

Ordinary Council Meeting

Under Separate Cover Annexures
Tuesday, 16 September 2025



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Administrative Procedures



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Related Policies	Code of Conduct Complaints Handling Policy Councillor Access to Information and Interaction with Staff Policy Councillor Expenses and Facilities Policy Fraud and Corruption Prevention Policy Gifts and Benefits Policy Public Interest Disclosures Policy Records Management Policy Statement of Business Ethics Policy
Related Documents	Code of Conduct Doc Set ID: 703991
Note: Any reference to Legislation will be updated in this Policy as required. See website http://www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.	

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1. Introduction

These procedures for the administration of Parkes Shire Council's Code of Conduct incorporate all provisions of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW ("the Model Procedures"), which are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 ("the LGA") and the Local Government (General) Regulation 2021 ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect

2. Commencement and Review

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed by resolution of Council.

3. Scope and Application

These procedures apply to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council.

4. Definitions

In this Council Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
Administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Business Day	means a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
Code of Conduct	a code of conduct adopted under section 440 of the LGA
Code of Conduct Complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
Complainant	a person who makes a code of conduct complaint
Complainant Councillor	a councillor who makes a code of conduct complaint

Council Policy

Code of Conduct Administrative Procedures

Complaints Coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
Conduct Reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
Council	means Parkes Shire Council.
Council Committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
Council Committee Member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Council Official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
Delegate of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
External Agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	means the General Manager of Parkes Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
Governing Body	means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
ICAC	the Independent Commission Against Corruption
Joint Organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
Mayor	includes the chairperson of a county council or a joint organisation
Members of Staff of a Council	includes members of staff of county councils and joint organisations

The Office	the Office of Local Government
Investigator	a conduct reviewer
	the Regulation the Local Government (General) Regulation 2021
Respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
Wholly Advisory Committee	a council committee that the council has not delegated any functions to

5. Administrative Framework

The Establishment of a Panel of Conduct Reviewers

- 5.1. The Council must establish a panel of conduct reviewers.
- 5.2. The Council may enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 5.3. The panel of conduct reviewers is to be established following a public expression of interest process.
- 5.4. An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 5.5. To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 2022*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 5.6. A person is not eligible to be a conduct reviewer if they are:
 - a) a Councillor, or

- b) a nominee for election as a Councillor, or
 - c) an administrator, or
 - d) an employee of a Council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 5.7. A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 5.8. An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 5.9. A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 5.10. The Council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 5.11. When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 5.12. A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 5.13. Despite clause 3.6(d), an employee of a Council who is the nominated internal ombudsman of one or more Councils may be appointed to a Council's panel of conduct reviewers with the Office's consent.
- 5.14. To be appointed to a Council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

5.15. An internal ombudsman appointed to a Council's panel of conduct reviewers may also exercise the functions of the Council's Complaints Coordinator. For the purposes of clause 6.1, an internal ombudsman who is a Council's Complaints Coordinator and has been appointed to the Council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

5.16. Clause 6.4(c) does not apply to an internal ombudsman appointed to a Council's panel of conduct reviewers.

The appointment of Complaints Coordinators

5.17. The General Manager must appoint a member of staff of the Council or another person (such as, but not limited to, a member of staff of another Council or a member of staff of a joint organisation or other regional body associated with the Council), to act as a Complaints Coordinator. Where the Complaints Coordinator is a member of staff of the Council, the Complaints Coordinator should be a senior and suitably qualified member of staff.

5.18. The General Manager may appoint other members of staff of the Council or other persons (such as, but not limited to, members of staff of another Council or members of staff of a joint organisation or other regional body associated with the Council), to act as alternates to the Complaints Coordinator.

5.19. The General Manager must not undertake the role of Complaints Coordinator.

5.20. The person appointed as Complaints Coordinator or alternate Complaints Coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 2022*.

5.21. The role of the Complaints Coordinator is to:

- a) coordinate the management of complaints made under the Council's Code of Conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office, and
- d) arrange the annual reporting of Code of Conduct complaints statistics.

6. How May Code of Conduct Complaints be Made?

What is a Code of Conduct complaint?

- 6.1. For the purpose of these procedures, a Code of Conduct complaint is a complaint that shows or tends to show conduct on the part of a Council Official in connection with their role as a Council Official or the exercise of their functions as a Council Official that would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct if proven.
- 6.2. The following are not "Code of Conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the Council or a Council Official
 - b) complaints that relate solely to the merits of a decision made by the Council or a Council Official or the exercise of a discretion by the Council or a Council Official
 - c) complaints about the policies or procedures of the Council
 - d) complaints about the conduct of a Council Official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.
- 6.3. Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a Code of Conduct complaint are to be dealt with under the Council's routine complaints management processes.

When must a Code of Conduct complaint be made?

- 6.4. A Code of Conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 6.5. A complaint made after three months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the Code of Conduct.

How may a Code of Conduct complaint about a Council Official other than the General Manager be made?

- 6.6. All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 6.7. Where a Code of Conduct complaint about a Council Official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 6.8. In making a Code of Conduct complaint about a Council Official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 6.9. The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 6.10. Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the Council's Code of Conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a Code of Conduct complaint about the General Manager be made?

