



CODE OF MEETING PRACTICE

Adopted: 27 September 2017

TRIM 027482.2018



CODE OF MEETING PRACTICE

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NOTE: Associated Documents:

This Code of Meeting Practice deals specifically with the procedural matters governing the conduct of Council Meetings

It does not deal with other matters which affect the rights and obligations of Councillors and staff of Council.

It should therefore be read in conjunction with the following Codes, policies and the Practice Note:

- Department of Local Government: Pecuniary Interest Practice Note 2006
- Department of Local Government in association with the Local Government Association of NSW & the Shires Association of NSW: Councillor Handbook 2012
- Division of Local Government: Meetings Practice Note 16 2009
- Division of Local Government: Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013
- Division of Local Government: The Model Code of Conduct for Councils in NSW 2013
- Liverpool City Council: Code of Conduct
- Liverpool City Council: Code of Conduct Procedures
- Liverpool City Council: Councillor Access to Information and Interaction with Staff Policy
- Liverpool City Council: Ethical Governance: Conflicts of Interest Policy
- NSW Ombudsman: Good Conduct and Administrative Practice: Practice Note for state and local government 2006

PART 1

PRELIMINARY

1. Definitions

In this Code:

| Terms | Definitions |
|----------------------------------|--|
| Amendment | in relation to an original motion means a motion moving an amendment to that motion |
| Authorised representative | means a person who has sought and gained approval from the Chairperson to make a presentation to Council |
| Chairperson | in relation to a meeting of Council, means the person presiding at the meeting as provided by clause 13 of this Code; and in relation to a meeting of a committee, means the person presiding at the meeting as provided by clause 51 of this Code |
| Chief Executive Officer | refers to the position of general manager appointed under the <i>Local Government Act 1993</i> |
| Committee | means a committee established under clause 46, or the Council, when it has resolved itself into a Committee of the Whole |
| Minister | means the Minister for Local Government |
| Ordinary day | refers to the reckoning of time as set out in section 36 of the <i>Interpretation Act 1987</i> , which excludes a Saturday, a Sunday, a public holiday or a bank holiday being included in the calculation of the period of a day or number of days in relation to notice to be given under the provisions of the Code |
| Record | means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council or of a committee of Council |
| the Act | means the <i>Local Government Act 1993</i> |
| the Code | means this Code of Meeting Practice |
| the Practice Note | refers to the Meetings Practice Note 16 dated August 2009 issued by the Division of Local Government, Department of the Premier and Cabinet: |
| the Regulation | means the <i>Local Government (General) Regulation 2005</i> |
| Expressions | used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary |

2. Act and Regulation

- 2.1. This Code has been adopted as required by section 360 (2) of the Act. This Code incorporates relevant provisions of the Regulation and the Act.
- 2.2. Where there is any inconsistency between the Code and the Act or the Regulation, the provisions of the Act or the Regulation prevail.

3. Principles

- 3.1. In adopting a Code of Meeting Practice, Liverpool City Council commits itself to the following principles:
 - 3.2. Council meetings should be orderly, efficient and earn the respect of Liverpool's residents;
 - 3.2.1. Councillors have an obligation to conduct themselves at meetings to high standards of behaviour and make a positive contribution to all decisions and debates;
 - 3.2.2. Meetings should be part of Council's commitment to open government and maximise the access and participation available to the City's residents; and

- 3.2.3. Council meetings should comply with the principles underlying the Act relating to the roles and responsibilities of the Councillors and the Chief Executive Officer. Within the delegations of authority adopted by Council, matters considered at meetings should be restricted to matters of policy, direction, resource allocation and statutory decisions which are required to be made by Council.

4. Notes to Text

- 4.1. Any notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist with interpretation and understanding.
- 4.2. Where a clause or subclause contains a reference such as (s 365) at the end of the clause or subclause, this is a reference to the relevant section of the *Local Government Act, 1993*.
- 4.3. Where a clause or subclause contains a reference such as cl 231 at the end of the clause or subclause, this is a reference to the relevant clause in the *Local Government (General) Regulation 2005*.
- 4.4. Where a clause or subclause contains a reference such as clause 1.1.1 of the Practice Note at the end of the clause or subclause, this is a reference to the Meetings Practice Note 16 dated August 2009.
- 4.5. Where a clause of subclause contains no reference at the end of a clause or subclause, this indicates that this provision has been inserted by Council and is not a provision contained in the Act or Regulation.

PART 2

CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

5. Ordinary meetings of Council

- 5.1. Council is required to meet at least ten times each year, each time in a different month (s 365 of the Act).
- 5.2. Ordinary meetings of Council shall be held according to a schedule approved by the Council from time to time. Meetings will commence at 6.00 pm and conclude by 11.00 pm without an extension.

***Note:** Staff required to attend Council meetings will be instructed by their immediate supervisor to commence work on the day of the scheduled Council meeting at a time that will ensure that their ordinary hours at work shall not exceed 12 hours in any one day exclusive of unpaid meal breaks. The affected staff should not resume duty without receiving 10 consecutive hours off duty.*

- 5.3. Council meetings are usually held at the Francis Greenway Centre 170 George Street Liverpool. Council may resolve to hold its meetings at other appropriate venues from time to time.

6. Extraordinary meetings

- 6.1. The Mayor may call an extraordinary meeting of Council if the Mayor receives a request in writing signed by at least two Councillors, one of whom may be the Mayor. The Mayor must call an extraordinary meeting of Council to be held as soon as is practicable, but in any event within 14 ordinary days after the receipt of the request (s 366 of the Act).
- 6.2. If the Mayor fails, within four ordinary days of receipt of a request under subclause (1), to give a direction to the Chief Executive Officer for the sending of notices to Councillors for an extraordinary meeting to be held within the period specified in subsection (1), the Chief Executive Officer must send a notice to each Councillor specifying that the meeting be held on the eighth ordinary day following the date of receipt of the request.
- 6.3. For the purpose of subclauses (1) and (2), a Saturday, Sunday or public holiday is not an ordinary day.

7. Notice of meetings

- 7.1. The Chief Executive Officer must send to each Councillor, at least three ordinary days before a Council or committee meeting, a notice specifying the time, place and the date on which the meeting is to be held and an agenda describing the business proposed to be transacted at the meeting (s 367(1) of the Act; cl 262 of the Regulation).
- 7.2. Notice of less than three ordinary days may be given of an extraordinary meeting called in an emergency, (s 367 (2) of the Act), but in no case shall notice of less than one ordinary day be given.
- 7.3. A notice under this clause and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form (s 367 (3) of the Act).

8. Quorum

- 8.1. The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office and are present at the meeting (s 368 of the Act).

- 8.2. In determining the number of Councillors for the purpose of calculating quorum, any casual vacancies in Councillor offices and any suspended Councillors are not to be counted (cl 4.2.2 of the Practice Note).

9. Absence of a quorum

- 9.1. A meeting of Council must be adjourned if a quorum is not present:
- 9.1.1. Within half an hour after the time designated for the holding of the meeting; or
 - 9.1.2. At any time during the meeting (cl 233 (1) of the Regulation).
- 9.2. In either case, the meeting must be adjourned to a time, date and place fixed:
- 9.2.1. By the Chairperson;
 - 9.2.2. In his or her absence, by the majority of the Councillors present; or
 - 9.2.3. Failing that, by the Chief Executive Officer (cl 233 (2) of the Regulation).
- 9.3. If so many Councillors disclose a pecuniary interest in a matter that the Council is unable to form a quorum to deal with the business before it, the Councillors concerned may apply to the Minister to allow them to participate in the discussion and vote on that matter (s 458 of the Act).
- 9.4. The Chief Executive Officer must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present (cl 233 (3) of the Regulation).

