CITY OF SYDNEY

Code of Meeting Practice

Code of Meeting Practice
Resolution of Council: 16 December 2024

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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1. Introduction

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

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

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

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

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

Objectives

This Code of Meeting Practice has the following objectives:

1. to ensure that all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
2. to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
3. to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
4. to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council; and
5. to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

Note: The objectives are a supplementary provision

Interpretation

This Code may be cited as the City of Sydney Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993*, the *Local Government General Regulation* 2021 and the Objectives of this Code.

The Code includes relevant references to sections of the *Local Government Act 1993* and Local Government General Regulation 2021, as well as supplementary provisions adopted by Council.

Any references to the mayor in this Code should be interpreted to apply to the Lord Mayor of the City of Sydney.

Any references to the general manager should be interpreted to apply to the Chief Executive Officer of the City of Sydney.

Note: The interpretation is a supplementary provision

2. Meeting principles

2.1 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.

Revision of the Code

2.2 Where permitted under the Act or Regulation, the Council authorises the Chief Executive Officer to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice from the NSW Office of Local Government.

Note: Clause 2.2 is a Supplementary Provision

3. Before the meeting

Timing of ordinary council meetings

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

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

3.2 In addition to the meeting cycle adopted, Council may resolve to hold additional meetings as considered necessary.

3.3 Additional meetings of Council convened by resolution of Council are subject to the three days' notice rule and must also be advertised in accordance with clause 3.10 of this Code of Meeting Practice.

3.4 Generally, Council will recess during school holiday periods.

3.5 Council meetings will generally commence at 5.00pm, but this commencement time may vary for particular meetings if the Council so resolves or if the Lord Mayor so directs under delegated authority.

3.6 Council will determine the commencement times for meetings of Committees.

3.7 The Lord Mayor has delegated authority to call and schedule meetings of Council Committees, workshops for Councillors and site inspections by Councillors.

Note: Clauses 3.2-3.7 are supplementary provisions

Extraordinary meetings

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

Note: Clause 3.8 reflects section 366 of the Act.

3.9 Councillors requesting that the Lord Mayor call an extraordinary meeting of council in accordance with clause 3.8, must provide the reason for the request in writing.

Note: Clause 3.9 is a supplementary provision

Notice to the public of council meetings

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

Note: Clause 3.10 reflects section 9(1) of the Act.

3.11 For the purposes of clause 3.10, 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.

3.12 For the purposes of clause 3.10, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.13 The Chief Executive Officer 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.

Note: Clause 3.13 reflects section 367(1) of the Act.

3.14 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.14 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

Note: Clause 3.15 reflects section 367(2) of the Act.

Days of notice

3.16 The day of issue and the day of the meeting are not to be counted as days of notice in accordance with section 36 Interpretations Act 1987.

Note: Clause 3.16 is a supplementary provision

Giving notice of business to be considered at council meetings

3.17 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 submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12noon, four business days before the meeting is to be held.

3.18 A councillor may, in writing to the Chief Executive Officer, 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.

3.19 If the Chief Executive Officer 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 Chief Executive Officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.20 A notice of motion which 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 notice of motion.

Note: Clauses 3.19 and 3.20 are non-mandatory provisions.

Questions with notice

3.21 A councillor may, by way of a notice submitted under clause 3.17 ask a question for response by the Chief Executive Officer about the performance or operations of the council.

3.22 A councillor is not permitted to ask a question with notice under clause 3.21 that comprises a complaint against the Chief Executive Officer or a member of staff of the council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the council.

3.23 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.21 by way of a report included in the business papers for the relevant meeting of the council at least three hours prior to the start of the relevant meeting where possible or orally at the meeting.

3.24 Notices of motion containing questions are to be dealt with as Questions on Notice and listed separately on the council agenda. Questions on Notice must be submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12 noon, four business days before the meeting is to be held.

3.25 Questions on Notice must directly relate to the business of council and must be put directly, succinctly, respectfully and without argument.

3.26 Questions should not contain:

(a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;

(b) argument;

(c) inference; or

(d) imputation.

3.27 Questions should not ask for legal opinion to be provided at the council meeting.

3.28 Questions should not refer to confidential matters that have been previously, or are yet to be, discussed by council in closed session, nor refer to confidential matters as listed in section 10A(2) of the Local Government Act 1993.

3.29 The Chief Executive Officer or specified delegate may exclude from the agenda any Question on Notice which may have the effect of exposing a councillor, the council, or a member of staff, to an action for defamation.

