

# Code of Meeting Practice

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City of  
Newcastle

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## a) INTRODUCTION

The 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 the 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.

## b) 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 CN Staff act ethically and make decisions in the interests of the whole community.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, CN Staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to Councils on what free speech means in the context of NSW local government, including in relation to Meetings. The Guidelines have been issued under section 23A of the Act meaning Councils must consider them when exercising their functions at Meetings.**

## c) BEFORE THE MEETING

### Timing of Meetings

- 3.1 The Council shall, by resolution, set the frequency, time, date and place of its Meetings.
- 3.1A The resolution adopting the Meeting cycle must be passed before the first Meeting of each calendar year. The Meeting schedule may only be amended by resolution.

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

### Extraordinary Council Meetings

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

**Note: Clause 3.2 reflects section 366 of the Act.**

- 3.3 The Lord Mayor may call an Extraordinary Council Meeting without the need to obtain the signature of two (2) Councillors.
- 3.3A The CEO may call an Extraordinary Council Meeting without the need to obtain the signatures of two (2) Councillors to deal with operational matters.

### Notice to the public of Council Meetings

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

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a Meeting must be published before the Meeting takes place. The notice must be published on CN'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.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) Meeting may be given in the same notice.

### Notice to Councillors of Meetings

- 3.7 The CEO must send to each Councillor, at least three (3) Days before each Meeting, 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 3.7 reflects section 367(1) of the Act.**

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

**Note: Clause 3.8 reflects section 367(3) of the Act.**

- 3.8A The CEO will generally provide the notice, Agenda and Business Papers to Councillors six (6) Days prior to the Meeting, and use best efforts to provide seven (7) Days prior to the Meeting.

#### Notice to Councillors of Extraordinary Council Meetings

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

**Note: Clause 3.9 reflects section 367(2) of the Act.**

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

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next Ordinary Council Meeting by way of a notice of motion. To be included on the Agenda of the Meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the Council.
- 3.10A The completed notice of motion must be submitted to the CEO by 5pm on the Day twelve (12) Days before the Ordinary Council Meeting is to be held.
- 3.11 A Councillor may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the Agenda and Business Paper for the Meeting at which it is to be considered.
- 3.11A A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the CEO must either:
- a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the Business Papers for the Meeting at which the notice of motion is to be considered by the Council, or
  - b) by written notice sent to all Councillors with the Business Papers for the Meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

### Questions with notice

- 3.12 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the CEO about the performance or operations of CN.
- 3.13 A Councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an Act of disorder.
- 3.14 The CEO or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the Business Papers for the relevant Meeting.

### Agenda and Business Papers for Ordinary Council Meetings

- 3.15 The CEO must cause the Agenda for a Meeting to be prepared as soon as practicable before the meeting.
- 3.16 The CEO must ensure that the Agenda for an Ordinary Council Meeting states:
- (a) all matters to be dealt with arising out of the proceedings of previous Meetings, 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 CN staff reports and reports of Committee Meetings, to be considered at the Meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the Lord Mayor to put a Lord Mayoral Minute to a Meeting without notice under clause 9.7.
- 3.18 The CEO must not include in the Agenda for a Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next Meeting.
- 3.19 Where the Agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO must ensure that the Agenda of the Meeting:
- (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 3.19 reflects section 9(2A)(a) of the Act.**

- 3.20 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the Meeting is closed to the public, are included in a Business Paper provided to Councillors for the Meeting concerned. Such details must not be included in the Business Papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.
- 3.20A If in the opinion of the CEO, the confidential nature of an item of business listed on Agenda is such that circumstances require the CEO to take additional steps to protect the confidentiality of the item, the CEO may:
- (a) distribute the Business Paper in hard copy or electronic form at the time of the item; and
  - (b) remove access to the Business Paper at the conclusion of the Meeting.
- 3.20B In such circumstances notice will be included on the Agenda without breaching confidentiality.

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

- 3.21 Copies of the Agenda and the associated Business Papers, such as correspondence and reports for Meetings, are to be published on CN'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 CN, at the relevant meeting and at such other venues determined by the Council.

**Note: Clause 3.21 reflects section 9(2) and (4) of the Act.**

- 3.22 Clause 3.21 does not apply to the Business Papers for items of business identified under clause 3.19 as being likely to be considered when the Meeting is closed to the public.

**Note: Clause 3.22 reflects section 9(2A)(b) of the Act.**

- 3.23 For the purposes of clause 3.21, copies of Agendas and Business Papers must be published on CN's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

**Note: Clause 3.23 reflects section 9(3) of the Act.**

- 3.24 A copy of an Agenda, or of an associated Business Paper made available under clause 3.21, may in addition be given or made available in electronic form unless the Council determines otherwise.

**Note: Clause 3.24 reflects section 9(5) of the Act.**

#### Agenda and Business Papers for Extraordinary Council Meetings

- 3.25 The CEO must ensure that the Agenda for an Extraordinary Council Meeting deals only with the matters stated in the notice of the Meeting.

- 3.26 Nothing in clause 3.25 limits the powers of the Lord Mayor to put a Lord Mayoral Minute to an Extraordinary Council Meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an Extraordinary Council Meeting at which all Councillors are present, even though due notice has not been given of the business, if the Council resolves to deal with the business on the grounds that it is urgent and requires a decision by the Council before the next scheduled Ordinary Council Meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the Agenda for the Extraordinary Council Meeting has been dealt with. Despite any other provision of this Code, only the mover of a motion moved under clause 3.27, and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all Councillors are not present at the Extraordinary Council Meeting, the Council may only deal with business at the Meeting that Councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the Chairperson also rules that the business is urgent and requires a decision by the Council before the next scheduled Ordinary Council Meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.29 on whether a matter is urgent.

#### Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief Councillors on business listed on the Agenda for Meetings.

**Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the Council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the Council.**

- 3.32 Nothing in clause 3.31 prevents a Councillor from requesting information from the CEO about a matter to be considered at a Meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

**Note: This Code of Meeting Practice does not apply to Professional Development Sessions or Consultation Workshops held with Councillors and such sessions are not open to the public.**

#### Questions prior to Meetings



- 3.32A Following the release of the Business Papers, Councillors may submit questions to the CEO by 12:00pm on the day prior to the Meeting (typically Monday).
- 3.32B The CEO will provide supplementary responses to the questions by 12:00pm on the day of the Meeting (typically Tuesday) as an addendum to the Business Papers.
- 3.32C The CEO will use best endeavours to provide an answer to questions that arise after 12:00pm on the day before the Meeting, however if this is not possible, the question will be answered verbally during the Meeting, or carried forward as a question on notice.

#### **d) PUBLIC FORUMS**

- 4.1 The Council may hold a public forum prior to Meetings for the purpose of hearing oral submissions from members of the public on items of business to be considered at the Meeting. Public forums may also be held prior to Meetings of other Committees of Council.
- 4.2 The Council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.2A Public Voice and Public Briefing sessions provide members of the public an opportunity to make presentations to Council. These sessions are conducted in accordance with the Code of Meeting Practice. Further details are outlined in CN's Public Voice and Public Briefing Policy.
- 4.3 The provisions of this Code requiring the Livestreaming of Meetings also apply to public forums.

#### **e) COMING TOGETHER**

##### Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend Meetings of which they are members.

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

- 5.2 The Council may determine standards of dress for Councillors when attending Meetings.
- 5.3 A Councillor cannot participate in a Meeting unless personally present at the meeting, unless permitted to attend the Meeting by Audio-visual link under this Code.

- 5.4 Omitted.
- 5.5 Where a Councillor is unable to attend one or more Meetings, the Councillor should submit an apology to the CEO for the Meetings they are unable to attend, state the reasons for their absence from the Meetings and request that the Council grant them a leave of absence from the relevant Meetings.
- 5.6 The Council must not act unreasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 Where a Councillor makes an apology under clause 5.5, the Council must determine by resolution whether to grant the Councillor a leave of absence for the Meeting for the purposes of section 234(1)(d) of the Act. If the Council resolves not to grant a leave of absence for the Meeting, it must state the reasons for its decision in its resolution.
- 5.8 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary Council Meetings without prior leave of the Council, or leave granted by the Council at any of the Meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.8 reflects section 234(1)(d) of the Act.**

#### The Quorum for a Meeting

- 5.9 The Quorum for a Meeting is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

- 5.10 Clause 5.9 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 5.10 reflects section 368(2) of the Act.**

- 5.11 A Meeting must be adjourned if a Quorum is not present:
- (a) at the commencement of the Meeting where the number of apologies received for the Meeting indicates that there will not be a Quorum for the Meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the Meeting.

- 5.11A A Meeting without Quorum can be opened but resolutions cannot be passed at a Meeting without Quorum.

- 5.12 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 CEO.
- 5.13 The CEO must record in the Council's minutes the circumstances relating to the absence of a Quorum (including the reasons for the absence of a Quorum) at or arising during a Meeting, together with the names of the Councillors present.
- 5.14 Where, prior to the commencement of a Meeting, it becomes apparent that a Quorum may not be present at the Meeting, or that the health, safety or welfare of Councillors, CN staff and members of the public may be put at risk by attending the Meeting because of a natural disaster or a public health emergency, the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on CN's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a Meeting is cancelled under clause 5.14, the business to be considered at the Meeting may instead be considered, where practicable, at the next Ordinary Council Meeting or at an Extraordinary Council Meeting called by the Lord Mayor or CEO under clause 3.3 or 3.3A.
- 5.15A Nothing prevents a Meeting commencing half an hour (or more) after the time designated for holding the Meeting where the delay is due to technical, health and safety or other reasons determined appropriate by the Lord Mayor in consultation with the CEO. If a Quorum is not present at a Meeting commencing half an hour after the time designated for holding the Meeting, clause 5.11 applies.

#### Meetings held by Audio-visual link

- 5.16 A Meeting may be held by Audio-visual link where the Lord Mayor determines that the Meeting should be held by Audio-visual link because of a natural disaster or a public health emergency. The Lord Mayor may only make a determination under this clause where they are satisfied that attendance at the Meeting may put the health and safety of Councillors and CN staff at risk. The Lord Mayor must make a determination under this clause in consultation with the CEO and, as far as is practicable, with each Councillor.
- 5.17 Where the Lord Mayor determines under clause 5.16 that a meeting is to be held by Audio-visual link, the CEO must:
  - (a) give written notice (by email or SMS message is sufficient) to all Councillors that the meeting is to be held by Audio-visual link, and
  - (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 CN's website and in such other manner the CEO is satisfied will bring it to the attention of as many people as possible, advising that the Meeting is to be held by Audio-visual link and

providing information about where members of the public may view the Meeting.

- 5.18 This Code applies to a Meeting held by Audio-visual link under clause 5.16 in the same way it would if the Meeting was held in person.

**Note: Where a Council holds a Meeting by Audio-visual link under clause 5.16, 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.**

Attendance by Councillors at Meetings by Audio-visual link

- 5.19 Councillors may attend and participate in Meetings by Audio-visual link with the approval of the Council where they are prevented from attending the Meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19A In addition to the circumstances prescribed under Clause 5.19, Council may approve a Councillor's request to attend a Meeting via Audio-visual link where the Councillor is required to travel outside the Newcastle local government area for work related purposes, or other reasonable circumstances exist that would make in-person attendance impractical, provided that the participation by Audio-visual link will not compromise the integrity, transparency or efficiency of the Meeting. Council will review the operation of this clause annually, and may amend it should the Office of Local Government issue a directive or updated mandatory guidance.
- 5.20 Clause 5.19 does not apply to Meetings at which a mayoral election is to be held.
- 5.21 A request by a Councillor for approval to attend a Meeting by Audio-visual link must be made in writing to the CEO by no later than 12pm prior to the Meeting in question and must provide reasons why the Councillor will be prevented from attending the Meeting in person.
- 5.22 Councillors may request approval to attend more than one Meeting by Audio-visual link. Where a Councillor requests approval to attend more than one Meeting by Audio-visual link, the request must specify the Meetings the request relates to in addition to the information required under clause 5.21.
- 5.22A As a general principle, approval will not ordinarily be granted where a Councillor seeks to attend two or more consecutive Ordinary Council Meetings by Audio-visual link, unless exceptional circumstances are demonstrated. This limit does not apply to Committee of Council Meetings.
- 5.23 CN must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a Meeting by Audio-visual link.
- 5.24 A Councillor who has requested approval to attend a Meeting by Audio-visual

link may participate in the Meeting by Audio-visual link until the Meeting determines whether to approve their request and is to be taken as present at the Meeting. The Councillor may participate in a decision in relation to their request to attend the Meeting by Audio-visual link.