10. Presence at Council meetings

- 10.1. A Councillor cannot participate in a meeting of Council unless personally present at the meeting (cl 235 of the Regulation).
- 10.2. A Councillor shall not be deemed to be present at any meeting of the Council unless he or she is within the Council chamber. In accordance with the Meetings Practice Note, if a Councillor is anywhere in the room where the Council meeting is being held, they are considered to be "present" for the purposes of voting (cl 251(1) of the Regulation).
- 10.3. The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of Council or a meeting of a committee of Council of which all the members are Councillors (s 376(1) of the Act).
- 10.4. The Chief Executive Officer is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote (s 376 (2) of the Act).
- 10.5. However, the Chief Executive Officer may be excluded from a meeting of Council or a committee while Council or the committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of the employment of the Chief Executive Officer (s 376 (3) of the Act).

11. Leave of absence from Council meetings

- 11.1. A Councillor must apply for leave of absence to the Mayor, the Chief Executive Officer or the Public Officer prior to commencement of the meeting of Council.
- 11.2. A Councillor applying for a leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor (s 234 (2) of the Act).

- 11.3. Council may resolve that an annual fee will not be paid to a Councillor or that a Councillor will be paid a reduced annual fee determined by the Council:
- 11.3.1. For any period of not more than three months for which the Councillor is absent, with or without prior leave, from an ordinary meeting or ordinary meetings of the Council, or
 - 11.3.2. In any other circumstances prescribed by the Regulation (s 254A (1) of the Act).
- 11.4. If a Councillor is absent, with or without the leave of the Council, from ordinary meetings of the Council for any period of more than three months, the Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of three months (s 254A (2) of the Act).
- 11.5. If a Councillor is absent from three consecutive ordinary meetings of the Council (unless the holder is absent because he or she is been suspended from office under section 482) without prior leave of the Council or leave granted by the Council at any of the meetings concerned their position on Council becomes vacant (s 234 (1)(d) of the Act).

12. Authority to cancel a scheduled Council meeting

- 12.1. There is no provision in the Act or the Regulation for a Council meeting to be abandoned or cancelled. If a notice of a meeting has been given, it must be held or at least opened (cl 4.2.8 of the Practice Note).

PART 3

PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

13. Chairperson of Council meetings

- 13.1. The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of Council (s 369 (1) of the Act).
- 13.2. If the Mayor and the Deputy Mayor are absent, a Councillor, elected to chair the meeting by the Councillors present, presides at a meeting of Council (s 369 (2) of the Act).
- 13.3. If no chairperson is present at a meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 13.4. The election must be conducted:
 - 13.4.1. By the Chief Executive Officer or, in his or her absence, an employee of Council designated by the Chief Executive Officer to conduct the election; or
 - 13.4.2. If neither of them is present at the meeting or there is no Chief Executive Officer or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- 13.5. If, at an election of a chairperson, two 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.
- 13.6. For the purposes of subclause (5), the person conducting the election must:
 - 13.6.1. Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - 13.6.2. Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 13.7. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson (cl 236 of the Regulation).

14. Chairperson to have precedence

- 14.1. When the Chairperson rises or speaks during a meeting of Council:
 - 14.1.1. Any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - 14.1.2. Every Councillor present must be silent to enable the Chairperson to be heard without interruption (cl 237 of the Regulation).
- 14.2. A Councillor failing to do so shall have committed an act of disorder.

15. Agenda and business papers for Council meetings

- 15.1. The Chief Executive Officer must ensure that the agenda for a meeting of the Council states:
 - 15.1.1. All matters to be dealt with arising out of the proceedings of former meetings of the Council;

- 15.1.2. If the Mayor (or the Deputy Mayor if acting for the Mayor) is the chairperson, any matter or topic that the chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
- 15.1.3. Any business of which due notice has been given (cl 240 of the Regulation).
- 15.2. The Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is (or the implementation of the business would be) unlawful. The Chief Executive Officer must report (without giving details of the item of business) any such exclusion to the next meeting of the Council (cl 240 of the Regulation).
- 15.3. The Chief Executive Officer must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting (cl 240 of the Regulation).
- 15.4. The Chief Executive Officer must ensure that the details of any item of business to which clause 62 (7) applies are included in a business paper for the meeting concerned (cl 240 of the Regulation).
- 15.5. Nothing in this clause limits the powers of the Chairperson under clause 18 (cl 240 of the Regulation).
- 15.6. Business papers shall take into consideration privacy matters and avoid, where possible, personal information and personal identifiers such as names and addresses unless such information is required by legislation (cl 1.4.2 of the Practice Note).
- 15.7. Business papers shall not include cheque warrants (payments made by Council) or development plans for privacy and copyright reasons. However, development plans should be made available to interested members of the public to view at Council's Customer Service Centre. The plans must also be brought to Council meetings by Council staff (cl 1.4.4 of the Practice Note).
- 15.8. Business papers shall include provision for "questions with notice" from Councillors. Such questions must be provided to the Chief Executive Officer to be asked at the meeting in accordance with notice provisions of the Regulation (cl 241 of the Regulation).
- 15.9. Business papers shall not include provision for "questions without notice" from Councillors. Such questions are inconsistent with notice provisions of the Regulation which require notice to be given of matters to be discussed at Council meeting.
- 15.10. Business papers that have been included in the agenda of the meeting that has been sent to Councillors cannot be removed prior to the meeting. If it is proposed that the item of business not be dealt with at the meeting, Council must resolve to:
 - 15.10.1. Defer the business at the meeting, or
 - 15.10.2. Not consider the matter (cl 1.4.12 of the Practice Note).

16. Giving notice of business

- 16.1. The Council must not transact business at a meeting of the Council:
 - 16.1.1. Unless a Councillor has given notice of the business in writing by 9.30 am nine ordinary days prior to the meeting; and
 - 16.1.2. Unless notice of business has been sent to the Councillors at least three ordinary days prior to the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one ordinary day prior (cl 241 of the Regulation).
- 16.2. A notice of motion should take the form of that provided in Attachment 1 of this Code and can be submitted to NOM@liverpool.nsw.gov.au

- 16.3. A Councillor may withdraw a notice of motion submitted if advised in writing by 9.30 am nine ordinary days prior to the meeting. Withdrawal of a notice of motion after this date must be dealt with in accordance with Clause 15 (10) above.
- 16.4. Notices of motion submitted by Councillors shall generally be limited to matters of policy, direction and resource allocation. Items dealing with administrative or operational issues should ideally be referred directly to Council's Customer Service Centre or the relevant director or manager.
- 16.5. Subclause (1) does not apply to the consideration of business at a meeting if the business is:
 - 16.5.1. Already before, or directly relates to a matter that is already before the Council; or
 - 16.5.2. The election of a Chairperson to preside at the meeting as provided by clause 13; or
 - 16.5.3. A matter or topic put to the meeting by the Chairperson in accordance with clause 18; or
 - 16.5.4. A motion for the adoption of recommendations of a committee of Council (cl 241 of the Regulation); or
 - 16.5.5. Contained in a report of an urgent or extraordinary nature submitted by the Chief Executive Officer after the notice of the meeting has been issued but prior to the commencement of the meeting.
- 16.6. Despite subclause (1), business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can only happen if:
 - 16.6.1. A motion is passed to have the business transacted at the meeting; and
 - 16.6.2. The business proposed to be brought forward is ruled by the Chairperson to be of great urgency (cl 241 of the Regulation).
- 16.7. Such a motion can be moved without notice.
- 16.8. Despite clause 34, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put (cl 241 of the Regulation).

17. Agenda for extraordinary meeting

- 17.1. The Chief Executive Officer must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting (cl 242 of the Regulation).
- 17.2. Despite subclause (1), business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors however, this can happen only if:
 - 17.2.1. A motion is passed to have the business transacted at the meeting; and
 - 17.2.2. The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- 17.3. Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of (cl 242 of the Regulation).
- 17.4. Despite clause 34, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put (cl 242 of the Regulation).

18. Official (Mayoral) minutes

- 18.1 If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of Council, the chairperson is, by minutes signed by the chairperson, entitled to put to the meeting without notice, any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge (cl 243 (1) of the Regulation).
- 18.2 Such a minute, when put to the meeting, takes precedence over all business on Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded (cl 243 (2) of the Regulation).
- 18.3 Mayoral minutes may be amended by the Mayor.
- 18.4 A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, if adopted by Council, a resolution of the Council (cl 243 of the Regulation).
- 18.5 Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the Councillors.
- 18.6 Mayoral minutes must adhere to the Office of Local Government Practice Note16 dated August 2009.