3.30 A councillor may appeal to the Lord Mayor against a decision of the Chief Executive Officer or specified delegate made under clause 3.29. The Lord Mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.

3.31 The Lord Mayor may rule that a Question on Notice does not comply with the Code of Meeting Practice, notwithstanding a decision made under clause 3.29 - and in such cases the Lord Mayor is to provide a written reason for such a decision.

3.32 The council business papers may include Supplementary Answers to Previous Questions, following Questions on Notice.

Note: Clauses 3.24 -3.30 are supplementary provisions

Notices of motion

3.33 The rules applying to the content of Questions also apply to the content of Notices of Motion.

3.34 Councillors are to ensure, where it is intended that the Chief Executive Officer be asked to carry out some specific defined action that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.

Note: Clauses 3.33 and 3.34 are supplementary provisions

Other motions

3.35 The rules applying to the content of Questions on Notice and Notices of Motion apply to the content of any other motion or amendment moved at a council or committee meeting.

3.36 Councillors are asked, where they propose to move an amendment to a staff recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies of the proposed amendment to the Chief Executive Officer or their specified delegate at, or prior to the start of the meeting, for circulation to all councillors and relevant staff.

Note: Clauses 3.35 and 3.36 are Supplementary Provisions

Agenda and business papers for ordinary meetings

3.37 The Chief Executive Officer 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.

3.38 The Chief Executive Officer 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 Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, 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 3.17.

3.39 Nothing in clause 3.38 limits the powers of the Lord Mayor to put a mayoral minute to a meeting under clause 8.6.

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

3.41 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

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

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

Note: Clause 3.41 reflects section 9(2A)(a) of the Act.

3.42 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, 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.

Agendas

3.43 The Lord Mayor has the authority to direct the Chief Executive Officer to include items on the agendas for all meetings, subject to the Act and Regulation. Provided that the council has by resolution determined a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.

Note: Clause 3.43 is a supplementary provision

Matters for tabling – correspondence and petitions

3.44 The business paper may also include any correspondence which, in the opinion of the Chief Executive Officer or Lord Mayor, should be brought to the attention of Council. The Lord Mayor and Councillors may table original petitions, or copies of electronic petitions, at meetings of Council with or without notice. The recommendation accompanying any Matters for Tabling, whether notice has been given or not, is "It is resolved that the matter be received and noted."

3.45 Notice of Petitions (whether paper petitions or electronic petitions) may be included on Council's business paper provided that notice is given to the Chief Executive Officer or their specified delegate no later than 12noon, four business days before the meeting at which the petition is to be considered. Notice must include the name of the petition and the statement(s) to which the signatories are agreeing.

3.46 Councillors may debate the subject of the petition if notice has been given.

3.47 Should a Councillor wish Council to consider a motion in relation to a petition, they are able to provide notice of the motion in accordance with the requirements of the Code of Meeting Practice. The motion will then be listed on the Council agenda.

3.48 If notice of the petition has not been given, Council may only receive and note the petition and must not discuss the matter unless a motion is passed in accordance with clause 8.3. A Councillor may request that the petition be placed on the agenda for the next Council meeting to allow for debate.

3.49 Otherwise, once a petition has been received and noted, the Chief Executive Officer must ensure the petition is appropriately considered by the City and in accordance with the Council's Petition Guidelines.

Note: Clauses 3.44-3.49 are supplementary provisions

Statement of ethical obligations

3.50 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.

Availability of the agenda and business papers to the public

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

Note: Clause 3.51 reflects section 9(2) and (4) of the Act.

3.52 Clause 3.51 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.41 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.52 reflects section 9(2A)(b) of the Act.

3.53 For the purposes of clause 3.51, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.53 reflects section 9(3) of the Act.

3.54 A copy of an agenda, or of an associated business paper made available under clause 3.51, may in addition be given or made available in electronic form.

Note: Clause 3.54 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.55 The Chief Executive Officer must ensure the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.56 Despite clause 3.55, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

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

3.57 A motion moved under clause 3.56(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.58 Despite clauses 9.27-9.36 only the mover of a motion moved under clause 3.56(a) can speak to the motion before it is put.

3.59 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.56(b) on whether a matter is of great urgency.

4. Coming together

Attendance by councillors at meetings

4.1 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.

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

4.3 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.

4.4 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.

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

4.6 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.

Note: Clause 4.6 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 4.8 reflects section 368(1) of the Act.

4.9 Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 4.9 reflects section 368(2) of the Act.

4.10 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.

