and duration of speeches 37

Laying an item on the table 39

PART 11 VOTING 40

Voting entitlements of chair and councillors 40

Voting at council meetings 40

Voting on planning decisions 41

PART 12 COMMITTEE OF THE WHOLE 42

PART 13 DEALING WITH ITEMS BY EXCEPTION 43

PART 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC 44

Grounds on which meetings can be closed to the public 44

Matters to be considered when closing meetings to the public 45

Notice of likelihood of closure not required in urgent cases 47

Representations by members of the public..... 47
Expulsion of non-councillors from meetings closed to the public 49
Information to be disclosed in resolutions closing meetings to the public..... 49
Resolutions passed at closed meetings to be made public..... 50
Obligations of councillors attending closed meetings by audio-visual link..... 50

PART 15 KEEPING ORDER AT MEETINGS..... 51

Points of order 51
Questions of order..... 51
Motions of dissent 52
Acts of disorder..... 52
How disorder at a meeting may be dealt with ... 53
How disorder by councillors attending meetings by audio-visual link may be dealt with..... 53
Expulsion from meetings 55
Use of mobile phones and unauthorised recording of meetings 55

PART 16 CONFLICTS OF INTEREST..... 57

PART 17 DECISIONS OF COUNCIL..... 58

Council decisions..... 58
Rescinding or altering council decisions 58
Foreshadowing an alternative motion..... 60
Who can deal with a rescission motion 60

PART 18 TIME LIMITS ON COUNCIL MEETINGS 61

PART 19 AFTER THE MEETING 62

Minutes of meetings 62
Correspondence and reports tabled at a meeting63
Implementing council decisions..... 64

PART 20 COUNCIL COMMITTEES 65

Application of this part 65
Council committees whose members are all councillors 65
Functions of committees..... 65
Notice of committee meetings..... 65
Attendance at committee meetings..... 66

Non-members entitled to attend committee meetings 66
Chair and deputy chair of council committees ... 67
Procedure in committee meetings..... 67
Closure of committee meetings to the public..... 68
Disorder in committee meetings..... 68
Minutes of council committee meetings 69

PART 21 IRREGULARITIES..... 71

PART 22 DEFINITIONS..... 72

PART 1 INTRODUCTION

This code of meeting practice sets out the rules of conduct for meetings of the council and a committee of the council where all members are councillors.

Section 360 of the *Local Government Act 1993* requires a council and a committee of the council of which all the members are councillors to conduct its meetings in accordance with a code of meeting practice adopted by the council.

The Waverley Code of Meeting Practice incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) issued by the Office of Local Government in 2021. The Waverley code also incorporates some of the non-mandatory provisions of the Model Meeting Code and other supplementary provisions that are consistent with the mandatory provisions of the Model Meeting Code.

This code must be read in conjunction with the Waverley Code of Conduct for Councillors, which is based on the Model Code of Conduct issued by the Office of Local Government in 2020. The Model Code of Conduct for Councillors includes provisions relating to binding caucus votes, disclosures of interests, and obligations in relation to meetings (including councillor misconduct). This code references the Waverley Code of Conduct where relevant.

Preparation, public notice and exhibition of draft code

Before adopting a code of meeting practice, Council must prepare a draft code and give notice to the public of the exhibition of the draft code. The period of public exhibition must not be less than 28 days and the public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition for the receipt of submissions.

After considering all submissions received, Council may decide:

- to amend the non-mandatory or supplementary provisions, or
- to adopt the draft code as its code of meeting practice.

If Council decides to amend its draft code, it may publicly exhibit the amended draft or, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

The code may only be amended by Council through those means provided within the Act.

Clause references

This code uses the following references to identify the source of each provision or section of provisions:

- *Model Meeting Code* – Mandatory provisions from the Model Meeting Code. Where the provision directly reflects the *Local Government Act*, the section of the Act is also shown.

- *Model Meeting Code – non-mandatory provision* – non-mandatory provisions from the Model Meeting Code.

- *Supplementary provision* – Additional provisions specific to Waverley.

- *Note* – Information added for explanatory purposes or to add clarity. A note is not enforceable.