- 5.25 A decision whether to approve a request by a Councillor to attend a Meeting by Audio-visual link must be made by a resolution of the Meeting concerned. The resolution must state the Meetings the resolution applies to.
- 5.26 If the Meeting refuses a Councillor's request to attend a Meeting by Audio-visual link, their link to the Meeting is to be terminated.
- 5.27 A decision whether to approve a Councillor's request to attend a Meeting by Audio-visual link is at the Meeting's discretion. The Meeting must act reasonably when considering requests by Councillors to attend Meetings by Audio-visual link.
- 5.28 The Meeting may refuse a Councillor's request to attend a Meeting by Audio-visual link where the Meeting is satisfied that the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this Code on one or more previous occasions they have attended a Meeting by Audio-visual link.
- 5.29 This Code applies to a Councillor attending a Meeting by Audio-visual link in the same way it would if the Councillor was attending the Meeting in person. Where a Councillor is permitted to attend a Meeting by Audio-visual link under this Code, they are to be taken as attending the Meeting in person for the purposes of the Code and will have the same voting rights as if they were attending the Meeting in person.
- 5.30 A Councillor must give their full attention to the business and proceedings of the Meeting when attending a Meeting by Audio-visual link. The Councillor's camera must be on at all times during the Meeting except as may be otherwise provided for under this Code.
- 5.31 A Councillor must be appropriately dressed when attending a Meeting by Audio-visual link and must ensure that no items are within sight of the Meeting that are inconsistent with the maintenance of order at the Meeting or that are likely to bring the Meeting into disrepute.

#### Entitlement of the public to attend Meetings

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

**Note: Clause 5.32 reflects section 10(1) of the Act.**

- 5.32A The public must act in a respectful manner and in accordance with any directions of the Chairperson or CEO.
- 5.33 Clause 5.32 does not apply to parts of Meetings that have been closed to the public under section 10A of the Act.

- 5.34 A person (whether a Councillor or another person) is not entitled to be present at a Meeting if expelled from the Meeting:
- (a) by a resolution of the Meeting, or
  - (b) by the person presiding at the Meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.34 reflects section 10(2) of the Act.**

- 5.34A If a person other than a Councillor has been expelled from a Meeting, then the CEO may take steps to prevent the person's attendance from future Meetings on the basis of CN Staff and Councillor security and safety.
- 5.35 On the adoption of this Code and at the commencement of each Council term, the Council must determine whether to authorise the person presiding at a Meeting to exercise a power of expulsion.

#### Livestreaming of Meetings

- 5.36 Each Meeting is to be recorded by means of an audio-visual device.
- 5.37 At the start of each Meeting, the Chairperson must inform the persons attending the Meeting that:
- (a) the Meeting is being recorded and made publicly available on CN's website, and
  - (b) persons attending the Meeting should refrain from making any defamatory statements.
- 5.38 The recording of a Meeting is to be made publicly available on CN's website at the same time as the Meeting is taking place.
- 5.39 The recording of a Meeting is to be made publicly available on CN's website for at least 12 months after the Meeting or for the balance of the Council's term, whichever is the longer period.
- 5.39A CN will seek to retain the recordings in a publicly available format for as long as CN's Information Technology storage capacity and licencing arrangements allow for.
- 5.40 Clauses 5.36 - 5.39 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 5.36 – 5.40 reflect section 236 of the Regulation.**

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

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

- 5.42 The CEO is entitled to attend, but not to vote at, a Meeting of which all of the members are Councillors.

**Note: Clause 5.42 reflects section 376(1) of the Act.**

- 5.43 The CEO is entitled to attend a Meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote.

**Note: Clause 5.43 reflects section 376(2) of the Act.**

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

**Note: Clause 5.44 reflects section 376(3) of the Act.**

- 5.45 The attendance of other CN staff at a Meeting, (other than as members of the public) shall be determined by the CEO in consultation with the Lord Mayor.

## **f) THE CHAIRPERSON**

### The Chairperson at Meetings

- 6.1 The Lord Mayor, or at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor (if any) presides at Meetings.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 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.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

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

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

- 6.4 The election of a Chairperson must be conducted:

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

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

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

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the Meeting.

#### Chairperson to have precedence

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

### **g) MODES OF ADDRESS**

- 7.1 Where physically able to, Councillors and CN Staff should stand when the Lord Mayor enters the Chamber and when addressing the Meeting.
- 7.1A Any person addressing a Meeting must address the Lord Mayor and Councillors, and not the gallery.
- 7.2 If the Chairperson is the Lord Mayor, they are to be addressed as “Lord Mayor”.
- 7.3 If the Chairperson is the Deputy Lord Mayor, they are to be addressed as ‘Deputy Lord Mayor’.
- 7.4 Where the Chairperson is not the Lord Mayor or Deputy Lord Mayor, they are to be addressed as ‘Chair’.
- 7.5 A Councillor is to be addressed as ‘Councillor [surname]’.
- 7.6 A CN Staff member is to be addressed by their official designation or as Mr/Ms/Mx [surname].

### **h) ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 At a Meeting, the general order of business is as fixed by resolution of the Council.
- 8.1A The general order of business as fixed by adopting this Code of Meeting Practice is as follows:
  - 1. Opening of the Meeting
  - 2. Acknowledgement of Country (Chairperson and all present to stand)
  - 3. Prayer or reflection (Chairperson and all present to stand)



**Note:** Any modifications to the existing wording to be determined by Council resolution following community engagement.

