



# CODE OF MEETING PRACTICE POLICY 5.8

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## CODE OF MEETING PRACTICE

**DIVISION:** GOVERNANCE

**PILLAR:** GOVERNANCE

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**FILE / BINDER:**

### **PREAMBLE / BACKGROUND:**

The Code of Meeting Practice sets out the manner in which meetings of the Council are to be convened and conducted. Meeting procedures contribute to good public decision-making and increases Council's transparency and accountability to the Camden community.

The Code incorporates the requirements of the Local Government Act, 1993 (as amended) (Chapter 12, Part 2, Division1), the Local Government (General) Regulation, 2005 and Council policies with respect to meeting procedure.

The Code should also be read in conjunction with the Meetings Practice Note (Practice Note No 16) issued by the Department of Local Government in November, 2005.

This Code has been structured to assist the user to easily understand what is required in the conduct of meetings.

The various Clauses contained in the Code have been cross referenced in brackets to the relevant Section of the Act, Regulation or Council Policy for clarity.

The Code will be adopted following a exhibition period and will be reviewed on the date listed below.

In adopting the Code, Council seeks to ensure all Councillors, staff and community members participating in Council Meetings of any form, act with good intentions and behave to the standard of conduct expected by the community at large.

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## **1.0 PRELIMINARY**

### **1.1 DEFINITIONS**

In this Code:

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

**Chairperson:** a. in relation to a meeting of Council—means the person presiding at the meeting as provided by section 369 of the Act, and  
b. in relation to a meeting of a committee of Council—means the person presiding at the meeting as provided by clause 5.9.

**Committee:** in relation to a Council, means a committee established under clause 5.2 or the Council when it has resolved itself into a committee of the whole.

**Cl:** refers to the relevant Clause in the Local Government (General) Regulation, 2005, as amended.

**The Act or**

**Act:** refers to the Local Government Act, 1993 as amended.

**Policy:** refers to adopted Council Policy.

**Quorum:** means to a majority of members (Section 368 of Local Government Act, 1993)

**Regulation:** refers to The Local Government (General) Regulation, 2005 as amended.

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## **2.0 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS**

### **2.1 NOTICE OF MEETING**

*(CI 232)*

1. This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
2. A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
3. The notice must specify the time and place of the meeting.
4. Notice of more than one meeting may be given in the same notice.
5. This clause does not apply to an extraordinary meeting of a Council or committee.

### **2.2 WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT**

*(CI 233)*

1. A meeting of a Council must be adjourned if a quorum is not present:
  - a. within half an hour after the time designated for the holding of the meeting, or
  - b. at any time during the meeting.
2. In either case, the meeting must be adjourned to a time, date and place fixed:
  - a. by the Chairperson, or
  - b. in his or her absence—by the majority of the Councillors present, or
  - c. failing that, by the General Manager.
3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

### **2.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES**

*(CI 234)*

1. Whenever an area is constituted or reconstituted, the Minister is required:
  - a. to convene the first meeting of the Council of the area, and
  - b. to nominate the business to be transacted at the meeting, and
  - c. to give the Councillors notice of the meeting.
2. If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
3. The Council must transact the business nominated by the Minister for a meeting convened under this clause.

### **2.4 PRESENCE AT COUNCIL MEETINGS**

*(CI 235)*

A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.

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## **2.5 LEAVE OF ABSENCE**

*(CI 235A)*

1. A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent.
2. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend.

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## **3.0 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS**

### **3.1 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS**

*(CI 236)*

In the absence of the Mayor, the Deputy Mayor shall be the Deputy Chairperson of any Council or Committee Meeting. (Council Policy)

1. If no Chairperson or Deputy Chairperson is present at a meeting of a 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.  
**Note.** Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and deputy Mayor are absent.
2. The election must be conducted:
  - a. by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election, or
  - b. if neither of them is present at the meeting or there is no General Manager or designated employee—by the person who called the meeting or a person acting on his or her behalf.
3. If, at an election of a Chairperson, 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.
4. For the purposes of subclause (3), the person conducting the election must:
  - a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
5. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

### **3.2 CHAIRPERSON TO HAVE PRECEDENCE**

*(CI 237)*

When the Chairperson rises during a meeting of a Council:

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

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### **3.3 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS** (CI 238)

1. It is the duty of the Chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

### **3.4 ORDER OF BUSINESS** (CI 239)

1. The general Order of Business at a meeting of Council, (other than an extraordinary meeting) shall be:
  - Prayer;
  - Apologies;
  - Declaration of Interest;
  - Public Addresses (incorporating Public Question Time);
  - Confirmation of Minutes;
  - Mayoral Minute;
  - Agenda Reports;
  - Motions of Rescission;
  - Notice of Motion;
  - Diary.
2. The Order of Business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
3. Despite clause 3.16, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

### **3.5 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS** (CI 240)

1. The General Manager must ensure that the agenda for a meeting of the Council states:
  - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
  - b. if the Mayor is the Chairperson—any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - c. subject to subclause (2), any business of which due notice has been given.
2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the

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business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

3. The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting. (Also see Clause 3.7 of this Code)
4. The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
5. Nothing in this clause limits the powers of the Chairperson under clause 3.9. (Mayoral Minute).

### **3.6 PUBLIC ADDRESSES AT COUNCIL MEETINGS**

*(Policy)*

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

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### **3.7 GIVING NOTICE OF BUSINESS & NOTICE OF MOTION** *(CI 241)*

1. A Council must not transact business at a meeting of the Council:
  - a. unless a Councillor has given notice of the business in writing (Notice of Motion) no less than 7 days prior to the meeting date; and
  - b. unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act – the Notice of Meeting/Business Paper is to be delivered to Councillors 3 days before each Meeting.
2. Subclause (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 as provided by clause 3.1 (1), or
  - c. is a matter or topic put to the meeting by the Chairperson in accordance with clause 3.9, or
  - d. is a motion for the adoption of recommendations of a committee of the Council.
3. Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting, and
  - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.
4. Despite clause 3.16, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

### **3.8 AGENDA FOR EXTRAORDINARY MEETINGS** *(CI 242)*

1. The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
2. Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting, and
  - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

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3. Despite clause 3.16, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

### **3.9 OFFICIAL MINUTES (MAYORAL MINUTE) (CI 243)**

1. If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to 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.
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
3. A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
4. In accordance with subclause (1) above, a Councillor, may by way of information, have included in any Mayoral Minute, an item of general interest to be drawn to the attention of Council.

### **3.10 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING (CI 244)**

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

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

### **3.11 NOTICE OF MOTION—ABSENCE OF MOVER (CI 245)**

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

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

### **3.12 MOTIONS TO BE SECONDED (CI 246)**

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 3.9 (2) and 3.16 (5).

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**3.13 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED** (CI 247)

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

**3.14 MOTIONS OF DISSENT** (CI 248)

1. A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
2. If a motion of dissent is 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 discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
3. Despite clause 3.16, 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.

**3.15 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES** (CI 249)

1. A Councillor:
  - a. may, through the Chairperson, put a question to another Councillor, and
  - b. may, through the General Manager, put a question to a Council employee.
2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
3. The Councillor must put every such question directly, succinctly and without argument. Questions shall not call for action to be taken nor be used for political expedience. (ie Questions without Notice)
4. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

**3.16 LIMITATION AS TO NUMBER OF SPEECHES** (CI 250)

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1. A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
  2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
  3. A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
  4. Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
    - a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
    - b. if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
  5. The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
  6. If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
  7. If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

### **3.17 VOTING AT COUNCIL MEETINGS**

*(CI 251)*

1. A Councillor who is present at a meeting of a Council, is entitled to one vote (Section 370). Any Councillor who fails to vote on a motion put to the meeting is taken to have voted against the motion.
2. If a Councillor has voted against a motion put at a Council meeting, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.(Policy)
3. When a planning decision is put to a Council or Committee Meeting, including meetings closed to the public, the General Manager shall record

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in the Minutes of the Meeting, the names of the Councillors who voted for and against the decision. (Section 375A)

4. The Chairperson of a Council or Committee Meeting in the event of an equality of votes, shall have a casting vote, as well as a original vote.(Section 370)
5. The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
6. When a division on a motion is demanded on a matter other than a planning decision (See clause 3 above), the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.
7. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or deputy Mayor is to be by secret ballot.
8. 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. (Section 371)

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

### **3.18 RESCINDING OR ALTERING RESOLUTIONS** (Section 372)

(See Appendix for Pro Forma "Notice of Motion of Rescission")

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.
2. If 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.
3. If a motion has been negated by Council, a motion having the same effect, must not be considered unless notice of it has been duly given in accordance with this Code.
4. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors, if less than 3 months has elapsed

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since the resolution was passed, or the motion was negated, as the case may be. Such notice of motion to alter or rescind must be received by the General Manager within 2 working days following the meeting of Council at which the resolution was carried.