19. Report of a representative of the Office of Local Government to be tabled at a Council Meeting

- 19.1. When a report of a representative of the Office of Local Government has been presented to a meeting of Council in accordance with section 433 of the Act, Council must ensure that the report is:
 - 19.1.1. Laid on the table at that meeting; and
 - 19.1.2. Subsequently available for the information of Councillors and members of the public at all reasonable times (cl 244 of the Regulation).

20. Order of Business

- 20.1. At any meeting of Council (other than an extraordinary meeting), the general order of business shall be as follows: (cl 239 of the Regulation).

1. Opening
2. Filming
3. Acknowledgement of Country
4. Prayer for Council
5. Play two verses of the Australian National Anthem
6. Apologies
7. Condolences
8. Confirmation of minutes of previous meeting
9. Declarations of pecuniary interest or non-pecuniary conflicts of interest
10. Public forum
11. Mayoral report
12. Notices of motion of rescission
13. Motions of urgency
14. Independent Hearing and Assessment Panel reports and development application reports requiring determination by Council
15. Chief Executive Officer's report
16. Directorate and other reports (as determined from time to time by Council)
17. Committee reports
18. Correspondence Reports

19. Confidential items
20. Questions with notice
21. Questions taken on notice
22. Presentations by Councillors
23. Notices of motion
24. Council in closed session
25. Close

- 20.2. The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice (cl 239 of the Regulation).
- 20.3. Despite clause 34, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put (cl 239 of the Regulation).
- 20.4. Condolences may be given at Council meetings under the following set of circumstances:
 - 20.4.1. The passing of a current or retired local State or Federal Member of Parliament
 - 20.4.2. The passing of a current or retired Councillor of Liverpool City Council
 - 20.4.3. The passing of a community representative who in the opinion of the Chairperson has contributed significantly to the local community of the Liverpool Local Government Area
 - 20.4.4. The passing of a community volunteer who in the opinion of the Chairperson has worked tirelessly within or for the local community of Liverpool Local Government Area.
- 20.5. A minute's silence will be observed following the condolences being given.
- 20.6. The Chairperson, however, can still use his or her discretionary powers to give condolences for the passing of a person or persons outside the circumstances above.

21. Minutes

- 21.1 Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council (s 375 (1))
- 21.2 Council minutes of Council meetings will, as a minimum, consist of:
 - 21.1.1. Details of each motion moved at a Council meeting and of any amendments (cl 254 (a) of the Regulation);
 - 21.1.2. The names of the mover and seconder of each motion and amendment (cl 254 (b) of the Regulation);
 - 21.1.3. Whether each motion and amendment is passed or lost (cl 254 (c) of the Regulation);
 - 21.1.4. The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (cl 233 (3) of the Regulation);
 - 21.1.5. The dissenting vote of a Councillor, if requested (cl 251 (2) of the Regulation);
 - 21.1.6. The names of the Councillors who voted for a motion in a division and those who voted against it (cl 251 (4)). Note that a division is always required when a motion for a planning decision is put at a meeting of the Council (s 375A of the Act);
 - 21.1.7. A report of the proceedings of the Committee of the Whole, including any recommendations of the Committee (cl 259 (3) of the Regulation);
 - 21.1.8. The grounds for closing part of a meeting to the public (s 10D);
 - 21.1.9. The report of a Council Committee leading to a rescission or alteration motion (s 372 (6) of the Act); and

- 21.1.10. The disclosure to a meeting by a Councillor of a pecuniary interest (s 453 of the Act).
- 21.3 The confirmation of the minutes of a meeting, including extraordinary meetings, not previously confirmed must be dealt with at the next ordinary meeting of Council.
- 21.4 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 21.5 Minutes may be confirmed at an extraordinary meeting of Council.
- 21.6 The minutes must, when they have been confirmed at a subsequent meeting of Council, be signed by the person presiding at that subsequent meeting (s 375 (2) of the Act).
- 21.7 For the purposes of compiling the minutes of meetings, each meeting shall be recorded, with the recordings kept, other than by resolution of Council, for a four year rolling period after the minutes of that meeting are confirmed by Council and the recordings must be disposed of in accordance with the *General Records Disposal Schedule for Local Government*.

22. Chairperson's duty with respect to motions

- 22.1. It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 22.2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 22.3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected (cl 238 of the Regulation).

23. Notice of motion – absence of mover

- 23.1. In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council:
- 23.1.1. Any other Councillor may move the motion at the meeting; or
- 23.1.2. The Chairperson may defer the motion until the next meeting of Council at which the motion can be considered (cl 245 of the Regulation).

24. Motions to be seconded

- 24.1. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 18 (2) and 34 (5) (cl 246 of the Regulation).
- 24.2. Notwithstanding subclause (1), the mover of a motion may be allowed by the Chairperson to speak to the motion to enable other Councillors to determine whether or not to second the motion.
- 24.3. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
- 24.4. To ensure the accuracy of decisions, Councillors should hand a copy of any lengthy motions in writing to the Chairperson.

25. How subsequent motions may be moved

- 25.1. If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before Council at any one time (cl 247 of the Regulation).
- 25.2. It is permissible to debate the motion and an amendment concurrently.

- 25.3. It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- 25.4. An amendment shall be ruled out of order by the Chairperson if, in the opinion of the Chairperson, it directly contradicts the motion being debated.

26. Motions of dissent

- 26.1. A Councillor can, without notice, move dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent (cl 248 of the Regulation).
- 26.2. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course (cl 248 of the Regulation).
- 26.3. Despite clause 34 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 (cl 248 of the Regulation).
- 26.4. After the mover and Chairperson have spoken, the motion of dissent shall be immediately put to Council.

27. Petitions to be presented to Council

- 27.1. A Councillor may present a petition to Council.
- 27.2. The Chairperson must not permit discussion on the petition.
- 27.3. All petitions received by Council shall be listed in the confidential booklet attached to the Council agenda for the information and consideration of Councillors.

28. Public forum

28.1. Presentations: Items not on agenda

- 28.1.1. Any resident or ratepayer of Liverpool Local Government Area or any authorised representative may request to make a presentation to Council.
- 28.1.2. Prior notice in writing (by letter, email or fax) of the representation on matters not included on the agenda, using the required Request To Address Council form, needs to be provided to Council, no later than 5 pm one ordinary day prior to the Council meeting, unless the Chairperson determines that circumstances justify otherwise.
- 28.1.3. Presentations must be limited to matters which in the opinion of the Chairperson are under the jurisdiction or influence of Council.

28.2. Representations: Items on agenda

- 28.2.1. Prior notice (by letter, email or fax) of the representation on matters included on the agenda, using the required Request to Address Council form, must be provided to Council, no later than 5 pm one ordinary day prior to the Council meeting, unless the Chairperson determines that circumstances justify otherwise.

- 28.2.2. Representations on reports on the agenda which are to be considered by the Independent Hearing and Assessment Panel (IHAP) will not be considered by Council, unless the Chairperson determines that the circumstances justify otherwise.
- 28.2.3. However, a maximum of three representations for, and three representations against, may be made on a matter that has been considered by IHAP.