- 6.11. Code of Conduct complaints about the General Manager are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 6.12. Where a Code of Conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 6.13. In making a Code of Conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 6.14. The Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 6.15. Notwithstanding clauses 4.11 and 4.12, where the Mayor becomes aware of a possible breach of the Council's Code of Conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

7. How are Code of Conduct Complaints to be Managed?

Delegation by General Managers and Mayors of their functions under this Part

- 7.1. A General Manager or Mayor may delegate their functions under this Part to a member of staff of the Council or to a person or persons external to the Council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

Consideration of complaints by General Managers and Mayors

- 7.2. In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 7.3. Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, the Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a Code of Conduct complaint, or
 - b) subject to clause 4.5, is not made within three months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the Council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the Council's Code of Conduct to be readily identified.

How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?

- 7.4. The General Manager is responsible for the management of Code of Conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 7.5. The General Manager must refer Code of Conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 7.6. The General Manager may decide to take no action in relation to a Code of Conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 7.7. Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a member of staff of Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 7.8. Code of Conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 7.9. Sanctions for breaches of the Code of Conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about delegates of Council, Council advisers and Council committee members to be dealt with?

- 7.10. The General Manager is responsible for the management of Code of Conduct complaints about delegates of Council and Council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 7.11. The General Manager must refer Code of Conduct complaints about Council advisers, delegates of Council and Council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 7.12. The General Manager may decide to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 7.13. Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

7.14. Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about delegates of Council or Council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.

7.15. Where the General Manager resolves a Code of Conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

7.16. Sanctions for breaches of the Code of Conduct by delegates of Council and/or Council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

- a) censure
- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
- c) prosecution for any breach of the law
- d) removing or restricting the person's delegation
- e) removing the person from membership of the relevant Council committee.

7.17. Prior to imposing a sanction against a delegate of Council or a Council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of the Council's Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are Code of Conduct complaints about administrators to be dealt with?

7.18. The General Manager must refer all Code of Conduct complaints about administrators to the Office for its consideration.

7.19. The General Manager must notify the complainant of the referral of their complaint in writing.

How are Code of Conduct complaints about Councillors to be dealt with?

7.20. The General Manager must refer the following Code of Conduct complaints about Councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
- b) complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

7.21. Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.

7.22. The General Manager may decide to take no action in relation to a Code of Conduct complaint about a Councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

7.23. Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a Councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

7.24. Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.

7.25. Where the General Manager resolves a Code of Conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

7.26. The General Manager must refer all Code of Conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the Complaints Coordinator.

How are Code of Conduct complaints about the General Manager to be dealt with?

7.27. The Mayor must refer the following Code of Conduct complaints about the General Manager to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

7.28. Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.

7.29. The Mayor may decide to take no action in relation to a Code of Conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

7.30. Where the Mayor decides to take no action in relation to a Code of Conduct complaint about the General Manager, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

7.31. Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve Code of Conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.

7.32. Where the Mayor resolves a Code of Conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

7.33. The Mayor must refer all Code of Conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the Complaints Coordinator.

How are complaints about both the General Manager and the Mayor to be dealt with?

7.34. Where the General Manager or Mayor receives a Code of Conduct complaint that alleges a breach of the Code of Conduct by both the General Manager and the Mayor, the General Manager or Mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the Council other than the General Manager where the allegation is not serious, or to a person external to the Council, or
- b) refer the matter to the Complaints Coordinator under clause 5.26 and clause 5.33.

Referral of Code of Conduct complaints to external agencies

7.35. The General Manager, Mayor or a conduct reviewer may, at any time, refer a Code of Conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

7.36. The General Manager, Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

7.37. Where the General Manager, Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

7.38. Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the Council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

7.39. In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or

e) it is otherwise in the public interest to do so.

7.40. Clause 5.39 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the General Manager.

7.41. Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

7.42. A request made by a complainant Councillor under clause 5.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.

7.43. The General Manager or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.

7.44. Where a complainant Councillor makes a request under clause 5.41, the General Manager or Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of Conduct complaints made as public interest disclosures

7.45. These procedures do not override the provisions of the *Public Interest Disclosures Act 2022*. Code of Conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

7.46. Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.

7.47. Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 2022*.

Special complaints management arrangements

- 7.48. The General Manager may request in writing that the Office enter into a special complaints management arrangement with the Council in relation to Code of Conduct complaints made by or about a person or persons.
- 7.49. Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the Council's administration of its Code of Conduct, or
 - b) impeded or disrupted the effective administration by the Council of its Code of Conduct, or
 - c) impeded or disrupted the effective functioning of the Council.
- 7.50. A special complaints management arrangement must be in writing and must specify the following:
- a) the Code of Conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 7.51. The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 7.52. While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 7.53. Where, following a preliminary assessment, the assessing OLG officer determines that a Code of Conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the Complaints Coordinator in writing of their determination and the reasons for their determination. The Complaints Coordinator must comply with the recommendation of the assessing OLG officer.
- 7.54. Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 7.55. A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

8. Preliminary Assessment of Code of Conduct Complaints about Councillors or the General Manager by Conduct Reviewers

Referral of Code of Conduct complaints about Councillors or the General Manager to conduct reviewers

- 8.1. The Complaints Coordinator must refer all Code of Conduct complaints about Councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the Mayor.
- 8.2. For the purposes of clause 6.1, the Complaints Coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the Council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 8.3. In selecting a suitable conduct reviewer, the Complaints Coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the Complaints Coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 8.4. A conduct reviewer must not accept the referral of a Code of Conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the Council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the Council's legal service provider or are a member of a panel of legal service providers appointed by the Council.
- 8.5. For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

- 8.6. For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 8.7. Where the Complaints Coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by the Council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 8.8. The Complaints Coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 8.9. Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 8.10. The Complaints Coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the Complaints Coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the Complaints Coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 8.11. Where the Complaints Coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of Code of Conduct complaints about Councillors or the General Manager by a conduct reviewer

- 8.12. The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Coordinator for the purposes of determining how the complaint is to be managed.