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

(a) by the chairperson, or

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

(c) failing that, by the Chief Executive Officer.

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

4.13 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 Lord Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

4.14 Where a meeting is cancelled under clause 4.13, 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 3.8.

Note: Clauses 4.13 and 4.14 are non-mandatory provisions

Meetings held by audio-visual link

4.15 A meeting of the council or a committee of the council may be held by audio-visual link where the Lord Mayor determines that the meeting should be held by audio-visual link because of a natural disaster, concerns relating to public health or in any other situation to ensure the health, safety and welfare of councillors and council staff . The Lord Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health, safety and welfare of councillors and staff at risk. The Lord Mayor must make a determination under this clause in consultation with the Chief Executive Officer.

4.16 Where the Lord Mayor determines under clause 4.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer 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 Chief Executive Officer 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.

4.17 This code applies to a meeting held by audio-visual link under clause 4.15 in the same way it would if the meeting was held in person.

4.18 Should the Lord Mayor determine that a meeting of the committees of the council be held by audio-visual link, members of the public will be permitted to address the meeting by audio-visual link, including from the location made available for the public to observe the meeting if they have attended in person.

4.19 If, as a result of technical issues, any councillor loses connection to the meeting held by audio-visual link, the chair should adjourn the meeting for up to 15 minutes to enable the technical issue to be resolved. If the chair loses connection, the deputy chair of the meeting must call for the adjournment.

Note: Where a council holds a meeting by audio-visual link under clause 4.15, 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.

Note: Clauses 4.15-4.19 are non-mandatory provisions

Attendance by councillors at meetings by audio-visual link (hybrid meetings)

4.20 The Lord Mayor may, in response to a request made by a councillor, permit the councillor to attend one or more meetings of the council or committee by audio-visual link where they are satisfied on reasonable grounds that the councillor will be prevented from attending the meeting/s in person for reasons beyond their control.

4.21 Requests by councillors to attend meetings by audio-visual link must be made in writing to the Lord Mayor by 12 noon on the day of the relevant meeting/s wherever possible and must provide information about the meeting/s the councillor will be prevented from attending in person and the reason why the councillor will be prevented from attending the meeting/s in person. When circumstances arise after 12 noon that would prevent a councillor from attending in person all attempts will be made to facilitate attendance by audio-visual link if possible, subject to technical capacity to do so.

4.22 Where the Lord Mayor approves attendance by audio-visual link a written determination permitting a councillor to attend one or more meetings by audio-visual link should be issued which provides the following information:

(a) the Lord Mayor's confirmation that they are satisfied that the request is made on valid grounds, in accordance with clause 4.20 and

(b) details of the meetings the determination applies to.

4.23 Where the request of a councillor to attend a meeting by audio-visual link has been agreed, the Lord Mayor shall determine whether the meeting shall be a hybrid meeting or held by audio-visual link. This determination should be provided to all councillors as soon as practicable prior to the relevant meeting.

4.24 A determination in relation to an application to permit a councillor to attend a meeting by audio-visual link is at the discretion of the Lord Mayor. Where the Lord Mayor determines not to approve attendance by audio-visual link this determination should be made in writing and reasons for the refusal provided to the councillor.

4.25 The Lord Mayor is under no obligation to permit a councillor to attend a meeting by audio- visual link where the technical capacity does not exist to allow the councillor to attend a meeting by these means.

4.26 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

4.27 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

4.28 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Note: Clauses 4.20-4.28 are non-mandatory provisions

Entitlement of the public to attend council meetings

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

Note: Clause 4.29 reflects section 10(1) of the Act.

4.30 Clause 4.29 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

(a) by a resolution of the meeting, or

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

Note: Clause 4.31 reflects section 10(2) of the Act.

Webcasting of meetings

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

4.33 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.

4.34 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.

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

4.36 Clauses 4.34 and 4.35 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 4.32-4.36 reflect section 236 of the Regulation.

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

4.38 Members of the public attending a council or committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

4.39 By attending a council or committee meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

4.40 Speakers addressing council or committee meetings do not have absolute privilege in respect of opinions expressed or comments made or material presented. The City accepts no responsibility for any defamatory comments in this regard.

4.41 Council and committee meetings are public meetings where individuals may make statements or take actions which may be contrary to law. For example, those that are defamatory, discriminatory, breach privacy or physically harm another individual. Statements and actions such as these made in a council or committee meeting by any individual are not protected by privilege and may be the subject of legal proceedings and potential liability.

4.42 Council does not accept any liability for statements made or actions taken by individuals during a council or committee meeting that may be contrary to law.