28.3. Presentations and representations

- 28.3.1. A presentation or representation shall not exceed three minutes in duration. At the expiration of two minutes, the speaker will be given a warning that one minute of time remains to conclude his or her presentation or representation. Council may resolve to allow one three minute extension to the speaker.
- 28.3.2. Representations shall be limited to three representations for and three representations against any one item listed on the agenda.
- 28.3.3. So as to improve transparency and accountability to the public, each speaker must provide the following details:
 - i. His or her name;
 - ii. The organisation or group that he or she is representing (if applicable);
 - iii. Details of the issue addressed and the item number of the report in the Business Paper;
 - iv. Whether he or she is opposing or supporting the issue or matter (if applicable); and
 - v. The interest of the speaker (for example, affected person, neighbour, applicant, applicant's spokesperson, interested citizen etc.).
- 28.3.4. Speakers shall observe proper meeting procedure and be subject to the same rules of decorum and order as the Councillors. In this regard personal allegations against Councillors, the Mayor, Council staff or any other persons shall not be made. It should be noted that speakers at Council meetings do not enjoy absolute legal protection (parliamentary-style privilege) and that any offensive or defamatory remarks about any other person may render him or her liable to legal action.
- 28.3.5. The Chairperson may, at any time in the Chairperson's absolute discretion, withdraw the permission to speak of any member of the public if the Chairperson considers that the conduct of that member of the public disrupts the meeting or is inconsistent with the good order of the meeting or is in breach of Council's Code of Meeting Practice.
- 28.3.6. Upon withdrawal by the Chairperson of the permission to speak of a member of the public the Chairperson may direct the member of the public to cease speaking and resume his or her position in the public gallery.
- 28.3.7. The failure of a member of the public to comply with the Chairperson's direction shall constitute disorderly conduct.
- 28.3.8. The notification to Council, using the required Request to Address Council form, must be delivered either by:
 - i. Hand to the Liverpool Council Customer Service Centre, Ground Floor, 33 Moore Street Liverpool;
 - ii. Post to Locked Bag 7064, Liverpool BC NSW 1871;
 - iii. Fax to 9821 9333; or

- iv. Email to speakerrequests@liverpool.nsw.gov.au

29. Items of Correspondence

- 29.1. Any Councillor or the Chief Executive Officer may request to have any item of Council correspondence placed on the agenda paper, providing such a request is made to the Public Officer by 9.30 am nine ordinary days prior to the meeting.

30. Questions may be put to Councillors

- 30.1. A Councillor may, through the Chairperson, put a question to another Councillor (cl 249 of the Regulation).
- 30.2. Questions directed to Councillors must be submitted in writing to the Public Officer by the close of business nine ordinary days prior to the meeting, to enable the question to be circulated to the Councillor to whom the question is directed, and, if necessary, to enable that Councillor to make reference to other persons or to documents (cl 249 of the Regulation).
- 30.3. The Councillor must put every such question directly, succinctly and without argument (cl 249 of the Regulation).
- 30.4. The Councillor, of whom the question has been asked, shall have the right to determine whether to answer the question.
- 30.5. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor under this clause (cl 249 of the Regulation).
- 30.6. Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

31. Questions may be put to Council employees

- 31.1. A Councillor may, through the Chief Executive Officer, put a question to a Council employee (cl 249 of the Regulation).
- 31.2. Questions may be put to a Council employee either verbally or in writing, but any question which is put verbally must also be submitted in writing through the Public Officer at the conclusion of the meeting at which it is asked.
- 31.3. The Councillor must put every such question directly, succinctly and without argument (cl 249 of the Regulation).
- 31.4. Questions put to a Council employee may be answered immediately or taken on notice for reply in writing within a period of three ordinary days prior to the next scheduled Council meeting where:
- 31.4.1. The subject question is classified as normal business;
 - 31.4.2. The answering of the question will utilise no more than two hours of staff time;
 - 31.4.3. The answering of the question will not incur more than \$500 in external costs.
- 31.5. In the event that the relevant information needed to answer the question properly is not available, the response is to be provided within a timeframe agreed between the questioning Councillor and the Council employee (cl 249 of the Regulation).
- 31.5.1. Where the question is determined to be classified as non-Council business or will utilise more than two hours of staff time or incur in excess of \$500 in external costs, the Councillor will be invited to submit the matter to Council for determination, in the form of a notice of motion.

- 31.5.2. Questions taken on notice by a Council employee shall be answered directly to the questioning Councillor.
- 31.5.3. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Council employee under this clause (cl 249 of the Regulation).
- 31.5.4. Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.
- 31.5.5. Questions asked in accordance with this clause shall generally be limited to matters of policy, direction, resource allocation or broad public interest. Operational and maintenance questions should ideally be referred directly to Council's Customer Service Centre or the relevant Executive Director.
- 31.5.6. Where the question proposes or may result in a change in current policy or procedure, or contravenes a previous Council resolution, a notice of motion must be submitted if the Councillor wishes the matter to be pursued.

32. Limitations as to questions put to Council employees

- 32.1. Wherever possible Councillors shall endeavour to ask questions relating to business paper items prior to the Council meeting at which the item is to be considered by contacting the relevant Director directly. This enables the Director to appropriately research and respond to the question.
- 32.2. Where it is necessary to ask questions during a Council meeting such questions should be limited to those necessary to assist a Councillor in determining whether to move, support or oppose a motion or amendment relating to a matter currently being debated by Council.
- 32.3. If a Councillor asks a question during a Council meeting which, in the opinion of the Chairperson, is not relevant to the matter which is before Council or could not reasonably be expected to assist the Councillor in determining whether to move, support or oppose a motion or amendment relating to the matter before Council, the Chairperson may rule the question out of order.
- 32.4. If during the debate on a matter before Council a Councillor asks two questions which are ruled to be out of order by the Chairperson in accordance with subclause (3), the Councillor shall not be permitted to ask any further questions in relation to that matter.
- 32.5. Nothing in this clause precludes a Councillor from exercising their right to debate a motion or amendment.
- 32.6. Nothing in this clause prevents a Councillor from submitting questions in writing to be answered after the meeting.

33. Mode of address

- 33.1. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall seek the call to speak by raising their hand or activating their microphone button.

34. Limitation as to number of speeches

- 34.1. A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment (cl 250 of the Regulation).
- 34.2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it (cl 250 of the Regulation).

- 34.3. A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding (cl 250 of the Regulation).
- 34.4. Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
- 34.4.1. 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
 - 34.4.2. If at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it (cl 250 of the Regulation).
- 34.5. Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion (cl 250 of the Regulation).
- 34.6. If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1) (cl 250 of the Regulation).
- 34.7. If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed (cl 250 of the Regulation).

35. Motions put without debate

- 35.1. Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

36. Voting at Council meetings

- 36.1. Each Councillor is entitled to one vote (s 370 (1) of the Act).
- 36.2. However, the Chairperson has, in the event of an equality of votes, a second or casting vote (s 370 (2) of the Act).
- 36.3. A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest or a non-pecuniary conflict of interest in the subject matter of the motion (cl 251 of the Regulation).
- 36.4. If a Councillor who has voted against a motion put at a Council meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes (cl 251 of the Regulation).
- 36.5. The decision of the Chairperson as to the result of a vote is final, unless:
- 36.5.1. In the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - 36.5.2. The decision is immediately challenged and not fewer than two Councillors rise and demand a division (cl 251 of the Regulation).
- 36.6. When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes (cl 251 of the Regulation).

- 36.7. In conducting a division, the Chairperson will declare that a division is called and then ask for a show of hands of those voting in favour of the motion and those who vote against it are respectively recorded in the Council's minutes (cl 251 of the Regulation).
- 36.8. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot (cl 251 of the Regulation).
- 36.9. Voting on all matters relating to planning decisions (development application, an environmental planning instrument, a development control plan or a development contribution plan) (s 375 (a) of the Act) shall be recorded in the minutes.
- 36.10. Voting on all matters relating to Council tenders shall be recorded in the minutes.

37. Decisions of the Council

- 37.1. 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 (s 371 of the Act).