PART 2 MEETING PRINCIPLES

Council and committee meetings should be:

Transparent	Decisions are made in a way that is open and accountable.
Informed	Decisions are made based on relevant, quality information.
Inclusive	Decisions respect the diverse needs and interests of the local community.
Principled	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful	Councillors, staff and meeting attendees treat each other with respect.
Effective	Meetings are well organised, effectively run and skilfully chaired.
Orderly	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

PART 3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will generally be held on the third Tuesday of each month and its committee meetings on the first Tuesday of each month, with the exception of January when no meetings are held. Meetings will normally be held at the council chambers but may be held at or adjourned to other times or venues should that be expedient for the conduct of business.

Model Meeting Code

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.

Extraordinary meetings

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

Model Meeting Code
LGA s 366

Note: Council may resolve to hold extraordinary meetings as and when required. The Local Government Act 1993 and Model Meeting Code do not specify the kind of business extraordinary meetings may deal with. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.

Notice to the public of council meetings

3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Model Meeting Code
LGA s 9(1)

3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Model Meeting Code

3.6 Should a meeting be adjourned to resume on the same day, it is sufficient notice for the chair to announce to the meeting the time and place of the resumption.

3.7 Should a meeting be adjourned to resume on another day, the provisions of clause 3.3 should apply where practicable.

Supplementary provisions

Notice to councillors of ordinary council meetings

3.8 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Model Meeting Code
LGA s 367(1)

3.9 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.

Model Meeting Code
LGA s 367(3)

Notice to councillors of extraordinary meetings

3.10 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Model Meeting Code
LGA s 367(2)

Notice of motions for ordinary meetings

3.11 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 general manager by 3.00 pm on the second Friday before the meeting is to be held.

3.12 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Model Meeting Code

3.13 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a general manager's comment 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.

Model Meeting Code – non-mandatory provision

Questions with notice

3.14 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.

Note: The general manager will not accept questions about matters that can be dealt with administratively.

3.15 A councillor may submit up to three questions per ordinary council meeting. Questions with notice are not permitted at committee meetings.

Supplementary provision

3.16 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.17 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Model Meeting Code

3.18 The chair must not permit further questions or discussion on any reply to a question with notice.

Supplementary provision

Agenda and business papers for ordinary meetings

3.19 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.20 The general manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

(b) if the mayor is the chair – any matter or topic that the chair proposes, at the time when the agenda is prepared, to put to the meeting, and

(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and

(d) any business of which due notice has been given under clause 3.11 and 3.14.

3.21 Nothing in clause 3.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.7.

3.22 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

Model Meeting Code

3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Model Meeting Code
LGA s 9(2A)(a)

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

Statement of ethical obligations

3.25 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Meeting Code

Availability of the agenda and business papers to the public

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

Model Meeting Code
LGA ss 9(2), (4)

3.27 Clause 3.25 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Model Meeting Code
LGA s 9(2A)(b)

3.28 For the purposes of clause 3.25, copies of agendas and business papers must be published on the council's

website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Model Meeting Code
LGA s 9(3)

3.29 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form.

Model Meeting Code
LGA s 9(5)

Agenda and business papers for extraordinary meetings

3.30 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.31 Despite clause 3.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) the business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council, and

(b) a motion is passed to have the business considered at the meeting.

3.32 A motion moved under clause 3.30(b) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.33 Despite clauses 10.23–10.33, only the mover of a motion moved under clause 3.31(b) can speak to the motion before it is put.

3.34 A motion of dissent cannot be moved against a ruling of the chair under clause 3.31(a) on whether a matter is of great urgency.

Model Meeting Code

PART 4 ADDRESSES BY MEMBERS OF THE PUBLIC

4.1 Council permits members of the public to make oral submissions at council and committee meetings on items of business to be considered at the meeting.

4.2 A person wishing to address a meeting must register by 3.00 pm on the day of the meeting.

4.3 Late requests to address council or a committee meeting, and requests received after the commencement of a council or committee meeting, will be determined by the chair.

4.4 Each address must be no longer than 3 minutes in duration.

4.5 The address must relate to an item of business to be considered at the meeting. The chair will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chair's call to order, the chair may withdraw that speaker's right to address the meeting.

4.6 Speakers cannot ask questions of the council, councillors or council staff.

4.7 When addressing council, speakers must comply with this code.

4.8 Speakers may provide hardcopies of their speech to councillors at the meeting. Audio-visual presentations are not permitted.