4.43 Councillors and council employees are bound by the Code of Conduct and Code of Meeting Practice and are expected to maintain the high standards of conduct and behaviour required by these Codes.

4.44 A disclaimer will be published on Council's website, displayed in the public gallery, printed in the meeting agendas and announced by the Chair at the commencement of each meeting, notifying the public that statements made and actions taken during a council or committee meeting are those of the individuals making them, and not those of the council.

4.45 Unless set out in a resolution of council, the City of Sydney does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a council or committee meeting, and which may be contained in a live stream or recording of a council or committee meeting.

4.46 Recordings of proceedings are not an official record of the meeting, nor do they convey the official minutes of a council or committee meeting or the position of Council. Recordings are not to be used except in accordance with this Code.

4.47 Written transcripts of proceedings are not available.

4.48 Council or committee meetings may be several hours long. Viewing live or recorded video of Council meetings over the internet can consume large amounts of data. The user is responsible for any charges a service provider may impose for data usage, particularly over a mobile internet connection.

4.49 Access to live streams and recordings of council or committee meetings is provided on the City's website for personal and non-commercial use.

4.50 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the City.

4.51 Copyright remains with the City.

4.52 There may be situations where, due to technical difficulties beyond the City's control, a live stream or recording of a meeting may not be available. Every reasonable effort will be made to ensure live streams and meeting recordings are made available on the City's website.

4.53 The City takes no responsibility for, and accepts no liability, in the event that live streaming of a meeting, a recording of a meeting, or the City's website is unavailable.

4.54 Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

Note: Clauses 4.38-4.54 are supplementary provisions

Attendance of the Chief Executive Officer and other staff at meetings

4.55 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 4.55 reflects section 376(1) of the Act.

4.56 The Chief Executive Officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 4.56 reflects section 376(2) of the Act.

4.57 The Chief Executive Officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 4.57 reflects section 376(3) of the Act.

4.58 The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the Chief Executive Officer.

4.59 The Chief Executive Officer and other council staff may attend meetings of the council and committees 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 Chief Executive Officer.

5. The Chairperson

The chairperson at meetings

5.1 The Lord Mayor, or at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor (if any) presides at meetings of the council.

Note: Clause 5.1 reflects section 369(1) of the Act.

5.2 If the Lord Mayor and the Deputy Lord Mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 5.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor

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

5.4 The election of a chairperson must be conducted:

(a) by the Chief Executive Officer or, in their absence, an employee of the council designated by the Chief Executive Officer to conduct the election, or

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

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

5.6 For the purposes of clause 5.5, the person conducting the election must:

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

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

5.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

5.9 When the chairperson rises or speaks during a meeting of the council:

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

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

Recognition of chairperson

5.10 In addressing council, councillors and other persons addressing the council shall at all times speak through the chairperson.

5.11 Councillors and other persons addressing the council shall at all times show appropriate respect and observe the ruling of the chairperson.

5.12 A councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the chairperson.

Note: Clauses 5.10-5.12 are supplementary provisions

6. Modes of address

6.1 To facilitate debate, councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of council (except when prevented by disability or injury). This procedure does not need to be followed at meetings of committees, where a meeting is being held by audio-visual link, where a councillor is attending a meeting by audio-visual link or in circumstances where the chairperson rules that standing is not required.

6.2 In addressing council, councillors and other persons addressing the council will use the appropriate mode of address to the Lord Mayor, Deputy Lord Mayor, fellow councillors, employees of council and members of the public in attendance.

6.3 Councillors shall refrain from the use of offensive or inappropriate words in reference to any councillors, employees of council and members of the public consistent with the City's Code of Conduct.

6.4 Councillors shall not make imputations of improper motives or personal reflections on councillors, employees of council and members of the public, consistent with the City's Code of Conduct.

Note: Clauses 6.1-6.4 are non-mandatory provisions

7. Order of business for ordinary Council meetings

7.1 At a meeting of Council, the general order of business is as fixed by resolution of the council.

7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 12 allows council to deal with items of business by exception.

7.3 Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

8. Consideration of business at Council meetings

Business that can be dealt with at a council meeting

8.1 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 3.17, and

(b) unless notice of the business has been sent to the councillors in accordance with clause 3.13 in the case of an ordinary meeting or clause 3.15 in the case of an extraordinary meeting called in an emergency.

8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:

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

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

(c) subject to clause 8.9, is a matter or topic put to the meeting by way of a mayoral minute, or

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

8.3 Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:

(a) a motion is passed to have the business considered at the meeting, and

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

8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.