38. Rescinding or Altering Resolutions

- 38.1. A rescission motion means a proposal under section 372 of the Act to either rescind or alter a previous resolution of Council. The rescission motion includes the proposal to rescind or alter and the proposed replacement motion.
- 38.2. A resolution which has been passed by the Council shall not be altered or rescinded, except by a motion to that effect (a rescission motion) of which notice has been given. A rescission motion must be signed by at least three Councillors.
- 38.3. A rescission motion may be given or intimated during the meeting at which the resolution to which it relates is made. Where the notice is given (30 minutes) and duly signed by three Councillors the motion to rescind the resolution may be put to that meeting in order to expedite the business of Council.
- 38.4. Where a rescission motion is not handed in at a Council meeting, the written notice, signed by three Councillors, must be received by the Chief Executive Officer no later than 9.30 am nine ordinary days prior to the next Council meeting and must be dealt with at the next Council meeting after it is lodged.
- 38.5. If a notice of rescission is lodged, no decision of Council may be acted upon until the rescission motion has been determined. Where action on a rescission motion is required before the motion can come before an ordinary Council meeting, a special or extraordinary meeting of Council may be called to deal with that one issue in accordance with clause 17 of this Code.
- 38.6. Only one rescission motion relating to an original motion may be put forward by any Councillor.
- 38.7. A rescission motion on any matter can only be lost once before a three month ban is placed on any Councillor moving a motion to the same effect.
- 38.8. Any rescission motion which is withdrawn by the movers shall be deemed to have been withdrawn by the consent of Council. A similar or identical rescission motion shall not be resubmitted for three months.
- 38.9. Procedural motions in respect of the conduct of meetings and motions for adjournment may not be subject of a rescission motion.
- 38.10. A motion to which this clause applies may be moved on the report of a committee of Council and any such report must be recorded in the minutes (s 372 (6) of the Act).
- 38.11. Rescission motions at Council meetings are to be dealt with as follows:

- 38.11.1. A rescission motion is to be moved and seconded prior to any debate.
- 38.11.2. An amendment may be moved after any motion is moved and seconded, provided that only one amendment is before the Council at any one time.
- 38.11.3. Further amendments may be foreshadowed provided such amendments are foreshadowed before the first amendment is dealt with by the Council.
- 38.11.4. No amendment may be moved after the first amendment is considered unless it has been foreshadowed.

39. Motions of adjournment

- 39.1. Council may resolve at any time to adjourn its meeting. Debate shall not be permitted on any motion for adjournment of a meeting of Council.
- 39.2. If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- 39.3. A motion for adjournment may specify the time, date and place of the adjourned meeting, however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.
- 39.4. Despite subclause (1), the Chairperson may call an adjournment of up to 15 minutes without a resolution of Council if the Chairperson considers that such an adjournment is necessary to ensure the proper conduct of the meeting.
- 39.5. As an adjourned meeting is a continuation of the same meeting (not a new meeting), Council does not need to issue a new agenda and business paper for an adjourned meeting. The agenda and business paper already issued are the proper documents for the business of an adjourned meeting. Business not already on the agenda may only be dealt with if the urgency procedure in clause 241 (3) of the Regulation is followed.

40. Presentations by Councillors

- 40.1. Councillors may make a brief presentation to Council regarding a significant civic event or activity which they attended as an official representative of Council or to which all Councillors were invited (e.g. advising Councillors of the success or failure of an event held recently, reminding Councillors of a significant upcoming event, recognising the significant achievements of a staff member, advising of the receipt by Council of an award).
- 40.2. The total time allowed at any one meeting for presentations by any one Councillor shall be two minutes.
- 40.3. No debate shall be entered into in regard to a matter presented in accordance with this clause.
- 40.4. No motions may be moved in relation to an item presented in accordance with this clause, unless the provisions of clause 16 of this Code have been complied with.
- 40.5. Presentations that do not strictly comply with the provisions of this clause shall be ruled out of order by the Chairperson.

PART 4

KEEPING ORDER AT MEETINGS

41. Questions of order

- 41.1. 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 (cl 255 of the Regulation).
- 41.2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter (cl 255 of the Regulation).
- 41.3. The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of Council (cl 255 of the Regulation).
- 41.4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed (cl 255 of the Regulation).

42. Acts of disorder

- 42.1. A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a committee of Council:
 - 42.1.1. Contravenes the Act or any regulation in force under the Act or contravenes this Code; or
 - 42.1.2. Assaults or threatens to assault another Councillor or person present at the meeting; or
 - 42.1.3. 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 Council or a committee, or addresses or attempts to address Council or the committee on such a motion, amendment or matter; or
 - 42.1.4. Insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - 42.1.5. Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the committee into contempt (cl 256 of the Regulation).
- 42.2. The Chairperson may require a Councillor to:
 - 42.2.1. Apologise without reservation for an act of disorder referred to in clause 42.1.1 or 42.1.2; or
 - 42.2.2. Withdraw a motion or an amendment referred to in clause 42.1.3 and, where appropriate, to apologise without reservation; or
 - 42.2.3. Retract and apologise without reservation for an act of disorder referred to in clause 42.1.4 or clause 42.1.5 (cl 256 of the Regulation).
- 42.3. A Councillor may, as provided by section 10 (4) (a) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under subclause (2). 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 (cl 256 of the Regulation).

- 42.4. Councillors, in the course of debate, shall not introduce material which is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking. Failure to do so constitutes an act of disorder.

43. How disorder at a meeting may be dealt with

- 43.1. If disorder occurs at a meeting of Council or a committee of Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors (cl 257 of the Regulation).
- 43.2. A member of the public may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting (cl 257 of the Regulation).
- 43.3. Clause 5.18 and Part 8 of Council's Code of Conduct Procedures set out means available to deal with Councillor misconduct in meetings. These include censure, apology, counselling, making a public finding of inappropriate conduct, and referral to the Office of Local Government for further action under the misconduct provisions of the Act
- 43.4. Council may seek suspension of a Councillor from civic office under section 440H of the Act.

44. Power to remove persons from a meeting after an expulsion resolution

- 44.1. If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:
- 44.1.1. Immediately after Council has passed a resolution expelling the Councillor or member from the meeting; or
 - 44.1.2. Immediately after being directed by the person presiding to leave the meeting,
- 44.2. a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place (cl 258 of the Regulation).

PART 5

COUNCIL COMMITTEES

45. Committee of the Whole

- 45.1. Council may resolve itself into a Committee of the Whole to consider any matter before the Council (s 373 of the Act).
- 45.2. All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions limiting the number and duration of speeches (cl 259 of the Regulation).
- 45.3. The Chief Executive Officer, or in the absence of the Chief Executive Officer, an employee of Council designated by the Chief Executive Officer, is responsible for reporting to Council, proceedings in a Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported (cl 259 of the Regulation).
- 45.4. Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes, however, the Council is not taken to have adopted the report until a motion for adoption has been made and passed (cl 259 of the Regulation).

46. Council may establish committees

- 46.1. Council may, by resolution, establish such committees as it considers necessary (cl 260 of the Regulation).
- 46.2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council (cl 260 of the Regulation).
- 46.3. The quorum for a meeting of a committee is to be:
 - 46.3.1. Such number of members as the Council decides, or
 - 46.3.2. If the Council has not decided a number, a majority of the members of the committee (cl 260 of the Regulation).

47. Functions of committees

- 47.1. Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions (cl 261 of the Regulation).

48. Notice of committee meetings to be given

- 48.1. The Chief Executive Officer of Council must send to each Councillor, at least three ordinary days before each meeting of the committee, a notice specifying:
 - 48.1.1. The time and place at which and the date on which the meeting is to be held; and
 - 48.1.2. The business proposed to be transacted at the meeting (cl 262 of the Regulation).
- 48.2. However, notice of less than three ordinary days may be given of a committee meeting called in an emergency (cl 262 of the Regulation).
- 48.3. The provisions of clause 15 (2)-(4) apply to the business papers of committee meetings in the same manner as they apply to the business papers of meetings of Council.

49. Non-members entitled to attend committee meetings

- 49.1. 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 (cl 263 of the Regulation).
- 49.2. However, the Councillor is not entitled:
 - 49.2.1. To give notice of business for inclusion in the business paper for the meeting,
 - 49.2.2. To move or second a motion at the meeting, or
 - 49.2.3. To vote at the meeting (cl 263 of the Regulation).

50. Procedure in committees

- 50.1. Subject to subclause (3), each committee of Council may regulate its own procedure (cl 38 (1) of the Regulation).
- 50.2. Without limiting subclause (1), a committee of Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote (cl 265 of the Regulation).
- 50.3. Voting at a committee meeting is to be by open means (such as on the voices or by show of hands) (cl 265 of the Regulation).