Supplementary provisions

PART 5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

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

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

Model Meeting Code

Leave of absence

5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

Model Meeting Code

Vacancy of civic office

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

Model Meeting Code
LGA s 234(1)(d)

Meeting attendance while on leave of absence

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

Model Meeting Code

The quorum for a meeting

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

Model Meeting Code
LGA s 368(1)

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

Model Meeting Code
LGA s 368(2)

5.10 A meeting of the council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

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

(a) by the chair, or

(b) in the chair's absence, by the majority of the councillors present, or

(c) failing that, by the general manager.

5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

Model Meeting Code

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead

be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Attendance by councillors at meetings by audio-visual link

5.15 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.

5.16 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 attends 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 rights, including voting rights, as if they were attending the meeting in person.

5.17 Whilst attending a meeting by audio-visual link a councillor must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Model Meeting Code – non-mandatory provision

Entitlement of the public to attend meetings

5.18 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Model Meeting Code
LGA s 10(1)

5.19 Clause 5.18 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.20 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or

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

Model Meeting Code
LGA s 10(2)

Note: Council does not have a standing resolution giving the chair the power of expulsion referred to in clause 5.20(b).

Live streaming of meetings

5.21 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.22 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and

(b) persons attending the meeting should refrain from making any defamatory statements.

5.23 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.

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

5.25 Clauses 5.23 and 5.24 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

5.26 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Model Meeting Code

Attendance of the general manager and other staff at meetings

5.27 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Model Meeting Code
LGA s 376(1)

5.28 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Model Meeting Code
LGA s 376(2)

5.29 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Model Meeting Code
LGA s 376(3)

5.30 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

Model Meeting Code

5.31 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

Meetings held in an emergency

5.32 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the

health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.33 Where the mayor determines under clause 5.32 that a meeting is to be held by audio-visual link, the general manager must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and

(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.34 This code applies to a meeting held by audio-visual link under clause 5.32 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.32, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Model Meeting Code – non-mandatory provision

PART 6 THE CHAIR

The chair at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Model Meeting Code
LGA s 369(1)

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Model Meeting Code
LGA s 369(2)

Election of the chair in the absence of the mayor and deputy mayor

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

6.4 The election of a chair must be conducted:

(a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or

(b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

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

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

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

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

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.

Model Meeting Code

Chair to have precedence

6.9 When the chair rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every councillor present must be silent to enable the chair to be heard without interruption.

Model Meeting Code

Recognising the authority of the chair

6.10 When addressing a meeting of the council, councillors and all other persons present must, unless the chair states otherwise:

(a) stand; and

(b) direct their address through the chair.

6.11 Councillors and all other persons attending a meeting of the council must at all times show respect to, and observe the ruling of, the chair.

6.12 Despite clause 6.11 of this code, a councillor may, through a motion of dissent, challenge a ruling made by the chair (see clause 15.8 of this code for motions of dissent).

Supplementary provisions

PART 7 MODES OF ADDRESS

7.1 If the chair is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the chair is not the mayor, they are to be addressed as either 'Mr Chair or 'Madam Chair'.

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]**.**

Model Meeting Code – non-mandatory provisions

PART 8 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS

8.1 The general order of business for council and committee meetings is as fixed by resolution of the council.

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

8.3 Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

Model Meeting Code

PART 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

9.1 The council must not consider business at a meeting of the council:

(a) unless a councillor has given notice of the business, as required by clause 3.11, and

(b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the council, or

(b) is the election of a chair to preside at the meeting, or

(c) subject to clause 9.10, is a matter or topic put to the meeting by way of a mayoral minute, or

(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

Model Meeting Code

Dealing with urgent matters without notice

9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:

(a) the business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by the council

before the next scheduled ordinary meeting of the council, and

(b) a motion is passed to have the business considered at the meeting.

9.4 A motion moved under clause 9.3(b) can be moved without notice. Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 9.3(b) can speak to the motion before it is put.

Model Meeting Code

9.5 The mover of the motion referred to in clause 9.3(b) must, when speaking to the motion, explain why he or she believes it requires a decision by the council before the next scheduled ordinary meeting of the council.

Supplementary provision

9.6 A motion of dissent cannot be moved against a ruling by the chair under clause 9.3(a).

Model Meeting Code

Mayoral minutes

9.7 Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

9.10 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this

clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Model Meeting Code

9.11 Where a mayoral minute makes a recommendation which, if adopted, 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, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Model Meeting Code – non-mandatory provision

Staff reports

9.12 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Model Meeting Code

Reports of committees of council

9.13 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.14 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Model Meeting Code

Note: Council's committees adopt their own minutes. The provisions in this section apply only to recommendations of the committee of the whole.