8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Lord Mayoral minutes

8.6 Subject to clause 8.9, if the Lord Mayor is the chairperson at a meeting of the council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

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

8.8 A recommendation made in a lord mayoral minute put by the Lord Mayor is, so far as it is adopted by the council, a resolution of the council.

8.9 A lord mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

8.10 Where a lord 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 lord mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Note: Clause 8.10 is a non-mandatory provision.

Staff reports

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

Reports of committees of council

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

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

Questions

8.14 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 3.17 and 3.21.

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

8.16 A councillor may, through the Chief Executive Officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

8.17 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.

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

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

9. Rules of debate

Motions to be seconded

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

9.2 Debate on a motion or amendment commences once the mover has spoken to the motion or amendment.

9.3 If, however, the mover reserves his or her right to speak on the motion or amendment, the motion or amendment must be seconded for debate to proceed.

Note: This provision will enable the mover of a motion to speak to a motion without it being seconded. If the motion is not seconded after the mover has spoken, it will lapse.

Note: Clauses 9.2 and 9.3 are supplementary provisions

Notices of motion

9.4 A councillor who has submitted a notice of motion under clause 3.17 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

9.5 If a councillor who has submitted a notice of motion under clause 3.17 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

9.6 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 chairperson, move the motion at the meeting, or

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

Chairperson's duties with respect to motions

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

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

9.9 Before ruling out of order a motion or an amendment to a motion under clause 8.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

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

Motions requiring the expenditure of funds

9.11 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 Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Note: Clause 9.11 is a non-mandatory provision.

Amendments to motions

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

9.13 The amendment must also be moved before the debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.

Note: Clause 9.13 is supplementary provision.

9.14 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

9.15 An amendment must not be moved that is substantially the same as an earlier rejected amendment on the motion.

9.16 An amendment that is in opposition to an amendment already accepted must not be moved or accepted for debate.

Note: Clauses 9.15 and 9.16 are supplementary provisions

9.17 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

9.18 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

9.19 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

9.20 If the amendment is carried, it becomes the motion, and is to be debated. If the amendment is lost, debate is to resume on the original motion.

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

Foreshadowed motions

9.22 A councillor may propose a foreshadowed motion in relation to the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

9.23 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.

9.24 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.

9.25 The chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed motions or amendments.

9.26 Foreshadowed motions or amendments are still subject to the clause 8.1 (to be moved and seconded).

Note: Clauses 9.25 and 9.26 are supplementary provisions

Limitations on the number and duration of speeches

9.27 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

9.28 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

9.29 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

9.30 Despite clause 9.29, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

9.31 Nothing in clauses 9.27, 9.28 or 9.29 affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

Note: Clause 9.31 is a supplementary provision.

9.32 Despite clause 9.30, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

9.31 Despite clauses 9.27 and 9.28, 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 councillors have spoken against it.

9.33 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.31. A seconder is not required for such a motion.

9.34 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.27.

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

9.36 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

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

10. Voting

Voting entitlements of councillors

10.1 Each councillor is entitled to one vote.

Note: Clause 10.1 reflects section 370(1) of the Act.

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

Note: Clause 10.2 reflects section 370(2) of the Act.

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

Voting at council meetings

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

10.5 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 Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

10.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

10.7 The Chief Executive Officer 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.

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

10.9 Clauses 10.7 and 10.8 apply also to meetings that are closed to the public.

Note: Clauses 10.7 to 10.9 reflect section 375A of the Act.

Note: The requirements of clause 10.7 may be satisfied by maintaining a register of the minutes of each planning decision.

11. Committee of the whole

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

Note: Clause 11.1 reflects section 373 of the Act.

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

Note: Clauses 9.27-9.37 limit the number and duration of speeches.

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

11.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

12. Dealing with items by exception

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

12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 6.2.

12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.

12.7 Councillors must ensure they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

Note: Clauses 12.1-12.7 are non-mandatory provisions.

13. Closure of Council meetings to the public

Grounds on which meetings can be closed to the public

13.1 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, or

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

Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.

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

Note: Clause 13.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:

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

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

Note: Clause 13.3 reflects section 10B(1) of the Act.

13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:

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

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

Note: Clause 13.4 reflects section 10B(2) of the Act.

13.5 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 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

Note: Clause 13.5 reflects section 10B(3) of the Act.

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

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

(b) the discussion of the matter may:

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

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

Note: Clause 13.6 reflects section 10B(4) of the Act.