- 8.13. The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 8.14. In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 8.15. The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 8.16. The conduct reviewer may request the Complaints Coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 8.17. The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 8.18. The conduct reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 8.19. The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 8.20. Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

8.21. Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

8.22. The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

- a) that the complaint is a Code of Conduct complaint for the purposes of these procedures, and
- b) that the alleged conduct is sufficiently serious to warrant the formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment if it were to be proven, and
- c) that the matter is one that could not or should not be resolved by alternative means.

8.23. In determining whether a matter is sufficiently serious to warrant formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment, the conduct reviewer is to consider the following:

- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
- b) the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

8.24. The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Coordinator and notify the Complaints Coordinator in writing of the outcome of their assessment.

8.25. The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 8.26. Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 8.27. The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.13(c).
- 8.28. The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 8.29. Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 8.30. Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 8.31. In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a Code of Conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Council's Code of Conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of

- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the Council's Code of Conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the Council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

9. Investigations of Code of Conduct Complaints about Councillors or the General ManagerWhat matters may a conduct reviewer investigate?

- 9.1. A conduct reviewer (hereafter referred to as an “investigator”) may investigate a Code of Conduct complaint that has been referred to them by the Complaints Coordinator and any matters related to or arising from that complaint.
- 9.2. Where an investigator identifies further separate possible breaches of the Code of Conduct that are not related to or do not arise from the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 9.3. The General Manager or the Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 9.4. The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 9.5. The respondent may, within seven days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 9.6. An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

- 9.7. Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 9.8. The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the Complaints Coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the Complaints Coordinator and the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 9.9. Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 9.10. The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 9.11. Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 9.12. Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 9.13. Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 9.14. The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 9.15. Investigations are to be undertaken without undue delay.

- 9.16. Investigations are to be undertaken in the absence of the public and in confidence.
- 9.17. Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 9.18. Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 9.19. An investigator may request that the Complaints Coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The Complaints Coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 9.20. At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 9.21. Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 9.22. The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 9.23. Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the Complaints Coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the Complaints Coordinator and the Mayor, discontinue their investigation of the matter.

- 9.24. Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 9.25. An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 9.26. When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 9.27. The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 9.28. Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 9.29. The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 9.30. The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 9.31. Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 9.32. The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

9.33. Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

9.34. An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

9.35. The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the Code of Conduct, or
 - ii. does not constitute a breach of the Code of Conduct, and
- c) provide reasons for the determination.

9.36. At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

9.37. Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:

- a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
- b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a Councillor, that the Council resolves as follows:

- i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
- ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

9.38. Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

9.39. Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the Council revise any of its policies, practices or procedures.

9.40. Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:

- a) that the Council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

9.41. The investigator must provide a copy of their report to the Complaints Coordinator and the respondent.

9.42. At the time the investigator provides a copy of their report to the Complaints Coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

9.43. Where the investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.

9.44. Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the Complaints Coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

9.45. Where it is apparent to the Complaints Coordinator that the Council will not be able to form a quorum to consider the investigator's report, the Complaints Coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the Council under clause 7.44.

Consideration of the final investigation report by Council

9.46. The role of the Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the Code of Conduct and has made a recommendation in their final report under clause 7.37.

9.47. The Council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

9.48. Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Code of Conduct.

9.49. Prior to imposing a sanction, the Council must provide the respondent with an opportunity to make a submission to the Council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

9.50. Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.

9.51. The Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

9.52. Prior to imposing a sanction, the Council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

- 9.53. The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 9.54. The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 9.55. Where the investigator prepares a supplementary report, they must provide copies to the Complaints Coordinator who shall provide a copy each to the Council and the respondent.
- 9.56. The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Coordinator.
- 9.57. The Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 9.58. A Council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
 - b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a Councillor:
 - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 9.59. Where the Council censures a Councillor under section 440G of the LGA, the Council must specify in the censure resolution the grounds on which it is satisfied that the Councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the Council considers may be relevant or appropriate.
- 9.60. The Council is not obliged to adopt the investigator's recommendation. Where the Council proposes not to adopt the investigator's recommendation, the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 9.61. Where the Council resolves not to adopt the investigator's recommendation, the Complaints Coordinator must notify the Office of the Council's decision and the reasons for it.

10. Oversight and Rights of Review

The Office's powers of review

- 10.1. The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a Council's Code of Conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct in their consideration of a matter.
- 10.2. The Office may direct any person, including the Council, to defer taking further action in relation to a matter under consideration under the Council's Code of Conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 10.3. Where the Office undertakes a review of a matter under clause 8.1, it will notify the Complaints Coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 10.4. The General Manager or their delegate must refer Code of Conduct complaints about conduct reviewers to the Office for its consideration.
- 10.5. The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 10.6. The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 10.7. Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 10.8. Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 10.9. Where the Office makes a practice ruling, all parties must comply with it.
- 10.10. The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 10.11. A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 10.12. A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
 - c) that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.
- 10.13. A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 10.14. The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 10.15. The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 10.16. The Office will undertake a review of the matter on the papers. However, the Office may request that the Complaints Coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The Complaints Coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 10.17. Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 10.18. The Office must notify the person who requested the review and the Complaints Coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 10.19. Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the Complaints Coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government

election, in which case it must be tabled at the first ordinary Council meeting following the election, and

- b) the Council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

10.20. Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

11. Procedural Irregularities

11.1. A failure to comply with these procedures does not, on its own, constitute a breach of the Code of Conduct, except as may be otherwise specifically provided under the Code of Conduct.