Questions to councillors and staff

9.15 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.14.

9.16 A councillor may, through the chair, put a question to another councillor about a matter on the agenda.

9.17 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.

9.18 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.19 Councillors must put questions directly, succinctly, respectfully and without argument.

9.20 The chair must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Model Meeting Code

PART 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.

Model Meeting Code

Note: This Code specifies that mayoral minutes (see clause 9.7) and 'put' motions (see clause 10.28) do not require a seconder.

Notices of motion

10.2 A councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other councillor may, with the leave of the chair, move the motion at the meeting, or

(b) the chair may defer consideration of the motion until the next meeting of the council.

Model Meeting Code

Chair's duties with respect to motions

10.5 It is the duty of the chair at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

Model Meeting Code

10.6 At the time a motion or amendment is moved, the chair must ensure the motion or amendment is announced to the meeting in its entirety so its intent can be clearly understood. This requirement does not apply when the motion or amendment appears on the agenda.

Supplementary provision

10.7 The chair must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.8 Before ruling out of order a motion or an amendment to a motion under clause 10.7, the chair is to give the mover an opportunity to clarify or amend the motion or amendment.

10.9 Any motion, amendment or other matter that the chair has ruled out of order is taken to have been lost.

Model Meeting Code

Motions requiring the expenditure of funds

10.10 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 general manager on the availability of funds for implementing the motion if adopted.

Model Meeting Code – non-mandatory provision

Amendments to motions

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

Model Meeting Code

10.12 The seconder of a motion cannot move an amendment to the motion.

Supplementary provision

10.13 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 chair.

10.14 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.

10.15 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.

10.16 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.

10.17 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.

10.18 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Model Meeting Code

Notes: Under clause 10.18, the acceptance of an amendment by the seconder of the original motion is not required.

Despite clause 10.18, a councillor does not have to ask the mover of the original motion if they will accept their amendment. Instead, they may choose to move the amendment formally as per clause 10.11.

Foreshadowed motions and amendments

10.19 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.

10.20 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.

10.21 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.

Model Meeting Code

Motions and amendments to be submitted in writing

10.22 All motions and amendments, including those foreshadowed, should be submitted in writing to staff in the governance section prior to the meeting where practical for the purposes of live minuting.

Supplementary provision

Limitations on the number and duration of speeches

10.23 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made

during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.24 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.

10.25 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.

10.26 Despite clause 10.25, the chair 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.

10.27 Despite clause 10.25, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.28 Despite clauses 10.23 and 10.24, 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.

10.29 The chair must immediately put to the vote, without debate, a motion moved under clause 10.28. A seconder is not required for such a motion.

10.30 If a motion that the original motion or an amendment be now put is passed, the chair 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 10.23.

10.31 If a motion that the original motion or an amendment be now put is lost, the chair must allow the debate on the original motion or the amendment to be resumed.

10.32 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.

10.33 Once the debate on a matter has concluded and a matter has been dealt with, the chair must not allow further debate on the matter.

Model Meeting Code

Laying an item on the table

10.34 A councillor may move a procedural motion that an agenda item 'lay on the table' to allow further consideration or information to be provided before the matter is decided. If the motion is carried, no further debate can be undertaken until there is a procedural motion for the item to be 'taken from the table.'

10.35 A motion to lay an item on the table, or to take an item from the table, is not debateable and there can be no amendments or right of reply.

10.36 A matter laid on the table must be taken from the table and dealt with prior to the end of the meeting.

10.37 When the item is taken from the table, debate resumes where it left off.

Supplementary provisions

PART 11 VOTING

Voting entitlements of chair and councillors

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

Model Meeting Code
LGA s 370(1)

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

Model Meeting Code
LGA s 370(2)

11.3 Where the chair 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.

Model Meeting Code

Voting at council meetings

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

11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

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

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

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted

against the motion in accordance with clause 11.4 of this code.

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

Model Meeting Code

Voting on planning decisions

11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Model Meeting Code
LGA s 375A

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

PART 12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Model Meeting Code
LGA s 373

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

Note: Clauses 10.23–10.33 limit the number and duration of speeches.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

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.