13.7 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.

Note: Clause 13.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

13.8 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 3.41 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 13.1, and

(b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:

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

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

Note: Clause 13.8 reflects section 10C of the Act.

Representations by members of the public

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

Note: Clause 13.9 reflects section 10A(4) of the Act.

13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.

13.11 Where the matter has been identified in the agenda of the meeting under clause 3.41 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received four hours before the meeting at which the matter is to be considered.

13.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 13.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.

13.13 No more than three (3) speakers are to be permitted to make representations under clause 13.9.

13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the Chief Executive Officer or their delegate is to determine who will make representations to the council.

13.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.

13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.41 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.

13.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

13.18 Apart from the circumstances referred to in the clauses above, and in view of the opportunity provided to members of the public to address meetings of committees, no provision is made for members of the public to address meetings of council.

Note: Clause 13.18 is a supplementary provision

Expulsion of non-councillors from meetings closed to the public

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

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

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

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

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

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

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

Note: Clause 13.22 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

13.23 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

13.24 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 13.23 during a part of the meeting that is webcast.

14. Keeping order at meetings

Observe the Code of Conduct and Code of Meeting Practice

14.1 Councillors, employees of council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of council.

14.2 Failure on the part of a councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct.

Note: Clauses 14.1 and 14.2 are supplementary provisions.

General procedural motions

14.3 A procedural motion is a motion that refers to the conduct of a meeting.

14.4 Procedural motions are not subject to the notice of motion requirements in clause 3.17.

14.5 In general, a procedural motion requires a seconder, unless stated to the contrary in the Code of Meeting Practice.

14.6 Unless stated to the contrary in this Code of Meeting Practice, there is no debate on a procedural motion.

14.7 A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

Note: Clauses 14.3-14.7 are supplementary provisions.

Points of order

14.8 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

14.9 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

14.10 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

14.11 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

14.12 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

14.13 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

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

Motions of dissent

14.15 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

14.16 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

14.17 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

14.18 A motion of dissent does not require a seconder.

Note: Clause 14.18 is a supplementary provision.

Acts of disorder

14.19 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, 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: Clause 14.19 reflects section 182 of the Regulation.

14.20 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 14.19 (a), (b) (b) or (e), or

(b) to withdraw a motion or an amendment referred to in clause 14.19 (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 14.19 (d) and (e).

Note: Clause 14.20 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

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

Warning to councillors

14.22 If the chairperson of the meeting is of the view that the ongoing behaviour of a councillor is disruptive to the good order of the meeting, the chairperson:

(a) shall warn the councillor they could face a motion to authorise removal from the meeting if they continue to breach the Code of Meeting Practice, and

(b) if a further breach occurs, seek the views of the meeting as to the removal of the councillor.

Note: Clause 14.22 is a supplementary provision

Expulsion from meetings

14.23 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

14.24 Clause 14.23 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting under section 10(2)(a) of the Act.

14.25 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.20 The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

14.26 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.

Note: Clause 14.26 reflects section 233(2) of the Regulation.

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

14.28 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.

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

14.29 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.

14.30 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.

Note: Clauses 14.29 and 14.30 are non-mandatory provisions.

Use of mobile phones and the unauthorised recording of meetings

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

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

14.33 Without limiting clause 14.26, a contravention of clause 14.32 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.26. Any person who contravenes or attempts to contravene clause 14.32, may be expelled from the meeting as provided for under section 10(2) of the Act.

14.34 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.

14.35 Clause 14.32, as it applies to an audio recorder, video camera, mobile phone or any other device, also applies to photography at council or committee meetings and any means of recording a meeting held using audio-visual technology (except by authorised council staff).

Note: Clause 14.35 is a supplementary provision.

15. Conflicts of interest

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

15.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Note: Clause 15.2 is a non-mandatory provision.

Disclosure of pecuniary interests

15.3 A councillor who has a pecuniary interest in a matter being considered at a council or committee meeting must disclose the existence of the interest and also the nature of that interest. Councillors are to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to or at the commencement of the meeting.

15.4 Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the Chair.

15.5 If a councillor becomes aware of an interest during a meeting, as soon as the councillor becomes aware of the interest the councillor must:

(a) disclose the interest verbally at the council or committee meeting; and

(b) submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.

15.6 A councillor, having disclosed a pecuniary interest, must not be present at the meeting when the matter is being considered, discussed or voted on.

15.7 A councillor with a pecuniary interest in a matter is not counted for the purposes of quorum on that matter.

15.8 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.