11.2. A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

12. Practice Directions

- 12.1. The Office may at any time issue a practice direction in relation to the application of these procedures.
- 12.2. The Office will issue practice directions in writing, by circular to all Councils.
- 12.3. All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

13. Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager

13.1. The Complaints Coordinator must arrange for the following statistics to be reported to the Council within three months of the end of September of each year:

- a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period)
- b) the number of Code of Conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.

13.2. The Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within three months of the end of September of each year.

14. Confidentiality

- 14.1. Information about Code of Conduct complaints and the management and investigation of Code of Conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 14.2. Where a complainant publicly discloses information on one or more occasions about a Code of Conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future Code of Conduct complaint they make or purport to make.
- 14.3. Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the General Manager or their delegate, and consider any submission made by them.
- 14.4. In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 14.5. The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the Complaints Coordinator
 - c) the Office, and
 - d) any other person the General Manager or their delegate considers should be notified of the determination.
- 14.6. Any requirement under these procedures that a complainant is to be provided with information about a Code of Conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.
- 14.7. Clause 12.6 does not override any entitlement a person may have to access to Council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 2022* in relation to a complaint they have made.

15. Review

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.

Council Policy

Government Information Public Access (GIPA)



CONTROLLED DOCUMENT INFORMATION

ECM Number	1336286
Document Owner	Director Customer, Corporate Services and Economy
Document Development Officer	Manager Customer and Information Services
Risks Managed	PR1 – Unauthorised release of/amendment to/use of, loss of, and/or loss of access to corporate/confidential information PR2 - Incorrect, incomplete or untimely information provided to a stakeholder
Consulting Stakeholders	Information Management and Records Coordinator Procurement, Contracts and Insurance Coordinator Planning and Community Services
Review Timeframe	4 Years
Last Review Date	August 2025
Next Scheduled Review	August 2029

Document History		
Date	Resolution No.	Details/Comments
19 May 2020	20-118	Creation of Policy
20 August 2025	CMT endorsed	Review of policy major amendments <ul style="list-style-type: none"> - Removed duplication from AIG - Updated roles and responsibilities for the whole organisation - Addition of right to information officers - Updated per delegations inclusion of Manager CIS as privacy officer.

Further Document Information and Relationships	
Related Legislation*	<ul style="list-style-type: none"> • Government Information (Public Access) Act 2009 • Government Information (Public Access) Regulation 2018 - NSW Legislation • Privacy and Personal Information Protection Act 1998 • Health Records and Information Privacy Act 2002 • State Records Act 1998 • Local Government Act 1993 • Privacy Code of Practice for Local Government • Companion Animals Act 1998 • The Copyright Act 1968 • The Environmental Planning and Assessment Act 1979 (EPA Act)

Council Policy

Government Information Public Access Policy (GIPA)



Related Policies	<ul style="list-style-type: none">• Council Policy - Privacy Management Plan• Council Policy - Public Interest Disclosures Policy
Related Documents	<ul style="list-style-type: none">• Agency Information Guide
<p>Note: Any reference to Legislation will be updated in this Policy as required. See website http://www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.</p>	

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1. Purpose

The purpose of this Policy is to outline Council's commitment to improving accountability and transparency by ensuring that members of the public can access information in accordance with the Government Information (Public Access) Act 2009 (GIPA Act).

This policy provides direction to Council staff in managing and providing documents and information to the public having regard to the legislative framework.

2. Commencement and Review

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed by resolution of Council.

3. Scope and Application

This Policy applies to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council.

4. Definitions

In this Council Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
Council	means Parkes Shire Council.
Business Day	means a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
General Manager	means the General Manager of Parkes Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
Governing Body	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
Access application	means an application for access to government information under Part 4 of the Government Information (Public Access) Act 2009 (GIPA Act) that is a valid access application under that Part.
Informal Access to Information	means that an agency can give you information in response to your request, without requiring you to make a formal access application under Part 4 of the GIPA Act.
Formal Access to Information	means that you make a written application under Part 4 of the GIPA Act to request access to government-held information. This process is used when the information is not available through open access or informal means.

Customer request	means a log used to record information in Council's system which may have been received from a telephone call, an in-person request or in any other form
Document	means any instrument such as a letter, facsimile, memorandum, form, report, policy, certificate, email and the like.
Incident Reporting System	The system used by Council to lodge, report and manage incidents relating to a breach of this policy
Government information	means information held by Council
Record	means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.
Public Interest Test	Means there is an overriding public interest against disclosure of government information for the purposes of the GIPA Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

5. Policy Statement

In line with NSW government agencies, Council is committed to taking active steps to meet the core objects of the GIPA Act, to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, by making government information available to the public by:

- a) authorising and encouraging the proactive public release of government information
- b) giving members of the public an enforceable right to access government information
- c) providing access to government information is restricted only when there is an overriding public interest against disclosure.