Model Meeting Code

PART 13 DEALING WITH ITEMS BY EXCEPTION

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together, the chair must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chair that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 A motion to adopt multiple items of business together 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.

13.5 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.6 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

Model Meeting Code – non-mandatory provisions

PART 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than councillors),

(b) the personal hardship of any resident or ratepayer,

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

(d) commercial information of a confidential nature that would, if disclosed:

i. prejudice the commercial position of the person who supplied it, or

ii. confer a commercial advantage on a competitor of the council, or

iii. reveal a trade secret,

(e) information that would, if disclosed, prejudice the maintenance of law,

(f) matters affecting the security of the council, councillors, council staff or council property,

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and

location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Model Meeting Code
LGA ss 10A(1), (2)

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

Model Meeting Code
LGA s 10A(3)

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Model Meeting Code
LGA s 10B(1)

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

(a) are substantial issues relating to a matter in which the council or committee is involved, and

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

Model Meeting Code
LGA s 10B(2)

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.

Model Meeting Code
LGA s 10B(3)

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

(a) a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

i. cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or

ii. cause a loss of confidence in the council or committee.

Model Meeting Code
LGA s 10B(4)

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

Model Meeting Code
LGA s 10B(5)

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

i. should not be deferred (because of the urgency of the matter), and

ii. should take place in a part of the meeting that is closed to the public.

Model Meeting Code
LGA s 10C

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Model Meeting Code
LGA s 10A(4)

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 3.23 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 3.00 pm on the day of the meeting at which the matter is to be considered.

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

14.13 No more than three speakers are to be permitted to make representations under clause 14.9.

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

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

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the chair 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 chair is to permit no more than three speakers to make representations in such order as determined by the chair.

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

Model Meeting Code

Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Information to be disclosed in resolutions closing meetings to the public

14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,

(b) the matter that is to be discussed during the closed part of the meeting,

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open

meeting would be, on balance, contrary to the public interest.

Model Meeting Code
LGA s 10D

Resolutions passed at closed meetings to be made public

14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chair 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.

14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chair under clause 14.21 during a part of the meeting that is webcast.

Model Meeting Code

Obligations of councillors attending closed meetings by audio-visual link

14.23 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.

Model Meeting Code – non-mandatory provisions

PART 15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chair 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 Part 2.

15.3 A point of order must be taken immediately it is raised. The chair 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 chair must then rule on the point of order – either by upholding it or by overruling it.

Model Meeting Code

Questions of order

15.4 The chair, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chair, 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 chair to the matter.

15.6 The chair 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 chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Model Meeting Code

Motions of dissent

15.8 A councillor can, without notice, move to dissent from a ruling of the chair on a point of order or a question of order. If that happens, the chair 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 chair 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 chair 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 chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Model Meeting Code

Acts of disorder

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(a) contravenes the Act, the Regulation or this code, or

(b) assaults or threatens to assault another councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: A councillor also commits an act of disorder if, at a meeting of the council or a committee of the council, the councillor behaves in a manner described under clause 3.22 of the Waverley Code of Conduct for Councillors.

15.12 The chair may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) (b), or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chair 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 chair, 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.

Model Meeting Code

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.14 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. Before taking this action, the chairperson must state the provision of this code that they believe has been breached.

15.15 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.

Model Meeting Code – non-mandatory provisions

Expulsion from meetings

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

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

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

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

Use of mobile phones and unauthorised recording of meetings

15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.22 Without limiting clause 15.17, a contravention of clause 15.21 or an attempt to contravene that clause,

constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

PART 16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Model Meeting Code

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 must suspend their audio-visual link to the meeting so that the councillor cannot be seen or heard by 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.

Model Meeting Code – non-mandatory provisions

Note: See Parts 4 and 5 of the Waverley Code of Conduct for Councillors

PART 17 DECISIONS OF COUNCIL

Council decisions

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

Model Meeting Code
LGA s 371

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

Model Meeting Code

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 3.11.

Model Meeting Code
LGA s 372(1)

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.

Model Meeting Code
LGA s 372(2)

17.5 If notice of a rescission motion is not given before the close of the meeting at which the decision was made, the decision may be carried into effect before the rescission motion has been dealt with. However, the general manager will not carry the decisions from a meeting into effect until 10 am on the next working day following the meeting. Notice of a rescission motion received by the general manager before this time will stop the decision being carried into effect until the rescission motion has been dealt with.