Note: Clauses 15.3-15.8 are supplementary provisions.

Disclosure of non-pecuniary interests

15.9 A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned, and who will be or is present at a meeting of the council or committee at which the matter is being considered, must consider disclosing the non-pecuniary interest, in accordance with the council's code of conduct, in writing to the Chief Executive Officer prior to or at the commencement of each committee or council meeting.

15.10 If a non-pecuniary interest becomes apparent to a councillor during a meeting, as soon as the councillor becomes aware of the interest the councillor must:

(a) disclose the interest verbally at the council or committee meeting; and

(b) submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.

15.11 A disclosure in accordance with clause 15.9 or 15.10 must indicate the nature of the non-pecuniary interest.

15.12 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes.

15.13 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.

15.14 In accordance with the council's code of conduct, councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Note: Clauses 15.9-15.14 are supplementary provisions.

Disclosures in the business paper

15.15 The business paper for a council meeting will include a reference to any disclosure of interests of councillors and designated persons which are to be tabled at the meeting.

Note: Clause 15.15 is a supplementary provision.

16. Decisions of the Council

Council decisions

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

Note: Clause 16.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

16.3 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 3.17.

Note: Clause 16.3 reflects section 372(1) of the Act.

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

Note: Clause 16.4 reflects section 372(2) of the Act.

16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.17.

Note: Clause 16.5 reflects section 372(3) of the Act.

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

Note: Clause 16.6 reflects section 372(4) of the Act.

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

Note: Clause 16.7 reflects section 372(5) of the Act.

16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 16.8 reflects section 372(7) of the Act.

16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.18 with the consent of all signatories to the notice of motion.

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

Note: Clause 16.10 reflects section 372(6) of the Act.

16.11 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three (3) councillors is submitted to the chairperson, and

(b) a motion to have the motion considered at the meeting is passed, and

(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

16.12 A motion moved under clause 16.11(b) can be moved without notice. Despite clauses 9.27-9.36, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.

16.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.11(c).

16.14 If in the circumstances the Chief Executive Officer or specified delegate receives a notice of motion in accordance with clause 16.3, the Chief Executive Officer or specified delegate must ensure action to carry the resolution into effect, if not yet commenced, is not commenced; and, if already commenced, is ceased and no further action taken until the rescission motion is dealt with.

16.15 If notice of intention to lodge a notice of motion to alter or rescind a resolution has been given by a councillor at a council meeting and a notice of motion has not been lodged with the Chief Executive Officer or specified delegate in accordance with clause 16.3, action to carry the resolution into effect will commence.

16.16 The draft motion that is proposed to be moved, should the rescission motion be carried, must be lodged in accordance with the Notice of Motion provisions of this Code, if such proposed motion has not already been stated in the rescission motion.

Note: Clauses 16.14-16.16 are supplementary provisions

Recommitting resolutions to correct an error

16.17 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

16.18 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.17(a), the councillor is to propose alternative wording for the resolution.

16.19 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.17(a), unless they are satisfied the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

16.20 A motion moved under clause 16.17 can be moved without notice. Despite clauses 9.27-9.37, only the mover of a motion referred to in clause 16.17 can speak to the motion before it is put.

16.21 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.17.

16.22 A motion moved under clause 16.17 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Note: Clauses 16.17-16.22 are non-mandatory provisions.

17. Time limits on Council meetings

17.1 Meetings of the council and committees of the council are to conclude no later than 10.00pm.

17.2 If the business of the meeting is unfinished at 9.45pm, the council or the committee may, by resolution, extend the time of the meeting.

17.3 If the business of the meeting is unfinished at 10.00pm, and the council does not resolve to extend the meeting, the chairperson must either:

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

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

17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the Chief Executive Officer must:

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

(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the Chief Executive Officer 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.

Note: Clauses 17.1-17.5 are non-mandatory provisions.

Motion to adjourn meeting

17.6 A councillor may move the procedural motion "that the meeting be adjourned".

17.7 The motion before being put to the vote must be seconded by a councillor.

17.8 The mover of the motion may address the meeting on the motion.

17.9 No further debate on the motion is permitted.

Note: Clauses 17.6-17.9 are supplementary provisions

Amendment to adjourn meeting motion

17.10 Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.