51. Chairperson and Deputy Chairperson of committees

- 51.1. The Chairperson of each committee of Council, must be:
 - 51.1.1. The Mayor; or
 - 51.1.2. If the Mayor does not wish to be the Chairperson of a committee – a member of the committee elected by Council; or
 - 51.1.3. If Council does not elect such a member, a member of the committee elected by the committee (cl 267 of the Regulation).
- 51.2. Council may elect a member of a committee of Council as Deputy Chairperson of the committee. If Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson (cl 267 of the Regulation).
- 51.3. 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, the committee must elect a member of the committee to be acting Chairperson of the committee (cl 267 of the Regulation).
- 51.4. 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, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting (cl 267 of the Regulation).

52. Absence from committee meetings

- 52.1. A member ceases to be a member of a committee if the member (other than the Mayor):
 - 52.1.1. Has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - 52.1.2. Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences (cl 268 of the Regulation).

- 52.2. Subclause (1) does not apply if all of the members of Council are members of the committee (cl 268 of the Regulation).

Note: *The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.*

53. Reports of committees

- 53.1. If, in a report of a committee of Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation (cl 269 of the Regulation).
- 53.2. The recommendations of a committee of Council are, so far as adopted by the Council, resolutions of Council (cl 269 of the Regulation).
- 53.3. 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:
- 53.3.1. Make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - 53.3.2. Report the resolution or recommendation to the next meeting of Council (cl 269 of the Regulation).

54. Disorder in committee meetings

- 54.1. 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 as they apply to meetings of Council (cl 270 of the Regulation).

55. Certain persons may be expelled from Council committee meetings

- 55.1. If a meeting or part of a meeting of a committee of Council is closed to the public in accordance with section 10A (2) of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act (cl 271 of the Regulation).
- 55.2. If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by Council, the committee or the person presiding, may, by using only such force as is necessary, remove the first mentioned person from that place and, if necessary, restrain the person from re-entering, that place (cl 271 of the Regulation).

PART 6

CLOSURE OF MEETINGS TO THE PRESS AND PUBLIC

56. Closing a meeting to the press and public

- 56.1. All meetings of Council will be held in public session, unless Council resolves that certain business should be conducted in closed session, with the press and public excluded.
- 56.2. Council may only conduct its business in closed session where the matter to be discussed is consistent with the provisions of clause 56; and
 - 56.2.1. Where disclosure would result in unfair damage or distress to a third party; or
 - 56.2.2. Where serious damage would be caused to the interests of residents and ratepayers

57. Which parts of a meeting can be closed to the public?

- 57.1. Council, or a committee of Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - 57.1.1. The discussion of any of the matters listed in subclause (2); or
 - 57.1.2. The receipt or discussion of any of the information so listed (s 10A (1) of the Act).
- 57.2. The matters and information are the following:
 - 57.2.1. Personnel matters concerning particular individuals other than Councillors; or
 - 57.2.2. The personal hardship of any resident or ratepayer; or
 - 57.2.3. Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; or
 - 57.2.4. Commercial information of a confidential nature that would, if disclosed:
 - i. Prejudice the commercial position of the person who supplied it; or
 - ii. Confer a commercial advantage on a competitor of the Council; or
 - iii. Reveal a trade secret; or
 - 57.2.5. Information that would, if disclosed, prejudice the maintenance of law; or
 - 57.2.6. Matters affecting the security of the Council, Councillors, Council staff or Council property; or
 - 57.2.7. Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or
 - 57.2.8. Information concerning the nature and location of a place or an item of Aboriginal significance on community land (s 10A (2) of the Act).
 - 57.2.9. Alleged contraventions of any Code of Conduct requirements applicable under section 440 of the Act.
- 57.3. Council, or a committee of Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (s 10A (3) of the Act).

- 57.4. Council, or a committee of Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (s 10A (4) of the Act).

58. Further limitations relating to closure of parts of meetings to the public

- 58.1. A meeting is not to remain closed during the discussion of anything referred to in clause 57 (2) of the Regulation:
- 58.1.1. Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - 58.1.2. If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret, unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest (s 10B (1) of the Act).
- 58.2. A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 57(2) (g) unless the advice concerns legal matters that:
- 58.2.1. Are substantial issues relating to a matter in which the Council or committee is involved, and
 - 58.2.2. Are clearly identified in the advice, and
 - 58.2.3. Are fully discussed in that advice (s 10B (2) of the Act).
- 58.3. 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 57(3), 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 57(2) (s 10B (3) of the Act).
- 58.4. 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:
- 58.4.1. A person may misinterpret or misunderstand the discussion, or
 - 58.4.2. The discussion of the matter may:
 - i. Cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council; or
 - ii. Cause a loss of confidence in the Council or committee (s 10B (4) of the Act).
- 58.5. In deciding whether part of a meeting is to be closed to the public, Council or the committee of Council concerned must have regard to any relevant Practice Note or Guideline issued by the Office of Local Government.

59. Notice of likelihood of closure not required in urgent cases

- 59.1. Part of a meeting of Council, or of a committee of Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
- 59.1.1. It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 57(2);
 - 59.1.2. Council or the committee, after considering any representations made under clause 57(4), resolves that further discussion of the matter:

- i. Should not be deferred (because of the urgency of the matter); and
- ii. Should take place in a part of the meeting that is closed to the public (s 10C of the Act).

60. Grounds for closing part of a meeting to be specified

60.1. 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 (s 10D (1) of the Act).

60.2. The grounds must specify the following:

60.2.1. The relevant provision of clause 57(2) of the Regulation; and

60.2.2. The matter that is to be discussed during the closed part of the meeting,

60.2.3. The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest (s 10D (2) of the Act).

PART 7

PECUNIARY INTERESTS

61. Pecuniary interests

- 61.1. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443 of the Act (s 442 (1) of the Act).
- 61.2. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in clause 62 (s 442 (2) of the Act).

62. Interests that need not be declared

- 62.1. The following interests do not need to be disclosed for the purposes of this part (s 448 of the Act):
- 62.1.1. An interest as an elector; or
 - 62.1.2. An interest as a ratepayer or person liable to pay a charge; or
 - 62.1.3. An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part; or
 - 62.1.4. An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - 62.1.5. An interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not); or
 - 62.1.6. An interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee; or
 - 62.1.7. An interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - i. Which the person or another person with whom the person is associated as provided in section 443 of the Act has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or
 - ii. Land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal; or
 - 62.1.8. An interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed ten per cent of the voting rights of the company; or
 - 62.1.9. An interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest

arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership; or

- 62.1.10. An interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i. The performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation; or
 - ii. Security for damage to footpaths or roads; or
 - iii. Any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract;
- 62.1.11. An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor); or
- 62.1.12. An interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the Act; or
- 62.1.13. An interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor; or
- 62.1.14. An interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- 62.1.15. An interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committee; or
- 62.1.16. An interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

63. Disclosure and participation in meetings

- 63.1. A Councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable (s 451 (1) of the Act).
- 63.2. The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
 - 63.2.1. At any time during which the matter is being considered or discussed by the Council or committee; or
 - 63.2.2. At any time during which the Council or committee is voting on any question in relation to the matter.
- 63.3. A person who, at the request or with the consent of Council or a Council committee, gives advice on any matter at any meeting of Council or the committee must disclose the nature of any pecuniary interest the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given (s 456 (1) of the Act).
- 63.4. A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest (s 457 of the Act).

64. Powers of the Minister in relation to meetings

64.1. The Minister may, in certain circumstances, allow a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned and to be present at a meeting of the Council or committee to take part in the consideration or discussion of the matter and to vote on the matter if the minister is of the opinion:

64.1.1. That the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

64.1.2. That it is in the interests of the electors for the area to do so (s 458 of the Act).

65. Disclosures to be recorded

65.1. A disclosure made at a meeting of Council or a Council committee must be recorded in the minutes of the meeting (s 453 of the Act).