4. Apologies and applications for a leave of absence or attendance by audio-visual link
  5. Disclosures of interests
  6. Confirmation of minutes of previous Meeting/s
  7. Report on Questions on Notice
  8. Lord Mayoral Minutes
  9. Reports from CN staff
  10. Notices of Motion
  11. Confidential matters (public excluded)
  12. Late item/s of business
  13. Close of business
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular Meeting if a motion to that effect is passed at that Meeting. Such a motion can be moved without notice.
- Note: Part 13 allows council to deal with items of business by exception.**
- 8.3 Despite any other provision of this Code, only the mover of a motion referred to in clause 8.2 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 8.3A The Chairperson may examine the Agenda with Councillors at any time during the Meeting and deal with items of business that Councillors do not wish to debate, provided there is no objection from any Councillor present.

## **i) CONSIDERATION OF BUSINESS AT MEETINGS**

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

- 9.1 The Council must not consider business at a Meeting:
- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an Ordinary Council Meeting or clause 3.9 in the case of an Extraordinary Council Meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a Meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
  - (b) is the election of a Chairperson to preside at the Meeting, or
  - (c) is a matter or topic put to the Meeting by way of a Lord Mayoral Minute, or
  - (d) is a motion for the adoption of recommendations of a Committee of Council.

- 9.3 Despite clause 9.1, business may be considered at a Meeting at which all Councillors are present even though due notice has not been given of the business to Councillors, if the Council resolves to deal with the business on the grounds that it is urgent and requires a decision by the Council before the next scheduled Ordinary Council Meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 9.3 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all Councillors are not present at a Meeting, the Council may only deal with business at the meeting that Councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the Chairperson also rules that the business is urgent and requires a decision by the Council before the next scheduled Ordinary Council Meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.5.

#### Lord Mayoral Minutes

- 9.7 The Lord Mayor may, by minute signed by the Lord Mayor, put to the Meeting without notice any matter or topic that the Lord Mayor determines should be considered at the Meeting.
- 9.8 A Lord Mayoral Minute, when put to a Meeting, takes precedence over all business on the Council's agenda for the Meeting. The Lord Mayor may move the adoption of a Lord Mayoral Minute without the motion being seconded.
- 9.9 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.

#### Staff reports

- 9.10 A recommendation made in a CN Staff report is, so far as it is adopted by the Council, a resolution of the Council.
- 9.10A A recommendation must be concise, clearly worded, unambiguous and should contain actions only. Explanatory information or the noting of information should only be included in the key issues or background sections.

#### Reports of Committees of Council

- 9.11 The recommendations of a Committee of Council are, so far as they are adopted by the Council, resolutions of the Council.

- 9.12 If in a report of a Committee of Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

### Questions

- 9.13 A question must not be asked at a Meeting unless it concerns a matter on the Agenda of the Meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the Council determines otherwise in accordance with this Code.
- 9.14 A Councillor may, through the Chairperson, ask another Councillor about a matter on the Agenda.
- 9.15 A Councillor may, through the Lord Mayor, ask the CEO about a matter on the Agenda. The CEO may request another CN Staff member to answer the question or may choose to take the question on notice.
- 9.16 A Councillor or CN Staff 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 CN Staff to whom a question is put is unable to respond to the question at the Meeting at which it is put, they may take it on notice and report the response to the next Meeting-and/or as a Councillor Service Request.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or CN Staff.
- 9.18A There is no limitation on the number of questions able to be put to a Councillor or CN Staff member.

## **j) RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this Code, a motion or an Amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the Agenda and Business Papers for the Meeting at which it is to be considered have been sent to Councillors, the Chairperson is to note the withdrawal of the notice of motion at the Meeting unless the Council determines to consider the notice of motion at the Meeting.

- 10.4 In the absence of a Councillor who has placed a notice of motion on the Agenda for a Meeting:
- (a) any other Councillor may, with the leave of the Chairperson, move the motion at the Meeting, or
  - (b) the Chairperson may defer consideration of the motion until the next Meeting.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the Chairperson at a Meeting to
- a) receive and put to the Meeting any lawful motion that is brought before the Meeting.
  - b) to call for a seconder for any lawful motion that is brought before the Meeting.
- 10.6 The Chairperson must rule out of order any motion or Amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an Amendment to a motion under clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or Amendment.
- 10.7A 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 CN's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion or an Amendment to a motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the motion or Amendment to a motion if adopted.

#### Amendments to motions

- 10.8 An Amendment to a motion must be moved and seconded before it can be debated. It is the duty of the Chairperson to call for a seconder to any lawful Amendment brought before the Meeting.
- 10.9 An Amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An Amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.10 The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed Amendment before a seconder is called for.
- 10.11 If an Amendment has been lost, a further Amendment can be moved to the motion to which the lost Amendment was moved, and so on, but no more than one (1) motion and one (1) proposed Amendment can be before Council at any one time.

- 10.12 While an Amendment is being considered, debate must only occur in relation to the Amendment and not the original motion. Debate on the original motion is to be suspended while the Amendment to the original motion is being debated.
- 10.12A All Amendments must be submitted in writing by Councillors to the Meeting at which they are to be considered. Where an Amendment is not submitted in writing it must be stated clearly by Councillors at the Meeting and then submitted in writing as soon as practicable.
- 10.12B Where an Amendment, or multiple Amendments are considered on an item, the final motion should be read in full by the Chair before being put to the Meeting.
- 10.12C Despite clauses 10.11 and 10.12, any Councillor may move that Amendments be debated concurrently.
- 10.13 If the Amendment is carried, it becomes the motion and is to be debated. If the Amendment is lost, debate is to resume on the original motion.
- 10.14 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

- 10.14A A Councillor may propose a Foreshadowed Motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The Foreshadowed Motion is only to be considered if the original motion is lost or withdrawn and the Foreshadowed Motion is then moved and seconded. If the original motion is carried, the Foreshadowed Motion lapses.
- 10.14B Where an Amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further Amendment that they propose to move after the first Amendment has been dealt with. There is no limit to the number of foreshadowed Amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed Amendments until the previous Amendment has been dealt with, and the foreshadowed Amendment has been moved and seconded.
- 10.14C Foreshadowed Motions and foreshadowed Amendments are to be considered in the order in which they are proposed.