5.1. Legislative Context

- a) Public access to documents and information held by the Council is facilitated by the GIPA Act, the Government Information (Public Access) Regulation 2018 (GIPA Regulation) and the Local Government Act 1993. Access is subject to certain restrictions as set out in the Acts and Regulation and summarised in this Policy.
- b) Council is required to comply with the Information Protection Principles prescribed by the Privacy and Personal Information Protection Act 1998, the Health Privacy Principles prescribed by the Health Records and Information Privacy Act 2002 and Council's Privacy Management Plan relating to the management of personal and health information held by Council.
- c) The GIPA Act and the GIPA Regulation provide rights of access to certain documents held by Council unless there is an overriding public interest not to do so.

- d) The Local Government Act 1993 contains provisions that provide rights of access to certain information and documents.
- e) The Copyright Act 1968 (Cth) governs the copying of information and provides exclusive rights to copyright owners. This Act prohibits the publication of copyright material on websites or provision of copies unless the copyright owner has expressly consented.
- f) Schedule 1, Part 1, Divisions 1-2 of the Environmental Planning and Assessment Act 1979 (EPA Act) , and Council's Community Participation Plan, requires Council to make certain planning and development assessment matters available to the public during exhibition periods.
- g) Section 10.14 of the EPA Act provides that a relevant person (such as an applicant for a development application or the person preparing a planning proposal) who does not hold copyright in a document submitted as part of a planning matter is deemed to have indemnified councils and other parties using the document for the purposes of the EPA Act against any legal claims or actions arising from copyright infringement.
- h) Section 73 of the State Records Act 1998 imposes a duty of confidentiality in relation to the disclosure and provision of information acquired in the course of the administration of the act. Prior to disclosing any information made under this policy, consideration must be given to this applicability of this statutory obligation.
- i) Other forms of legislation or documents which have an impact upon access to documents include:
 - Privacy Code of Practice for Local Government
 - Privacy Management Plan

6. Principles and Requirements

We are committed to creating an open and accessible information culture to meet our requirements under the GIPA Act. We do this by:

- ensuring that staff are aware of information access responsibilities by conducting targeted campaigns, training and providing intranet resources
- encouraging Senior Executives to promote awareness of information, access responsibilities and fostering an open access culture within the Department
- continuously improving access to our policies, programs, and other information via our websites
- annually updating our [Agency Information Guide](#) and ensuring that we make open access information available on our website.
- proactively releasing information
- where appropriate, making government information open by default and providing access to information informally on request
- publishing on our website clear guidance for how members of the public can [request access to information](#)
- having a dedicated information access team to coordinate and deal with requests for information.

6.1. Principles

- a) Information accessible under this Policy includes any record of government information. As defined at clause 10(1) of Schedule 4 of the GIPA Act, this means “any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means”. This includes any information stored in a physical (paper) file or as a document, email/web request, customer request, map, plan, drawing or photograph in Council's electronic document management system.
- b) Council is not obliged to provide access to documents or government information that are not owned by Council or not in Council's possession or control.
- c) Some documents may not be able to be provided unless with the consent of a third party.
- d) To comply with Council's obligations under the Copyright Act 1968 (Cth), and unless copyright permission has been obtained, no copies of documents subject to copyright law will be provided or permitted to be taken. Applicants will only be allowed to access relevant documents by viewing them in person.
- e) To comply with Council's obligations under the Privacy and Personal Information Protection Act 1998 and the GIPA Act, documents that contain the personal information of third parties or other sensitive information for which there is an overriding public interest against disclosure may have this information redacted before access is provided to the information.
- f) Some documents can be inspected without any formal or informal application. These include information that is prescribed as open access information under the GIPA Act and Regulation. This includes information such as agendas and minutes of open Council and Committee meetings, policy documents, the Annual Report, publicly exhibited development applications and associated documents, other publicly exhibited items, and, subject to the Privacy Management Plan, Council's public registers. Most of these documents are available online at Council's website.
- g) If Council considers it to be in the public interest, formal access applications will be published in a disclosure log on Council's website in accordance with the GIPA Act and Regulation.
- h) Council will only make personal information available in accordance with the GIPA Act, Privacy and Personal Information Protection Act 1998, Health Records and Information Privacy Act 2002 and Council's Privacy Management Plan.

6.2. Requirements

To support these principles, all business areas must:

- regularly review information which is released proactively to ensure currency and accuracy of the information
- ensure that records are maintained in accordance with State Records requirements and can be retrieved if required to respond to an access application
- ensure that complete, accurate and timely responses are provided in response to access applications
- apply robust systems to ensure that contracts are disclosed within the statutory timeframes

7. Access to Information

Any member of the public has a legal right to make an application to Council for access to information it holds. Council also publishes information on its website and makes information available to members of the public on request.

7.1. Open Access and Proactive release

Information under Part 3 of the GIPA Act and listed in Schedule 1 of the GIPA Regulation 2018 is “open access information”. Council can decide to disclose information proactively to support the public’s right to information.

7.2. Informal Access to Information

Application – [Informal Access](#)

A member of the public may request access to information that is not available on Council’s website. An application fee does not apply to an informal information request, but fees may apply for scanning. Fees which may apply are disclosed in Council’s Schedule of Fees and Charges available on Council’s website.

7.3. Formal Access to Information

Application – [Formal Access](#)

If information cannot be accessed by way of an informal request, a formal access application may be necessary if the information you are seeking:

- Involves a large volume of information.
- Requires extensive research.
- Relates to third party personal/business information.
- Requires Councils to consider your application in depth and by applying the Public Interest Test.