PART 8

PRESS AND PUBLIC

66. Public notice of meetings

- 66.1. Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors (s 9 (1) of the Act).
- 66.2. A notice of a meeting of Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place (cl 232 of the Regulation).
- 66.3. The notice must specify the time and place of the meeting (cl 232 of the Regulation).
- 66.4. Notice of more than one meeting may be given in the same notice (cl 232 of the Regulation).
- 66.5. This clause does not apply to an extraordinary meeting of a Council or committee (cl 232 of the Regulation).
- 66.6. Council and each such committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by any persons) of the agenda and associated business paper (such as correspondence and reports) for the meeting (s 9 (2) of the Act).
- 66.7. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public:
 - 66.7.1. The agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item); and
 - 66.7.2. The requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business (s 9 (2A) of the Act).
- 66.8. The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors (s 9 (3) of the Act).
- 66.9. The copies are to be available free of charge (s 9 (4) of the Act).
- 66.10. A notice given under this clause or a copy of an agenda or of a business paper made available under this clause, may in addition, be given or made available in electronic form (s 9 (5)).

67. Who is entitled to attend meetings?

- 67.1. Except as provided by this Part:
 - 67.1.1. Everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors; and
 - 67.1.2. A Council must ensure that all meetings of the Council and of such committees are open to the public. (s 10 (1) of the Act).
- 67.2. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting:
 - 67.2.1. By a resolution of the meeting; or
 - 67.2.2. By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion (s 10 (2) of the Act).

67.3. A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulation (s 10 (3) of the Act).

68. Public access to correspondence and reports

68.1. Council and Council committees of which all the members are Councillors must, during or at the close of a meeting, or during the ordinary day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting (s 11(1) of the Act).

68.2. This clause does not apply if the correspondence or reports:

68.2.1. Relate to a matter that was received or discussed; or

68.2.2. Were laid on the table at, or submitted to, the meeting, when the meeting was closed to the press and public (s 11 (2) of the Act).

68.3. This clause does not apply if Council or a Council committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in clause 57(2) of the Regulation, are to be treated as confidential (s 11 (3) of the Act).

PART 9

MISCELLANEOUS

69. Disclosure and misuse of information – prescribed circumstances

- 69.1. If a part of a meeting of Council or a committee of Council is closed to the public in accordance with clause 57, a person must not, without the authority of Council or the committee, disclose (otherwise than to the Council or a Councillor of Council) information with respect to the discussion at, or the business of the meeting unless authorised to do so by section 664 of the Act (s 664 (1A) of the Act).
- 69.2. A breach of clause 69 (1) of the Regulation shall be treated as a breach of both the Act and Council's Code of Conduct and will be investigated in accordance with the provisions of the Code of Conduct.
- 69.3. For the purposes of section 664(1)(B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Chief Executive of the Office of Local Government to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance (cl 412 of the Regulation).

70. Inspection of the minutes of the Council or a committee of Council

- 70.1. An inspection of the minutes of Council or a committee of Council is to be carried out under the supervision of the Chief Executive Officer or the Public Officer (cl 272 of the Regulation).
- 70.2. The Chief Executive Officer must ensure that the minutes of Council and any minutes of committees of Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them (cl 272 of the Regulation).

Note: the *Government Information (Public Access) Act 2009* confers a right to inspect the minutes of a Council or committee of a Council.

71. Tape recording of a meeting of Council or a committee of Council prohibited without permission

- 71.1. A person may use a tape recorder to record the proceedings of a meeting of Council or a committee of Council, only with the authority of Council or the committee (cl 273 of the Regulation).
- 71.2. A person may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of Council or a committee of Council for using or having used a tape recorder in contravention of this clause (cl 273 of the Regulation).
- 71.3. If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first mentioned person from, that place and, if necessary, restrain that person from re-entering that place (cl 273 of the Regulation).
- 71.4. In this clause, tape recorder includes a video camera, mobile phone, Ipad and any electronic device capable of recording speech, whether a magnetic tape is used to record or not (cl 273 of the Regulation).

72. Certain circumstances do not invalidate Council decisions

- 72.1. Proceedings at a meeting of Council or a Council committee are not invalidated because of:
- 72.1.1. A vacancy in a civic office; or

- 72.1.2. A failure to give notice of the meeting to any Councillor or a committee member; or
- 72.1.3. Any defect in the election or appointment of a Councillor or a committee member; or
- 72.1.4. A failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- 72.1.5. A failure to comply with this Code (s 374 of the Act).

73. Election of Deputy Mayor and delegates to committees

- 73.1. At a meeting in September each year, Council shall, by resolution, elect persons to all positions, including Deputy Mayor, Chairpersons, delegates to all community committees and affiliated bodies. The method of election for all positions shall be determined by Council.

74. Mobile Phones

- 74.1. All mobile phones in the chamber and public gallery are to be turned off or switched to silent/vibrate.

75. Amendment of Code

- 75.1. This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act, provided, however, that the Council authorises the Chief Executive Officer to reissue this Code without public exhibition in order to incorporate any relevant amendments to NSW Acts and Regulations, or relevant Practice Notes and Guidelines issued by the Office of Local Government.

76. Council Seal

- 76.1. The Council Seal is like a signature of the Council and can only be used in relation to Council business.
- 76.2. Clause 400 (4) of the Regulation requires that a Council resolution is required before each use of the Seal. Council uses its Seal sparingly (usually when there is a legal requirement to do so or when specifically requested to do so (for example, by another government agency). The Chief Executive Officer has been delegated the function of fixing the Council Seal to documents.
- 76.3. The Council Seal is maintained by the Public Officer and kept in a secure location.

TABLE OF AMENDMENTS

| Date | Version | Key Changes | Approved by: |
|-------------------|---------|---|--|
| 27 October 1993 | 1 | | Council |
| 8 August 1994 | 2 | Following amendments to the <i>Local Government Act & Regulations</i> on 1 July 1994 | Council |
| 22 January 1996 | 3 | Following amendments to the <i>Local Government Act and Regulations</i> on 10 November 1995 | Council |
| 10 March 1997 | 4 | Following amendment to the <i>Local (Meetings) Regulation</i> on 6 December 1996 | Council |
| 13 December 1997 | 5 | Following a review of the Code, and in anticipation of the <i>Local Government (Open Meetings) Act 1998</i> | Council |
| 14 September 1998 | 6 | Following a review of the Code and in line with amendments to the <i>Local Government (Open Meetings) Act 1998</i> and <i>Local Government (Meetings) Regulation 1993</i> | Council |
| 16 November 2000 | 7 | Following a review of the entire Code | Council |
| 12 February 2001 | 8 | Question without Notice by Councillor Waller | Council |
| 9 April 2001 | 9 | <i>Local Government Amendment Act 2000</i> | Council |
| 9 September 2002 | 10 | In accordance with the <i>Local Government (Miscellaneous) Act No 40</i> | Council |
| 25 August 2003 | 11 | Following a review of the Code | Council |
| 26 September 2005 | 12 | Following a review of the Code | Council |
| 16 July 2007 | 13 | Following a review of the Code | Council |
| 07 October 2008 | 14 | Following a review of the Code | Council |
| 23 February 2009 | 15 | Specifically to Clause 26 (2)(b) to reflect the increases to the notice period for making representations on Council agenda items by one hour; and to confirm the starting times and dates for Council meetings for the remainder of the 2009 calendar year | Council |
| 14 September 2009 | 16 | To reflect a Council decision to remove reference to WSROC and WESTPOOL from Clause 69 | Council |
| 15 February 2010 | 17 | Following a review of the Code in accordance with Meetings Practice Note No 16 issued by the Division of Local Government in August 2009 | Council |
| 27 June 2011 | 18 | Following a review of the Code | Council |
| 19 December 2011 | 19 | Reflecting a Council decision to extend time limits for speakers in the Public Forum of Council | Council |
| 28 November 2012 | 20 | Following a review of the Code | Council |
| 6 February 2013 | 21 | Following a review of the Code | Council |
| 7 May 2013 | 22 | The General Manager pursuant to clause 75 of the Code regarding Division of Local Government Circular, The Closure of Council Meetings to the Public, April 2013 | General Manager |
| 29 May 2013 | 23 | Following a review of the Code | Council |
| 9 July 2013 | 24 | Chief Executive Officer pursuant to clause 75 of the Code to reflect changes in Council's organisational structure | Chief Executive Officer |
| 31 July 2013 | 25 | Following a review of the Code | Council |
| 12 March 2014 | 26 | Reflecting a Council decision on 26 February 2014 to clarify notice periods within the Code and to note minor changes in administrative procedures for handling speaker requests and in the definitions provided in the Code | Council & Group Manager Governance as delegated by the Chief Executive Officer |
| 20 June 2014 | 27 | Following a review of the Code and a minor amendment to Clause 21.7 by Council resolution | Council |
| 26 May 2015 | 28 | Following a review of the Code and a minor amendment to Clause 5.2 by Council resolution | Council |

| | | | |
|------------------|----|--|---------|
| 25 November 2015 | 29 | Minor amendment – note added to clause 5.2 | Council |
| 29 June 2016 | 30 | Amendments to clause 18 - Mayoral minutes | Council |
| 23 November 2016 | 31 | Minor amendment to clause 20 – Order of Business | Council |