#### Limitations on the number and duration of speeches

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

- 10.16 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each Amendment to it.
- 10.17 A Councillor must not, without the consent of the Council, speak more than once on a motion or an Amendment, or for longer than five (5) minutes at any one time.
- 10.17A Where Council consents to additional speaking time, the consent will be taken to be for no longer than 30 seconds for the purpose of concluding their comments.
- 10.17B The Chairperson may consider a request from any Councillor for further additional speaking time. The Councillor must clearly explain the extenuating circumstances for the request, and clearly state how much additional time they are requesting. The Chairperson may then rule whether to accept or reject the Councillor's request.
- 10.18 Despite clause 10.17, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an Amendment, and for longer than five (5) minutes on that motion or Amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.18A A Councillor, when rising to speak, should indicate whether they are speaking for or against the motion.
- 10.19 Despite clauses 10.15 and 10.16, a Councillor may move that a motion or an Amendment be now put:
- (a) if the mover of the motion or Amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - (b) if at least two (2) Councillors have spoken in favour of the motion or Amendment and at least two (2) Councillors have spoken against it.
- 10.20 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an Amendment be now put is passed, the Chairperson must, without further debate, put the original motion or Amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an Amendment be now put is lost, the Chairperson must allow the debate on the original motion or the Amendment to be resumed.
- 10.23 All Councillors wishing to speak must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.24 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.

10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

10.25A This section does not apply if Council resolves itself into a Committee of the Whole pursuant to section 12.

10.25B Nothing in this Code prevents a Councillor from moving a procedural motion during a Meeting, that takes steps to support the efficient conduct of the Meeting (such as reordering the Agenda or moving an extension of time for a speaker). For efficiency, procedural motions under this clause are to be considered without debate, unless the Chairperson determines that clarification is required.

10.26 Omitted.

## **k) VOTING**

### **Voting entitlements of Councillors**

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

**Note: Clause 11.1 reflects section 370(1) of the Act.**

11.2 The person presiding at a Meeting has, in the event of an equality of votes, a second or casting vote. The use of the casting vote is to be recorded in the Council's minutes.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

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

11.4 Omitted.

### **Voting at Meetings**

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

11.6 If a Councillor who has voted against a motion put at a Meeting so requests, the CEO must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

11.6A Any Councillor may call for a Division on any vote.

11.7 The decision of the Chairperson as to the result of a vote is final unless the decision is immediately challenged, in which case a vote by Division must immediately occur.

- 11.8 When a Division on a motion is called, the Chairperson must ensure that the Division takes place immediately. The CEO must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the Meeting.
- 11.9 When a Division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.10 Voting at a Meeting, including voting in an election at a Meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.
- 11.10A Where a motion comprises multiple parts, a Councillor may move a procedural motion that the parts be voted on separately. Should such a procedural motion be carried, debate on each part is to occur concurrently.
- 11.11 Omitted.

#### Voting on Planning Decisions

- 11.12 The Meeting must not make a final Planning Decision without receiving a CN Staff report containing an assessment and recommendation in relation to the matter put before the Council for a decision.
- 11.13 Where the Meeting makes a Planning Decision that is inconsistent with the recommendation made in a CN Staff report, it must provide reasons for its decision and why it did not adopt the CN Staff recommendation.
- 11.14 The CEO must keep a register containing, for each Planning Decision made at a Meeting, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.15 For the purpose of maintaining the register, a Division is taken to have been called whenever a motion for a Planning Decision is put at a Meeting.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

**Note: Clauses 11.14–11.17 reflect section 375A of the Act.**

**Note: The requirements of clause 11.14 may be satisfied by maintaining a register of the minutes of each Planning Decision.**

## **I) COMMITTEE OF THE WHOLE**



- 12.1 The Council may resolve itself into Committee of the Whole to consider any matter before the Council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this Code relating to Meetings, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches and encouraging Councillors and CN Staff to stand when addressing the meeting.

**Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.**

**Note: Clause 7.1 encourages Councillors and CN Staff to stand when addressing the Meeting where they can.**

- 12.3 The CEO or, in the absence of the CEO, an employee of CN designated by the CEO, 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 of the Whole must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee of the Whole) 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.

#### **m) DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The Meeting may, at any time, resolve to adopt multiple items of business on the Agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a Meeting.
- 13.2 Before the Meeting resolves to adopt multiple items of business on the Agenda together under clause 13.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the Business Paper or that they wish to discuss.
- 13.3 The Meeting must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the Business Paper or to discuss.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the Meeting, the Meeting must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the Business Paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of CN's Codes of Conduct.

## **n) CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

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

- 14.1 The Meeting may close to the public so much of its Meeting as comprises the discussion or the receipt of any of the following types of matters:

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

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The Meeting may also close to the public so much of its Meeting as comprises a motion to close another part of the Meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

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

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

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Meeting is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A Meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Meeting is involved, and
  - (b) are clearly identified in the advice,
  - (c) are fully discussed in that advice, and
  - (d) are subject to legal professional privilege.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

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

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the Meeting, or to Councillors or to CN Staff, or
    - (ii) cause a loss of confidence in the Meeting.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

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

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a Meeting, may be closed to the public while the Meeting considers a matter that has not been identified in the Agenda for the Meeting under clause 3.19 as a matter that is likely to be considered when the Meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the Meeting, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the Meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

#### Representations by members of the public

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

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the Meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the Council may resolve to close the Meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the Meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the Agenda of the Meeting under clause 3.19 as a matter that is likely to be considered when the Meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to CN in a manner determined by the Council.

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

- 14.13 If a Meeting or part of a Meeting is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the Meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 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 such force as is reasonably 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.