17.11 Amendments to the motion to adjourn a meeting are to be moved and seconded.

17.12 The mover of the amendment may address the meeting as to the content of the proposed amendment.

17.13 Any address to the motion of adjournment or amendment is limited to three minutes.

Note: Clauses 17.10-17.13 are supplementary provisions

Re-convening an adjourned meeting

17.14 The Notice of Meeting provisions do not apply to a re-convened meeting.

17.15 A re-convened meeting will commence in accordance with any motion or amendment and will continue as if there had been no break in the proceedings of the meeting.

17.16 To the extent that it is practical, public notice of the re-convened meeting is to be given.

17.17 In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, council will deal with any unfinished business for which notice was given at the next ordinary meeting of council.

Note: Clauses 17.14-17.17 are supplementary provisions.

18. After the meeting

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 18.1 reflects section 375(1) of the Act.

18.2 At a minimum, the Chief Executive Officer 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,

Note: Clause 18.2(a) is a non-mandatory provision.

(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.

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

Note: Clause 18.3 reflects section 375(2) of the Act.

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

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

Note: Clause 18.5 reflects section 375(2) of the Act.

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

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

18.8 Minutes of council meetings are to be made accessible via the City of Sydney website to councillors and the public as soon as practicable following council meetings (generally within three (3) business days).

Note: Clause 18.8 is a supplementary provision.

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

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

Note: Clause 18.9 reflects section 11(1) of the Act.

18.10 Clause 18.9 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.10 reflects section 11(2) of the Act.

18.11 Clause 18.9 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.11 reflects section 11(3) of the Act.

18.12 Correspondence or reports to which clauses 18.10 and 18.11 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.13 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 18.13 reflects section 335(b) of the Act.

19. Council Committees

Application of this Part

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

Council committees whose members are all councillors

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

19.3 A committee of the council is to consist of the Lord Mayor and such other councillors as are elected by the councillors or appointed by the council.

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

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

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

19.5 All councillors are members of each committee of the council created by resolution of council.

Note: Clause 19.5 is a supplementary provision

Functions of committees

19.6 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.

19.7 All committees and sub-committees shall be advisory to council and have no independent role, except where specific authorities are delegated to them by council

19.8 The number, functions, policies, procedures, delegations, membership, quorums and chairpersons of committees of council shall be as determined by council from time to time.

19.9 Except as otherwise provided, meetings of council committees are to be conducted in accordance with this Code of Meeting Practice.

Note: Clauses 19.7-19.9 are supplementary provisions

Notice of committee meetings

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

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

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

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

Attendance at committee meetings

19.12 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:

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

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

19.13 Clause 19.12 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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

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

(c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

19.15 The chairperson of each committee of the council must be:

(a) the Lord Mayor, or

(b) if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or

(c) if the council does not elect such a member, a member of the committee elected by the committee.

19.16 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

19.17 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

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

Addressing committees

19.19 Members of the public may address meetings of committees on items that are on the committee agendas, subject to the approval of the relevant committee.

19.20 The committee chairperson may ask members of the public to restrict their addresses to no more than three (3) minutes.

19.21 The committee chairperson may suggest that, if a satisfactory resolution to the matter on the agenda is being considered, there may be no need for members of the public to address the committee.

19.22 Committees, and council staff on behalf of committees, may invite applicants, consultants, Government authorities and other groups or individuals to provide a presentation to a committee on a matter that is on the committee agenda. Time limits for such presentations may be set by the committee.

19.23 Speakers are asked to register to speak before noon on the day of the committee meeting.

19.24 Speakers are requested to declare membership of organisations or other interests relevant to consideration of the item that they wish to speak to.

19.25 If there are a large number of people interested in the same item, it is suggested a maximum of three (3) representatives be nominated to speak on behalf of a group and indicate how many people they are representing.

Note: Clauses 19.19-19.25 are supplementary provisions

Procedure in committee meetings

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

19.27 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.26.

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

Closure of committee meetings to the public

19.29 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

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

19.31 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.30 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

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

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

Note: Clause 19.33(a) is a non-mandatory provision.

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

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

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

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

19.34 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: Clause 19.34 is a non-mandatory provision.

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

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

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

19.38 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.

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

20. Irregularities

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

(a) a vacancy in a civic office, or

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

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

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

(e) a failure to comply with this code.

Note: Clause 20.1 reflects section 374 of the Act.

21. Definitions

the Act	means the Local Government Act 1993
act of disorder	means an act of disorder as defined in clause 13.20 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 and includes facilities enabling a hybrid meeting
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 18.15 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 18.2 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 10.1
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 9.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 8.24 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 8.23 of this code during debate on an original motion
hybrid meeting	means a meeting where some participants attend in person and others participate by way of audio-visual link
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
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June