Supplementary provision

17.6 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 3.11.

Model Meeting Code
LGA s 372(3)

17.7 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.

Model Meeting Code
LGA s 372(4)

17.8 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.

Model Meeting Code
LGA s 372(5)

17.9 The provisions of clauses 17.6–17.8 concerning lost motions do not apply to motions of adjournment.

Model Meeting Code
LGA s 372(7)

17.10 A notice of motion submitted in accordance with clause 17.7 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

Model Meeting Code

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

Model Meeting Code
LGA s 372(6)

17.12 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 chair, and

(b) the chair rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council; and

(c) a motion to have the motion considered at the meeting is passed.

17.13 A motion moved under clause 17.12(c) can be moved without notice. Only the mover of the motion can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chair under clause 17.12(b).

Model Meeting Code – non-mandatory provisions

Foreshadowing an alternative motion

17.15 If a councillor wishes to have an alternative motion considered once a rescission motion is adopted, the alternative motion must be:

(a) included in the notice of motion to rescind the resolution lodged with the general manager, and be listed on the meeting agenda, or

(b) foreshadowed during the debate on the rescission motion.

Who can deal with a rescission motion

17.16 A notice of motion to rescind or alter a committee resolution can be dealt with by the committee or by the council.

17.17 A notice of motion to rescind or alter a council resolution can only be dealt with by the council.

Supplementary provisions

PART 18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude no later than 11.30 pm.

18.2 If the business of the meeting is unfinished at 11.30 pm, 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 11.30 pm, and the council does not resolve to extend the meeting, the chair must either:

(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or

(b) adjourn the meeting to a time, date and place fixed by the chair.

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and

(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Meeting Code – non-mandatory provisions

PART 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.

Model Meeting Code
LGA s 375(1)

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Model Meeting Code
LGA s 375(2)

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.

Model Meeting Code

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

Model Meeting Code
LGA s 375(2)

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

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

Model Meeting Code

Correspondence and reports tabled at 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 tabled at, or submitted to, the meeting.

Model Meeting Code
LGA s 11(1)

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

Model Meeting Code
LGA s 11(2)

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.

Model Meeting Code
LGA s 11(3)

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.

Model Meeting Code

Implementing council decisions

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Model Meeting Code
LGA s 335(b)

Note: See clause 17.5 of this Code regarding rescission motions.

PART 20 COUNCIL COMMITTEES

Application of this part

20.1 This Part only applies to committees of the council whose members are all councillors.

Model Meeting Code

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

(a) such number of members as the council decides, or

(b) if the council has not decided a number – a majority of the members of the committee.

Model Meeting Code

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Model Meeting Code

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

(a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Model Meeting Code

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Model Meeting Code

Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or

(b) to move or second a motion at the meeting, or

(c) to vote at the meeting.

Model Meeting Code

Chair and deputy chair of council committees

20.11 The chair of each committee of the council must be:

(a) the mayor, or

(b) if the mayor does not wish to be the chair 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 chair of the committee. If the council does not elect a deputy chair of such a committee, the committee may elect a deputy chair.

20.13 If neither the chair nor the deputy chair 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 chair of the committee.

20.14 The chair is to preside at a meeting of a committee of the council. If the chair is unable or unwilling to preside, the deputy chair (if any) is to preside at the meeting, but if neither the chair nor the deputy chair is able or willing to preside, the acting chair is to preside at the meeting.

Model Meeting Code

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chair of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Model Meeting Code

Closure of committee meetings to the public

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chair must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chair under clause 20.19 during a part of the meeting that is webcast.

Model Meeting Code

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Model Meeting Code

Minutes of council committee meetings

20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of councillors attending a committee meeting and whether they are attending the meeting in person or by audio-visual link,

(b) details of each motion moved at a council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

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

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

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

20.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of

committees of the council on its website prior to their confirmation.

Model Meeting Code

PART 21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or

(b) a failure to give notice of the meeting to any councillor or committee member, or

(c) any defect in the election or appointment of a councillor or committee member, or

(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Model Meeting Code
LGA s 374

PART 22 DEFINITIONS

the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chair	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code; and, in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in *the Model Code of Conduct for Local Councils in NSW*
day	means calendar day
division	means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under

	clause 10.20 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.19 of this code during debate on an original motion
live stream	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the *Local Government (General) Regulation 2021*
year	means the period beginning 1 July and ending the following 30 June