**Note: Failure to comply with a direction to leave a Meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

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

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

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

- 14.16 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 14.16 reflects section 10D of the Act.**

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

- 14.17 If the Council passes a resolution during a Meeting, or a part of a Meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the Meeting, or the relevant part of the Meeting, has ended, and the resolution must be recorded in the publicly available minutes of the Meeting.
- 14.18 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 14.17 during a part of the Meeting that is Livestreamed where practicable.
- 14.19 The CEO must cause Business Papers for items of business considered during a Meeting, or part of a Meeting, that is closed to public, to be published on CN's website as soon as practicable after the information contained in the Business Papers ceases to be confidential.
- 14.20 The CEO must consult with the Council and any other affected persons before publishing information on CN's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

### **o) KEEPING ORDER AT MEETINGS**

#### Points of order

- 15.1 A Councillor may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.1A Examples of Points of Order include, but are not limited to, the following:
  - a) Addressing the Meeting without the permission of the Chairperson;
  - b) Councillors speaking or whispering while another Councillor is addressing the Meeting;
  - c) Verbal interjections;
  - d) Discourtesy to fellow Councillors during a Meeting;
  - e) Exceeding time limits without the agreement of the Meeting; or
  - f) any actions or comments that could be considered to be a breach of the Code of Conduct.
- 15.1B A Point of Order cannot be raised in relation to section 2.1.

- 15.2 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the Meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.3 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.
- 15.4 A Councillor who claims that another Councillor has committed an Act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.5 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.6 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 15.7 A Councillor can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the Agenda and proceed with it in due course.
- 15.9 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.

#### Acts of disorder

- 15.10 A Councillor commits an Act of disorder if the Councillor, at a Meeting:
- (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 Meeting, or addresses or attempts to address the Meeting on such a motion, Amendment or matter, or
  - (d) uses offensive or disorderly words, or

- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other Council Official, or a person present at the Meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the Meeting or is otherwise inconsistent with maintaining order at the Meeting.

**Note: Clause 15.10 reflects section 182 of the Regulation.**

**Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".**

15.11 The Chairperson may require a Councillor:

- (a) to apologise without reservation for an Act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an Amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an Act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

**Note: Clause 15.11 reflects section 233 of the Regulation.**

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh Act of disorder for the purposes of clause 15.10.

15.13 Where a Councillor fails to take action in response to a requirement by the Chairperson to remedy an Act of disorder under clause 15.11 at the Meeting at which the Act of disorder occurred, the Chairperson may require the Councillor to take that action at each subsequent Meeting until such time as the Councillor complies with the requirement. If the Councillor fails to remedy the Act of disorder at a subsequent Meeting, they may be expelled from the Meeting under clause 15.18.

#### How disorder at a Meeting may be dealt with

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

#### Expulsion from Meetings

15.15 Omitted.

- 15.16 All Chairpersons of Meetings are authorised under this Code to expel any person other than a Councillor, from a Meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Meeting.

**Note: Councils may use either clause 15.15 or clause 15.16.**

- 15.17 Clause 15.16 does not limit the ability of the Meeting to resolve to expel a person, including a Councillor, from a Meeting, under section 10(2)(a) of the Act.
- 15.18 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting for having failed to comply with a requirement under clause 15.11 or clause 15.13. 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.

**Note: Clause 15.18 reflects section 233(2) of the Regulation.**

- 15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting for engaging in or having engaged in disorderly conduct at the Meeting.
- 15.20 Members of the public attending a Meeting:
- (a) must remain silent during the Meeting unless invited by the Chairperson to speak,
  - (b) must not bring flags, signs or protest symbols to the Meeting. For the avoidance of doubt this includes posters, t-shirts or other political paraphernalia, and
  - (c) must not disrupt the Meeting.
- 15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a Meeting for a breach of clause 15.20.
- 15.22 Where a Councillor or a member of the public is expelled from a Meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the Meeting.
- 15.23 If a Councillor or a member of the public fails to leave the place where a Meeting is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using such force as is reasonably 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.

**Note: Failure to comply with a direction to leave a Meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty**



**units.**

How disorder by Councillors attending Meetings by Audio-visual link may be dealt with

- 15.24 Where a Councillor is attending a Meeting by Audio-visual link, the Chairperson or a person authorised by the Chairperson may request the Councillor's audio link to the Meeting be muted for the purposes of enforcing compliance with this Code.
- 15.25 If a Councillor attending a Meeting by Audio-visual link is expelled from a Meeting for an Act of disorder, the Chairperson of the Meeting or a person authorised by the Chairperson, may terminate the Councillor's Audio-visual link to the Meeting.

Use of mobile phones and the unauthorised recording of Meetings

- 15.26 Councillors, CN staff and members of the public must ensure that mobile phones are turned to silent during Meetings. 15.27 A person must not livestream or use an Audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a Meeting without the prior authorisation of the Meeting.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the Meeting.
- 15.29 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 such force as is reasonably 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.

**Note: Failure to comply with a direction to leave a Meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

**p) CONFLICTS OF INTEREST**

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at Meetings in accordance with CN's Codes of Conduct. All declarations of conflicts of interest must be verbally declared, submitted in writing and recorded in the minutes of the Meeting at which the declaration was made.
- 16.2 Councillors attending a Meeting by Audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the Meeting in accordance with CN's Codes of Conduct. Where a Councillor has declared a 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 Meeting, or at any time during which the Meeting is voting on the matter.

## **q) DECISIONS OF THE COUNCIL**

### Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act.**

- 17.2 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

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this Code.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

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

**Note: Clause 17.4 reflects section 372(2) of the Act.**

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

**Note: Clause 17.5 reflects section 372(3) of the Act.**

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

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

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

motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the CEO no later than 1 Day after the Meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of Council and any such report must be recorded in the minutes of the Meeting of the Council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same Meeting at which the resolution was adopted, where:
  - (a) a notice of motion signed by three Councillors is submitted to the Chairperson at the Meeting, and
  - (b) the Council resolves to deal with the motion at the Meeting on the grounds that it is urgent and requires a decision by the Council before the next scheduled Ordinary Council Meeting.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 17.12(b) and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

#### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the Chairperson, move to recommit a resolution adopted at the same Meeting:
  - (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.
- 17.17 Omitted.
- 17.18 Omitted.