**Attachment 1 - Model Notice of Motion
LIVERPOOL CITY COUNCIL**

NOTICE OF MOTION

ORDINARY MEETING

(DATE) --/--/20--

| | | | |
|--|--|-----------------|--|
| ITEM NO: | | FILE NO: | |
| SUBJECT: | | | |
| STRATEGIC PLAN REFERENCE: | | | |

NOTICE OF MOTION:

FINANCIAL IMPLICATIONS:

CHIEF EXECUTIVE OFFICER'S COMMENT:

Name: Cllr Adam Brown _____ Signature: _____

Name: Cllr Eve Smith _____ Signature: _____

Attachment 2 – Process for Closure of Council Meeting to the Public and on Re- Opening the Council Meeting to the Public

On closing the meeting to the public

This item is classified CONFIDENTIAL under Section 10A (2) (g) of the *Local Government Act* 1993, which permits the meeting to be closed to the public for business relating to the following:

“Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege”.

This matter is classified confidential because it contains information concerning legal advice which, if made public, could compromise Council’s legal position in relation to a current or proposed legal action.

It is not in the public interest to reveal the nature of the information in open Council.

RESOLVED: Councillors Black/White:

1. That Council resolve into closed Council to consider urgent information identified, together with any late reports tabled at the meeting.
2. That pursuant to Section 10A (1)-(3) of the *Local Government Act* 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A (2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11 (2) of the *Local Government Act* 1993.

Note: [Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.]

Council closed its meeting at 8:30 pm. The public and the media left the chamber. On re-opening the meeting to the public,

RESOLVED: Councillors Red/Green:

1. That Council move out of closed session and into open Council.

Open Council resumed at 8:40 pm. The public and the media entered the chamber.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The following resolution of Council while the meeting was closed to the public was read to the meeting by the Chairperson:

URGENT MATTER

That Council commence Section 123 proceedings (litigation) in the Land and Environment Court against ABC Constructions to remedy a breach to development consent 10/05 for subdivision of land into 100 lots over three stages under the Real Property Act, including the dedication of a public reserve and roads at the corner of Long and Wide Streets, Liverpool.



REQUEST TO ADDRESS A COUNCIL MEETING FORM

TRIM 016107.2014

Meeting Date: _____

Complete the fields below if you wish to address Council on an item listed on the Council Agenda:

Agenda Item Number: _____

Item Name/ Subject: _____

*Or, complete the field below if you wish to address Council on a matter **not** listed as an item in the Council Agenda:*

Subject matter of address to Council: _____

If you are seeking permission to Address Council on an Agenda Item, please indicate whether you support or oppose the recommendation: _____

Speaker's Name (*please print*): _____

Address (Please provide the details of your residential address, including street number, street name, suburb and postcode):

Telephone (home/work): _____

Mobile: _____

Email: _____

If I am permitted to speak at a Council meeting, I acknowledge that my name will be recorded in the minutes of that meeting. I have read the attached Procedure. I agree to abide by Council's Code of Meeting Practice and to comply with the directions of the Mayor/Chairperson about addressing Council at the meeting at which I have asked to speak.

(Signature)

(Date of this Request)

FOR COUNCIL USE ONLY:

Date and Time of Receipt of Request: _____

By (print name) _____

Signature _____

Please forward this form immediately to the Manager Council and Executive

REQUEST TO ADDRESS A COUNCIL MEETING PROCEDURE

Information for Speakers at Council Meetings

HOW TO SUBMIT YOUR FORM

Please post your completed Request to Address a Council Meeting Form to Liverpool City Council, PO 7064 Liverpool BC NSW 1871 or hand it in at Council's Customer Service Centre located at the Ground Floor 33 Moore Street Liverpool. Completed forms can also be submitted by fax to 02 9821 9333 or by email to speakerrequests@liverpool.nsw.gov.au

Your form must be received at Council by 5.00 pm on the day prior to the Council meeting. Upon receipt of your Request to Address a Council Meeting Form by Council, a member of Council staff will contact you regarding your Request.

HOW SHOULD A SPEAKER ADDRESS A COUNCIL MEETING?

The way in which speakers should address Liverpool City Council meetings is found in the Liverpool City Council Code of Meeting Practice. A full copy of the Code of Meeting Practice is available for viewing or downloading on the Council website www.liverpool.nsw.gov.au and also is available to view at Council's Customer Service Centre. The Code of Meeting Practice is made under *Local Government Act 1993* and in accordance with the *Local Government (General) Regulation 2005*.

Please note that each member of the public who addresses a Council meeting is entitled to speak for three minutes.

Each speaker is reminded that he or she must avoid any defamatory or derogatory remarks during any address to Council and that he or she must respect the intervention of, and abide by, any ruling of the Mayor or Chairperson at any time during his or her address to Council. All proceedings and resolutions at Council meetings are recorded in the minutes of the meeting. It is prohibited to privately record, by visual and audio recording devices, Council or Committee meetings without permission of the Council.

WHO CAN SPEAK AT A COUNCIL MEETING?

Members of the public are invited to attend Council meetings and may seek permission to speak on matters that are included in the agenda of the meeting or on matters not on the agenda (provided that presentations on items not on the agenda must be limited to matters which in the opinion of the Chairperson are under the jurisdiction or influence of Council).

Requests to address a Council meeting are made by submitting the completed Request to Address a Council Meeting Form to Council by 5.00 pm the day prior to the Council meeting.

Speakers must arrive for the Council meeting which is held at the Francis Greenway Centre 170 George Street Liverpool prior to 6.00 pm (the starting time of Council meetings). It may be helpful to confirm your request to address the Council with a senior member of Council staff who is present and who is seated behind the Councillors.

Each speaker must provide their name and must acknowledge that their name will be recorded in the minutes of the Council meeting. Speakers are not permitted to ask questions of the Councillors or members of the Council staff.

ARE THERE RESTRICTIONS ON WHAT A SPEAKER CAN SAY AT A COUNCIL MEETING?

In accordance with Council's Code of Meeting Practice, the following restrictions apply:

- The subject matter only is to be discussed.
- Debate will not be permitted.
- A speaker cannot speak more than once on the subject, without the consent of Council.
- Each speaker must respect the maximum time limit of three minutes per speaker.

CONDUCT OF MEETINGS

Each Council meeting is conducted in accordance with Council's Code of Meeting Practice. All participants at Council meetings including Councillors, Council staff and members of the public are expected not to make personal comments concerning Councillors, staff or other members of the public or engage in disorderly conduct at a meeting. Acts of disorder are outlined in Part 4 of the Code. Penalties for disorder may include rescinding speaking rights or expulsion from the meeting.

PRIVACY

The purpose of the collection of information is for public access to Council's documents under the *Government Information (Public Access) Act 2009*. The attached Request to Address a Council Meeting Form will be placed in a relevant file and the details on the form may be accessed through a request for information under the *Government Information (Public Access) Act 2009*.

The personal information contained on your Request to Address a Council Meeting Form is being collected by the Council for the purposes of enabling you to speak at a Council meeting. The personal information will be used by Council for this purpose or directly related purposes. Each applicant understands that the personal information provided in the Request to Address a Council Meeting Form is for these purposes and that the applicant may apply to the Council for access and/or amendment of the information.

Should a member of the public address a Council meeting, it is acknowledged that his or her name will be recorded in the minutes of the meeting.

FURTHER INFORMATION

For further information please phone Council's Customer Contact Centre on 1300 36 2170.