Applications must be in writing with payment of a statutory \$30 application fee. Processing charges of \$30 per hour may also apply in processing a formal application. The \$30 application fee paid counts towards 1 hour of processing charges

Formal requests will be processed within 20 working days of receipt once they are valid. This timeframe may be extended by an additional 15 working days if consultation with a third party is required, or if records need to be retrieved from Council's archives.

7.4. Lodging application

A request for information (either informal or formal) can be lodged one of two ways.

- a) Via Council's website by completing an online form - [Public Access to Information \(GIPA\) Parkes Shire Council](#)
- b) Downloading and completing a hard copy form from Council's website and:
 - a) Emailing a copy to council@parkes.nsw.gov.au
 - b) Lodging by post to:
Information and Records Management Coordinator
Parkes Shire Council
PO Box 337
PARKES NSW 2870
 - c) Deliver application form in person at Council's Customer Service Centre.

8. Review of decisions

Lodgement of a formal application entitles the applicant to review rights as detailed in Part 5 of the GIPA Act. If an individual has requested access to information and has been refused, is dissatisfied with Council's response, disagrees with Council's decision, or believes Council has breached its access to information obligations, they have the right to request an Internal Review under the relevant privacy legislation.

i. Internal Review

An internal review must be submitted in writing and can be requested by:

- a) Filling out the [Internal Review Application Form](#)
- b) Emailing Council at council@parkes.nsw.gov.au
- c) A letter addressed to:
The General Manager,
Parkes Shire Council,
PO Box 337,
PARKES NSW 2870

As per section 85 of the GIPA Act, a statutory internal review fee of \$40.00 is payable by the applicant for an internal review to commence. An internal review will be undertaken by a senior officer who is independent from the original decision.

An application for an internal review must be made within 20 working days of the Notice of Decision being given to the applicant.

An access to information review comes under Part 5, Division 2 of the GIPA Act. All information related to the review will be treated as confidential, in accordance with Council's Code of Conduct.

8.1. Internal review Process

When an informal review request is received, the following steps will be undertaken to ensure a fair, transparent, and timely review in accordance with relevant privacy legislation:

- A reviewing officer will be appointed to manage the internal review process.
- A formal letter will be sent to the complainant acknowledging receipt of the internal review request.
- The review must be completed within 15 days (the review period) with Council advising the applicant of the outcome of the review.

Following completion of the review, Council will do one or more of the following:

- a) take no further action on the matter;
- b) make a formal apology to the applicant;
- c) take appropriate remedial action;
- d) provide undertakings that the conduct will not occur again;
- e) implement administrative measures to ensure that the conduct will not occur again.

8.2. Formal Reviews

Where an individual is unhappy with the outcome of the internal review, a complaint can be made to the Privacy Commissioner. Applicants have 40 working days from the date of the original decision given to ask for a review by the IPC NSW. Details and information can be found on their website [Information Privacy Commission \(IPC\)](#).

If the complainant remains dissatisfied with the outcome, they may lodge an appeal with the [NSW Civil and Administrative Tribunal](#) (NCAT). Applicants have 20 working days from the date of when IPC completed their review to make an application to NCAT.

The Tribunal will consider the matter afresh, has the authority to make its own determination, and may issue a range of orders, including awarding damages for breaches of an IPP or a HPP.

9. Right to information officers

Under the GIPA Act Council must have staff who are authorised to coordinate informal and formal access applications (Right to Information officers). Right to Information Officers (RIOs) are staff who have been given specific authority and responsibility to meet some of their agency's day-to-day obligations under the GIPA Act. This includes dealing with formal applications for access to information and other responsibilities in relation to the release of information.

10. Agency Information Guide

Council has published an Agency Information Guide which includes information about Council, its structure, functions policies and Council information that is made available to the public.

11. Training

Council Officers involved with processing requests for access to information held by Parkes Shire Council are required to undertake GIPA training.

12. Compliance and Breach

All Council staff are required to comply with this policy and its related procedures and standards. Failure to comply may result in disciplinary action up to and including termination of your employment or contract.

12.1. Intentional breaches

Staff members who intentionally destroys, conceals or alters any record of government information for the purpose of preventing the disclosure of the information as required by the GIPA Act will be guilty of an offence under the GIPA Act. This offence carries a maximum penalty of \$11,000.

If a staff member becomes aware of a breach of the GIPA Act, they must report the breach in accordance with the Public Interest Disclosures Act. For guidance on how to report these breaches, refer to the Public Interest Disclosures Policy for more information.

12.2. General breaches

Other breaches under the GIPA Act, such as mistakenly disclosing personal or sensitive information to an unauthorised individual, remain serious and must be addressed and reported appropriately. Although accidental, such a breach may still attract a maximum penalty of \$11,000.

These breaches must be reported through the Incident Reporting system as soon as possible once the breach has been identified.

13. Public Interest Disclosures

Further information on public interest disclosures can be found on the NSW Information and Privacy Commission website <http://www.ipc.nsw.gov.au>.