17.19 Omitted.

17.20 Omitted.

#### **r) TIME LIMITS ON COUNCIL MEETINGS**

18.1 Meetings are to conclude no later than 10:00pm.

18.1A If the business of the Meeting is unfinished at 10:00pm, the Meeting may, by resolution, extend the time of the Meeting by up to 1 hour only, (i.e. until 11:00pm). If the additional time is supported by the Meeting, the CEO will be afforded the opportunity to provide advice to the Council on the most urgent items of business to be prioritised. The resolution to extend the Meeting time must be moved before 10:00pm.

18.1B Despite clause 18.1A, the Council may resolve to extend the Meeting later than 11:00pm, but in doing so the mover of the motion must explain the extenuating circumstances for doing so, and this justification is to be Recorded in the minutes.

18.2 If the business of the Meeting is unfinished at 10:00pm, and the Council does not resolve to extend the Meeting, the Chairperson must in consultation with the CEO either:

- (a) defer consideration of the remaining items of business on the Agenda to the next Ordinary Council Meeting, or
- (b) adjourn the Meeting to a time, date and place fixed by the Council.

**Note: a Meeting does not close until the Chairperson formally declares the Meeting closed in accordance with the order of business and may only close at the conclusion of all items on the order of business or after the Chairperson has determined to defer remaining items or adjourn the Meeting.**

18.2A If an extension of time is resolved by the Meeting, but the business of the Meeting remains unfinished at 11:00pm, the Chairperson must in consultation with the CEO either:

- (a) defer consideration of the remaining items of business on the Agenda to the next Ordinary Council Meeting, or
- (b) adjourn the Meeting, stating a time, date and place fixed by the Council.

18.3 Clause 18.2 does not limit the ability of the Meeting to resolve to adjourn a Meeting or an item of business at any time. The resolution adjourning the Meeting or item of business must fix the time, date and place that the Meeting or item of business is to be adjourned to. Councillors may debate a motion to adjourn an item of business before the motion is put.

18.4 Where a Meeting is adjourned under clause 18.2 or 18.3, the CEO must:

- (a) individually notify each Councillor of the time, date and place at which the

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

## **s) AFTER THE MEETING**

### Minutes of Meetings

- 19.1 CN is to keep full and accurate minutes of the proceedings of Meetings.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the CEO must ensure that the following matters are recorded in the Council's minutes:

- (a) the names of Councillors attending a council Meeting and whether they attended the Meeting in person or by Audio-visual link,
- (b) details of each motion moved at a Meeting and of any Amendments moved to it,
- (c) the names of the mover and seconder of the motion or Amendment,
- (d) whether the motion or Amendment was passed or lost, and
- (e) such other matters specifically required under this Code.

- 19.3 The minutes of a Meeting must be confirmed at a subsequent Meeting of the Council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

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

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

**Note: Clause 19.5 reflects section 375(2) of the Act.**

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

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

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

- 19.8 The Council and Committees of 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 19.8 reflects section 11(1) of the Act.**

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

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the Council or the Committee of Council 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 19.10 reflects section 11(3) of the Act.**

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

#### Implementation of decisions of the Council

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

**Note: Clause 19.12 reflects section 335(b) of the Act.**

### **t) COMMITTEES OF COUNCIL**

#### Application of this Part

- 20.1 This Part only applies to Committees of Council whose members are all Councillors. At CN, this includes the Development Applications Committee.

#### Committees of Council whose members are all Councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A Committee of Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The Quorum for a Committee of Council Meeting 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 of Council.

#### Functions of Committees of Council

- 20.5 The Council must specify the functions of each of its Committees of Council

when the Committee of Council is established but may from time to time amend those functions.

#### Notice of Committee of Council Meetings

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

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

- 20.8 A Councillor who is not a member of a Committee of Council is entitled to attend, and to speak at a Meeting of the Committee of Council. 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 Committees of Council

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

### Procedure in Committee of Council Meetings

- 20.13 Subject to any specific requirements of this Code, each Committee of Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of Council.
- 20.14 Whenever the voting on a motion put to a Meeting of the Committee of Council is equal, the Chairperson of the Committee of Council is to have a casting vote as well as an original vote unless the Council or the Committee of Council determines otherwise in accordance with clause 20.13.
- 20.15 Omitted.
- 20.16 Voting at a Committee of Council Meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

### Lord Mayoral Minutes

- 20.17 The provisions of this Code relating to Lord Mayoral Minutes also apply to Meetings of Committees of Council in the same way they apply to Meetings of the Council.

### Closure of Committee of Council Meetings to the public

- 20.18 The provisions of the Act and Part 14 of this Code apply to the closure of Meetings of Committees of Council to the public in the same way they apply to the closure of Meetings of the Council to the public.
- 20.19 If a Committee of 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.
- 20.20 Resolutions passed during a Meeting, or a part of a Meeting that is closed to the public must be made public by the Chairperson under clause 20.19 during a part of the Meeting that is Livestreamed where practicable.
- 20.21 The CEO must cause Business Papers for items of business considered during a Meeting, or part of a Meeting, that is closed to public, to be published on CN's website as soon as practicable after the information contained in the Business Papers ceases to be confidential.
- 20.22 The CEO must consult with the Committee of Council and any other affected persons before publishing information on CN's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.



### Disorder in Committee of Council Meetings

- 20.23 The provisions of the Act, the Regulation, and this Code relating to the maintenance of order in Council Meetings apply to Meetings of Committees of Council in the same way they apply to meetings of the Council.

### Minutes of Committee of Council Meetings

- 20.24 Each Committee of Council is to keep full and accurate minutes of the proceedings of its Meetings. At a minimum, a Committee of Council must ensure that the following matters are recorded in the Committee of Council's minutes:

- (a) the names of Councillors attending a Meeting and whether they attended the Meeting in person or by Audio-visual link,
- (b) details of each motion moved at a Meeting and of any Amendments moved to it,
- (c) the names of the mover and seconder of the motion or Amendment,
- (d) whether the motion or Amendment was passed or lost, and
- (e) such other matters specifically required under this Code.

