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## Voting entitlements of councillors

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

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

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

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

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

## Voting at council meetings

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

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

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

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

**11.8** When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

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

**11.10** All voting at council meetings must be recorded in the minutes of the meeting with the names of councillors who voted for or against a motion or amendment being recorded as if a division had been called under clause 11.6.

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## Voting on planning decisions

- 11.11** The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.12** For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.13** Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.14** Clauses 11.11-11.13 apply also to meetings that are closed to the public.

**Note: Clauses 11.11-11.14 reflect section 375A of the Act.**



## 12 Committee of the Whole



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

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

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

**Note: Clauses 10.19-10.27 limit the number and duration of speeches.**

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

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

# 13 Dealing with Items by Exception



- 13.1** The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2** Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson is to list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson that they wish to speak on.
- 13.3** The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they wish to speak on.
- 13.4** Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5** A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6** Items of business adopted under clause 13.1 are to be taken as having been unanimously adopted.
- 13.7** Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

# 14 Closure of Council Meetings to the Public



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

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

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

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

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

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

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

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

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

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

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

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

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

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

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

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

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

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

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

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

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## Notice of likelihood of closure not required in urgent cases

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

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under section 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

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

## Representations by members of the public

- 14.9** The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- Note: Clause 14.9 reflects section 10A(4) of the Act.**
- 14.10** A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11** Where the matter has been identified in the agenda of the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12** The general manager (or their delegate) may refuse an application made under clause 14.11.
- 14.13** No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14** If more than the permitted number of speakers applies to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15** The general manager (or their delegate) is to determine the order of speakers.
- 14.16** Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17** Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers are to confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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## Expulsion of non-councillors from meetings closed to the public

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

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

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

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

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,

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

**Note: Clause 14.20 reflects section 10D of the Act.**

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## Resolutions passed at closed meetings to be made public

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

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





## 15 Keeping Order at Meetings



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## Points of order

- 15.1** A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2** A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

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## Questions of order

- 15.3** The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4** A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.5** The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.6** The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

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## Motions of dissent

- 15.7** A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8** If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9** Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

## Acts of disorder

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

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into contempt.

**15.11** The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.10(d) and (e).

## How disorder at a meeting may be dealt with

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

## Expulsion from meetings

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

**15.14** All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

**Note:** Councils may use either clause 15.13 or clause 15.14.

**15.15** Clause [15.13/5.14] [~~delete whichever is not applicable~~], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

- 15.16** A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17** A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18** Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19** If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place.

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## Use of mobile phones and the unauthorised recording of meetings

- 15.20** Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21** A person must not use a tape recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22** Any person who makes a recording or attempts to make a recording of a meeting of the council or a committee of the council in contravention of clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23** If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

# 16 Conflicts of Interest



- 16.1** All councillors and, where applicable, all other persons, must disclose and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct.

## 17 Decisions of the Council



## Council decisions

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

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

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

## Rescinding or altering council decisions

**17.3** A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

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

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

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

**17.5** If a motion has been rejected by the council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.

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

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

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

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

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

**17.8** The provisions of clauses 17.5–17.7 concerning rejected motions do not apply to motions of adjournment.

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

**17.9** A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

**17.10** A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

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

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

**17.12** Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a)** a notice of motion signed by three councillors is submitted to the chairperson, and
- (b)** a motion to have the motion considered at the meeting is passed, and
- (c)** the chairperson rules the business that is the subject of the motion is of great urgency.

**17.13** A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.19–10.27, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

**17.14** A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

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## Recommitting resolutions to correct an error

**17.15** Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting to correct any error, ambiguity or imprecision in the council's resolution.

**17.16** In seeking the leave of the chairperson under clause 17.15 to move to recommit a resolution adopted at the same meeting, the councillor is to propose alternative wording for the resolution.

**17.17** The chairperson must not grant leave under clause 17.15, unless he or she is satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

**17.18** A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.19–10.27, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

**17.19** A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

**17.20** A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



# 18 Time Limits on Council Meetings



- 18.1** Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2** If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3** If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4** Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5** Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a)** individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b)** publish the time, date and place at which the meeting will reconvene:
    - (i)** on the council's website, and
    - (ii)** by using such other means that will bring notice of the time, date and place at which the meeting will reconvene to the attention of as many people as possible.

## 19 After the Meeting

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## Minutes of meetings

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

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

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

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

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

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

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

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

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

**19.6** The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed.

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

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

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

**Note: Clause 19.8 reflects section 11(1) of the Act.**

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

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

**19.10** Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

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

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## Implementation of decisions of the council

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

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





## 20 Council Committees



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## Application of this Part

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

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## Council committees whose members are all councillors

- 20.2** The council may, by resolution, establish such committees as it considers necessary.
- 20.3** A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4** The quorum for a meeting of a committee of the council is to be:
- (a)** such number of members as the council decides, or
  - (b)** if the council has not decided a number – a majority of the members of the committee.

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## Functions of committees

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

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## Notice of committee meetings

- 20.6** The general manager must send to each councillor regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a)** the time, date and place of the meeting, and
  - (b)** the business proposed to be considered at the meeting.
- 20.7** Notice of less than three (3) days may be given of a committee meeting called in an emergency.

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## Attendance at committee meetings

- 20.8** A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a)** has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b)** has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9** Clause 20.8 does not apply if all of the members of the council are members of the committee.

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## Non-members entitled to attend committee meetings

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

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

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## Chairperson and deputy chairperson of council committees

**20.11** The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

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

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

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

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## Procedure in committee meetings

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

**20.16** Without limiting clause 20.15, 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.

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

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## Closure of committee meetings to the public

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

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

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

## Disorder in committee meetings

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

## Minutes of council committee meetings

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

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

**20.23** All voting at meetings of committees of the council must be recorded in the minutes of the meetings with the names of councillors who voted for or against a motion or amendment being recorded as if a division had been called under clause 11.6.

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

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

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

**20.27** The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed.

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

## 21 Irregularities

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

- (a)** a vacancy in a civic office, or
- (b)** a failure to give notice of the meeting to any councillor or committee member, or
- (c)** any defect in the election or appointment of a councillor or committee member, or
- (d)** a failure of a councillor or a committee member to disclose a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e)** a failure to comply with this code.

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

## 21 Definitions



<b>the Act</b>	means the <i>Local Government Act 1993</i> .
<b>act of disorder</b>	means an act of disorder as defined in clause 15.10 of this code.
<b>amendment</b>	in relation to an original motion, means a motion moving an amendment to that motion.
<b>business day</b>	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
<b>chairperson</b>	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code; and  in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code.
<b>this code</b>	means the council’s adopted code of meeting practice
<b>committee of council</b>	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
<b>council official</b>	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council.
<b>day</b>	means calendar day.
<b>division</b>	means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
<b>foreshadowed amendment</b>	means a proposed amendment foreshadowed by a councillor under clause 10.17 of this code during debate on the first amendment.
<b>foreshadowed motion</b>	means a motion foreshadowed by a councillor under clause 10.16 of this code during debate on an original motion.
<b>open voting</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
<b>planning decision</b>	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.

<b>performance improvement order</b>	means an order issued under section 438A of the Act.
<b>quorum</b>	means the minimum number of councillors or committee members necessary to conduct a meeting.
<b>the Regulation</b>	means the <i>Local Government (General) Regulation 2005</i>
<b>tape recorder</b>	includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
<b>year</b>	means the period beginning 1 July and ending the following 30 June.