14. Roles and Responsibilities

Roles	Responsibilities
Executive Management Team	<ul style="list-style-type: none"> • setting the tone from the top by promoting awareness of information access responsibilities and fostering an open access culture within Council, • authorising and encourage the proactive release of government information • have a duty to promote transparent and open Government
Director Customer, Corporate Services and Economy Manager of Customer and Information Services	<ul style="list-style-type: none"> • Privacy Officer • Approve this policy and set delegations for managing access applications under the GIPA Act • providing guidance to staff on the informal release of information • ensure that access to government information is restricted only where there is an overriding public interest against disclosure • ensuring that access applications are completed in accordance with Part 4 of the GIPA Act. • Authorising correspondence.
Manager Customer and Information Services	<ul style="list-style-type: none"> • submitting the revised Agency Information Guide to the Information and Privacy Commissioner (IPC) annually, • providing guidance to staff on the informal release of information • carrying out reviews of this policy, the Agency Information Guide, open access information and other documents required under the GIPA Act. • encourage the proactive release of government information • Right to Information Officer (RIO) • ensuring that other categories of Open Access Information (not referenced) is disclosed in accordance with Part 2 of the GIPA Act. • supporting informed and independent decision making by Right to Information officers
Information and Records Management Team	<ul style="list-style-type: none"> • Right to Information Officer (RIO) • submitting the GIPA Annual Report • communicating this Policy to all new employees as part of their induction and informing staff of revised versions, • providing guidance to staff on the informal release of information • processing formal and informal access applications. • assisting with the routine publication of open access information, including: <ul style="list-style-type: none"> - The contents and annual review of the agency's agency information guide. - Policy documents. - The disclosure log; - The register of government contracts. - Proactively releasing as much information as possible, in as many ways as are appropriate. - Recording the open access information that is not made publicly available on the basis of an overriding public interest against disclosure.

Procurement, Contracts, and Insurance Coordinator	<ul style="list-style-type: none"> • Maintain a register of government contracts on Councils website. <ul style="list-style-type: none"> - Ensure the register includes all Class 1 contracts, defined as contracts with a value of \$150,000 (including GST) or more, to which the council is a party. - Update the register within 45 working days of a contract coming into effect. - Ensure contract information remains publicly accessible for at least 20 working days or until the contract is complete, whichever is longer
All staff responsible for the management of contracts	<ul style="list-style-type: none"> • ensuring that government contracts are disclosed to the Procurement, Contracts and Insurance Coordinator within 45 working days of becoming effective
Planning and Community Services	<ul style="list-style-type: none"> • responsible for complying with Schedule 1, Part 1, Divisions 1-2 of the EPA Act that require Council to make certain information associated with strategic planning and development assessment matters available during a public exhibition period.
All staff	<ul style="list-style-type: none"> • All staff should notify the Right to Information Officer of any request to access Government Information and not release any information without receiving authorisation from the Right to Information Officer or Privacy officer. • Responsible for ensuring that records are maintained in accordance with any prescribed standards and are provided within the requested timeframe if requested in an access application. • Comply with requests from the Right to Information Officer to locate and provide all relevant information held in their respective areas in response to a request for information. In the event that information cannot be located, a written explanation of the steps that have been taken to search for the information must be provided to the Right to Information Officer (this includes search terms). • Work collaboratively and provide information relating to access requests to the Right to Information Officer in a timely manner • Promptly forward any access applications received (whether formal or informal) to the Right to Information Officer for action. • Report any breaches of this policy to a privacy officer and receive further advice.

15. Review

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.

Council Policy

Internal Audit Charter



CONTROLLED DOCUMENT INFORMATION

ECM Number	1635293
Document Owner	Director Customer Corporate Services and Economy
Document Development Officer	Manager Governance Risk and Corporate Performance
Consulting Stakeholders	Executive Leadership Team Manager Governance Risk and Corporate Performance Audit Risk and Improvement Committee
Review Timeframe	Two (2) Years
Last Review Date	September 2025
Next Scheduled Review	September 2027

Document History		
Date	Resolution No.	Details/Comments
21 July 2022		New document created using the Model Internal Audit Charter.
5 July 2024		Reviewed, new policy branding applied
15 July 2025		Reviewed and updated
23 July 2025		Review by ARIC
16 September 2025		Adopted by Council

Further Document Information and Relationships	
Related Legislation*	Section 428A of the Local Government Act 1993 Division 6A Local Government (General) Regulation
Related Policies	
Related Documents	Enterprise Risk Management Policy Terms of Reference Audit Risk Management Committee
<p>Note: Any reference to Legislation will be updated in this Policy as required. See website http://www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.</p>	

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1. Internal Audit Charter

Council has established the Strategic Internal Audit Plan as a key component of the Council's governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and the Office of Local Government *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of the Strategic Internal Audit Plan in the council and has been approved by the governing body taking into account the advice of the Council's Audit, Risk and Improvement Committee.

2. Purpose of Internal Audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.(as defined by the International Standards for the Professional Practice of Internal Auditing 2017)

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, General Manager and Audit, Risk and Improvement Committee about the Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists the Council to improve its business performance.

3. Definitions

In this Council Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
Council	means Parkes Shire Council.
Business Day	means a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
General Manager	means the General Manager of Parkes Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
Governing Body	means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
Internal Audit Coordinator	means the position within Council known as Manager Governance Risk and Corporate Performance
Internal Audit Team	means the company who has been appointed by the Council to complete the functions of the audit. Councils current Internal Auditor appointed is Lambourne Partners

4. Independence

Council's Strategic Internal Audit Plan is to be independent of the Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

Strategic Internal Audit reports functionally to the Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and the Council's management has no role in the exercise of the Council's internal audit activities.