5. If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
6. A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
7. The provisions of this Section concerning negated motions do not apply to motions of adjournment.

**3.19 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING** *(CI 252)*

1. A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
2. Any member of the public may make representations about the closure of part of a meeting on the following basis:
  - a. in writing to the General Manager prior to the commencement of the meeting; or
  - b. verbally when requested by the Chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

**3.20 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC** *(CI 253)*

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

**3.21 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING** *(CI 254)*

The General Manager must ensure that the following matters are recorded in the Council's minutes:

- a. details of each motion moved at a Council meeting and of any amendments moved to it,
- b. the names of the mover and seconder of the motion or amendment,

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c. whether the motion or amendment is passed or lost.

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

This Section also requires the General Manager to record which Councillors vote for and against each planning decision of the Council and to make this information publicly available. (See clause 3.17 above)

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## **4.0 KEEPING ORDER AT MEETINGS**

### **4.1 QUESTIONS OF ORDER**

*(CI 255)*

1. The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
3. The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **4.2 ACTS OF DISORDER**

*(CI 256)*

1. A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a committee of a Council:
  - a. contravenes the Act or any regulation in force under the Act, or
  - b. assaults or threatens to assault another Councillor or person present at the meeting, or
  - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter, or
  - d. insults or makes personal reflections on or imputes improper motives to any other Councillor, or
  - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
2. The Chairperson may require a Councillor:
  - a. to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
  - b. to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
  - c. to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
3. A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the

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meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

#### **4.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH** (CI 257)

1. If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

#### **4.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION** (CI 258)

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

- a. immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
  - b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,
- 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 from that place and, if necessary, restrain the Councillor or member from re-entering that place.

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## **5.0 COUNCIL COMMITTEES**

### **5.1 COMMITTEE OF THE WHOLE** *(CI 259)*

1. All the provisions of this Code relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
3. The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **5.2 COUNCIL MAY ESTABLISH COMMITTEES** *(CI 260)*

1. A Council may, by resolution, establish such committees as it considers necessary.
2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
3. The quorum for a meeting of a committee is to be:
  - a. such number of members as the Council decides, or
  - b. if the Council has not decided a number—a majority of the members of the committee.

### **5.3 FUNCTIONS OF COMMITTEES** *(CI 261)*

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

### **5.4 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN** *(CI 262)*

1. The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the committee, a notice specifying:
  - a. the time and place at which and the date on which the meeting is to be held, and
  - b. the business proposed to be transacted at the meeting.

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2. However, notice of less than 3 days may be given of a committee meeting called in an emergency.

## **5.5 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

*(CI 263)*

1. A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
2. However, the Councillor is not entitled:
  - a. to give notice of business for inclusion in the agenda for the meeting, or
  - b. to move or second a motion at the meeting, or
  - c. to vote at the meeting.

## **5.6 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING**

*(CI 264)*

1. A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
2. Any member of the public may make representations about the closure of part of a meeting on the following basis:
  - a. in writing to the General Manager prior to the commencement of the meeting; or
  - b. verbally when requested by the Chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

## **5.7 PROCEDURE IN COMMITTEES**

*(CI 265)*

1. Subject to subclause (3), each committee of a Council may regulate its own procedure.
2. Without limiting subclause (1), a committee of a Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.
3. Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

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## **5.8 COMMITTEES TO KEEP MINUTES**

*(CI 266)*

1. Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
  - a. details of each motion moved at a meeting and of any amendments moved to it,
  - b. the names of the mover and seconder of the motion or amendment,
  - c. whether the motion or amendment is passed or lost.
2. As soon as the minutes of an earlier meeting of a committee of the Council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
3. In relation to planning decisions in Committee, refer to Clause 3.17(3) above for the recording of voting.