- 20.25 Omitted.

- 20.26 The minutes of Meetings of each Committee of Council must be confirmed at a subsequent Meeting of the Committee of Council.

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

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

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

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

### Advisory Committees

- 20.30A Council may by resolution establish Advisory Committees as it considers necessary. The resolution must include the adoption of a constituting document (such as a Charter) and Meeting schedule.

- 20.30B The provisions of the Code do not apply to the operation or meeting procedure of Advisory Committees.

- 20.30C Council may by resolution request that an Advisory Committee create a working party to consider an issue or undertake a particular activity.

- 20.30D A Meeting may consider the recommendations contained in a report of an

Advisory Committee (staff report) either separately or all concurrently.  
20.30E The recommendations of an Advisory Committee are, so far as adopted by the Meeting, resolutions of the Council.

#### **u) IRREGULARITIES**

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

**Note: Clause 21.1 reflects section 374 of the Act.**

## Annexure A – Definitions

the Act	means the <i>Local Government Act 1993</i>
Act of disorder	means an action as defined in clause 15.10 of this Code
Agenda	means the 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.
Amendment	in relation to an original motion, means a proposed alteration or addition to that motion
Audio recorder	means any device capable of recording speech
Audio-visual link	means a facility that enables audio and visual communication between persons at different places
Business Papers	means the collection of documents, including the Agenda and supporting reports, that provide Councillors with the information needed to discuss and make decisions at a 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
CEO	means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative  References to the Chief Executive Officer are references to the General Manager appointed under the <i>Local Government Act 1993</i> (NSW)
Chairperson	in relation to a Meeting– means the person presiding at the Meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code
City of Newcastle (CN)	means Newcastle City Council
CN Staff	means employees of CN (including full time, part time, fixed term and casual) or Specific Talent Contractor who is engaged under a CN position description
this Code	means CN's adopted code of meeting practice
Committee of Council	means a committee established by the Council in accordance with clause 20.2 of this Code (being a committee consisting only of Councillors). A Committee of Council may carry out functions of Council where an appropriate delegation is in place
Committee of the Whole	means when the Council when it has resolved itself into Committee of the Whole under clause 12.1 to consider any matter before the council
Consultation Workshops	Means two-way, early-stage discussions between Councillors and CN Staff to explore ideas and input on draft policies, plans, or strategic matters before they are formally presented to Council in draft form. These are not decision-making forums
Council	means the governing body of City of Newcastle

Council Official	includes Councillors, CN staff, administrators, delegates of Council and any other person exercising functions on behalf of the Council
Day	means calendar day
Division	means a request by a Councillor under clause 11.6A or a requirement under 11.15 of this Code, requiring the recording of the names of the Councillors who voted both for and against a motion
Extraordinary Council Meeting	means a Meeting held by Council in accordance with clause 3.2 of this Code and section 366 of the Act
Foreshadowed Motion	means verbal indication by a Councillor of their intention to move an alternate or additional motion at a later stage in the item should the current motion being debated be defeated.
Livestream	means a video broadcast of a meeting transmitted across the internet concurrently with the meeting
Meeting	means a meeting of the Ordinary Council, Extraordinary Council or a Committee of Council. A specific reference to an Ordinary Council Meeting, Extraordinary Council Meeting or a Committee of Council Meeting means the clause, section or Part applies only to that specific type of Meeting
OLG	means the Office of Local Government
Ordinary Council Meeting	means a Meeting held by Council in accordance with clause 3.1 of this Code and section 365 of the Act.
Performance Improvement Order	means an order issued under section 438A of the Act
Planning Decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to: <ul style="list-style-type: none"> <li>a) a development application,</li> <li>b) an environmental planning instrument,</li> <li>c) a development control plan,</li> <li>d) a planning agreement or</li> <li>e) a development contribution plan under that Act,</li> </ul> but not including the making of an order under Division 9.3 of Part 9 of that Act
Professional Development Sessions	means sessions held for Councillors in order to comply with Professional Development obligations under the Act
Quorum	means the minimum number of Councillors or Committee of Council members necessary to conduct a Meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
Year	means the period beginning 1 July and ending the following 30 June

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

## Document Control

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<b>Key Words:</b>	Code, meeting, Council, Committee, Code of Meeting, Chair, Ordinary Council Meeting

### Related Document Information, Standards & References

<b>Context:</b>	This Policy is in accordance with section 360 of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 (the Regulation) and incorporates the mandatory provisions of the prescribed Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code).
<b>Related Legislation:</b>	<i>Local Government Act 1993 (NSW) s 9(1), 233(A), 365, 366, 367(1), 367(2), 367(3), Local Government (General) Regulation 2021 (NSW) Privacy and Personal Information Protection Act 1998 (NSW) Health and Personal Information Protection Act 1998 (NSW)</i>
<b>Related Policies (Council &amp; Internal):</b>	CN's Codes of Conduct Effective Communication between Councillors and Staff Policy Public Voice and Public Briefing Policy
<b>Related Procedures, Guidelines, Forms or documents:</b>	Public Briefing Application Public Voice Application
<b>Standards, Codes or other references:</b>	Office of Local Government - Model Code of Meeting Practice

### Relevant Newcastle 2040 Theme/s

<b>Term / Abbreviation</b>
Achieving Together

### Version History

<b>Version No - Date Approved - ECM</b>
Version 1 - Approved 15 December 2009 - ECM: 3316730, Version 2 - Approved 15 February 2011, Version 3 - Approved 09 October 2012 - ECM 3450681, Version 4 - Approved 12 March 2013 - ECM 3678462, Version 5 - Approved 26 June 2018 - ECM 5608641, Version 6 - Approved 24 September 2019 - ECM 6116693, Version 6(a) - Amended 18 August 2020 - ECM 6515241, Version 6(b) - Amended 8 December 2020 to give effect to the resolution of Council - ECM 6937884, Version 7 - Approved 28 June 2022 - ECM 7457623