## **5.9 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES**

*(CI 267)*

1. The Chairperson of each committee of the Council must be:
  - a. the Mayor, or
  - b. if the Mayor does not wish to be the Chairperson of a committee—a member of the committee elected by the Council, or
  - c. if the Council does not elect such a member—a member of the committee elected by the committee.
2. A 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.
3. If neither the Chairperson nor the deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.
4. The Chairperson is to preside at a meeting of a committee of a 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.

## **5.10 ABSENCE FROM COMMITTEE MEETINGS**

*(CI 268)*

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

- 
- a. has been absent from 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.
2. Subclause (1) does not apply in respect of a committee that consists of all of the members of the Council.  
**Note.** The expression **year** means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

## **5.11 REPORTS OF COMMITTEES** *(CI 269)*

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

## **5.12 DISORDER IN COMMITTEE MEETINGS** *(CI 270)*

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

## **5.13 CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS** *(CI 271)*

1. If a meeting or part of a meeting of a committee of a Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
2. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, committee or person presiding, may, by using only such force as is

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necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

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## **6.0 MISCELLANEOUS**

### **6.1 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE**

*(CI 272)*

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

### **6.2 TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY MEMBERS OF THE PUBLIC PROHIBITED WITHOUT PERMISSION**

*(CI 273)*

1. A person may use a tape recorder to record the proceedings of a meeting of a Council or a committee of a Council only with the authority of the Council or committee.
2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a committee of a Council for using or having used a tape recorder in contravention of this clause.
3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
4. In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

### **6.3 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY COUNCIL STAFF FOR ADMINISTRATIVE PURPOSES**

Council Meetings are recorded in accordance with the following principles:

1. Recordings of meetings are only used for verifying the accuracy of minutes;

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2. Recording of meetings are not made available to the public or disclosed to any third party, except as allowed under Section 18(1)(c) or Section 19(1) of the PIPP Act or where Council is compelled to do so by Court Order, warrant or subpoena or by any other law.
  3. Recordings of meetings are to be destroyed as soon as their original purpose is served or three months after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the State Records Act, 1998.
  4. Appropriate signage is displayed in the public gallery or at the public entrance to Council Meetings and verbal statements made at the commencement of each meeting to notify the public of the matters required under IPP3 (Section 10(a)-(e) of the PPIP Act).

#### **6.4 RECEIPT OF PETITIONS**

On receipt of a petition, a report noting the receipt of the petition shall be submitted to the next available Council Meeting. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

#### **6.5 CONDUCT OF WORKSHOPS**

Council may hold regular workshops in accordance with its adopted meeting timetable. Workshops are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such workshops shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such workshops Council is cognizant of its obligations and responsibilities in terms of open decision making and transparency of process.

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#### **RELEVANT LEGISLATION:**

Local Government Act, 1993 (as amended)  
(Chapter 12, Part 2, Division1);  
Local Government (General) Regulation,  
2005;  
Meetings Practice Note (Practice Note No  
16) issued by the Department of Local  
Government in November, 2005.

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**RELATED POLICIES:** Code of Conduct (5.3)  
**DELEGATIONS:** No  
**SUSTAINABILITY ELEMENT:** No  
**STAFF TRAINING REQUIRED?** No

**NEXT REVIEW DATE:**

**PREVIOUS POLICY**

**ADOPTED:** 22 January 2001; 28  
October 2008

**MINUTE:** 002/01; ORD271/08



## NOTICE OF MOTION OF RESCISSION

(Clause 3.18)

We, the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to Item No \_\_\_\_\_ of Council Meeting of the (date of meeting):

(title of report):

**BE RESCINDED.**

(Minute No. \_\_\_\_\_ )(extract of Resolution)

Should the above Motion of Recission be carried, it is our intention to move the following further motion: -

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(signature)

.....  
(signature)

.....  
(signature)



## **NOTICE OF MOTION**

(Clause 3.7)

I, Councillor ..... Hereby  
give

(name)

Notice of my intention to move the following at the Council meeting of

.....:

(date)

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(signed)