The Audit, Risk and Improvement Committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the Chairperson by resolution. The Chairperson is only required to provide the information requested by the governing body where the Chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

Where the Chairperson of the Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the internal audit team, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The internal audit team is to confirm at least annually to the Audit, Risk and Improvement Committee the independence of internal audit activities from the Council.

5. Authority

Council authorises the Strategic Internal Audit Plan to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the internal auditor considers necessary for the Strategic Internal Audit Plan to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The internal audit coordinator and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the Strategic Internal Audit Plan are not to be made publicly available. The Strategic Internal Audit Plan may only release Council information to external parties that are assisting the Strategic Internal Audit Plan to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

6. Role

The Strategic Internal Audit Plan is to support the Council's Audit Risk and Improvement Committee to review and provide independent advice to the Council in accordance with section 428A of the *Local Government Act 1993*. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

The Strategic Internal Audit Plan is to also play an active role in:

- a) developing and maintaining a culture of accountability and integrity
- b) facilitating the integration of risk management into day-to-day business activities and processes, and
- c) promoting a culture of high ethical standards.

The Strategic Internal Audit Plan has no direct authority or responsibility for the activities it reviews.

The Strategic Internal Audit Plan has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

7. Internal Audit Coordinator

Council's Strategic Internal Audit Plan is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Council and the Audit Risk and Improvement Committee. The internal audit coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the internal audit coordinator include:

- a) managing the day-to-day activities of the Strategic Internal Audit Plan
- b) managing the Council's internal audit budget
- c) supporting the operation of the Council's Audit Risk and Improvement Committee

- d) approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the Audit Risk and Improvement Committee
- e) monitoring the Council's implementation of corrective actions that arise from the findings of audits
- f) implementing the Audit Risk and Improvement Committee's annual work plan and four year strategic work plan
- g) ensuring the Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*, and
- h) contract management and oversight of supplementary external providers (where appropriate)

8. Internal Audit Team

Council is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Internal Audit Coordinator is to ensure the external provider:

- a) does not conduct any audits on specific Council operations or areas that they have worked on within the last two years
- b) is not the same provider conducting the Council external audit
- c) is not the auditor of any contractors of the Council that may be possibly subject to the internal audit, and
- d) can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The Internal Audit Coordinator **must** consult with Audit, Risk and Improvement Committee and General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the Council.

9. Performing Internal Audit Activities

The work of the Strategic Internal Audit Plan is to be thoroughly planned and executed. The Council's Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the current Australian Risk Management Standard (ISO 31000).

The Internal Audit Team is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The Internal Audit Coordinator is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The General Manager, in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of the Parkes Shire Council's Strategic Internal Audit Plan.

The Internal Audit Coordinator is to ensure that the Audit, Risk and Improvement Committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

10. Conduct

Internal audit personnel are required to comply with the Council's code of conduct. Complaints about breaches of Council's code of conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the Council's Audit, Risk and Improvement Committee before any disciplinary action is taken against Internal Audit Team in response to a breach of the Council's code of conduct.

Internal audit team must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

11. Administrative arrangements

11.1. Audit, risk and improvement committee meetings

The Internal Audit Team will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The Internal Audit Team can be excluded from meetings by the committee at any time.

The Internal Audit Team must meet separately with the Audit, Risk and Improvement Committee at least once per year.

The Internal Audit Team can meet with the chairperson of the Audit, Risk and Improvement Committee at any time, as necessary, between committee meetings.

11.2. External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

11.3. Dispute resolution

Strategic Internal Audit Plan should maintain an effective working relationship with the Council and the Audit, Risk and Improvement Committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the Strategic Internal Audit Plan and the Council, the dispute is to be resolved by the General Manager and/or the Audit, Risk and Improvement Committee. Disputes between the Strategic Internal Audit Plan and the Audit, Risk and Improvement Committee are to be resolved by governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

11.4. Review arrangements

The Council's Audit, Risk and Improvement Committee must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the Strategic Internal Audit Plan must be conducted each Council term that considers the views of an external party with a strong knowledge of internal audit and reported to Parkes Shire Council.

This charter is to be reviewed annually by the Committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Schedule 1 - Internal Audit Function Responsibilities

Audit

Internal audit

- Conduct internal audits as directed by the Council's Audit Risk and Improvement Committee
- Implement the Council's annual and four-year strategic internal audit work plans
- Monitor the implementation by Council of corrective actions
- Assist the Council to develop and maintain a culture of accountability and integrity
- Facilitate the integration of risk management into day-to-day business activities and processes
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor the Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk Management

Review and advise:

- if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business

continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately

Compliance

Review and advise of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual

- transactions and areas of significant estimates or judgements
- appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of the Council governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of the Council's Integrated, Planning & Reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the Council can improve its service delivery and the Council's performance of its

business and functions generally

Performance data and measurement

Review and advise:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

Circular to Councils

Subject/title	2025 Model Meeting Code
Circular Details	Circular No 25-20 / 29 August 2025 / A975455
Previous Circular	<u>Council Circular 24-23 Consultation on reforms to council meeting practices</u>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- Following extensive consultation, the new 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code) has been finalised.
- The new 2025 Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the Local Government (General) Regulation 2021 (the Regulation) shortly.
- The new 2025 Model Meeting Code is available on the Model Code of Meeting Practice for Local Councils in NSW webpage on the Office of Local Government's (OLG) website at www.olg.nsw.gov.au.
- Among other changes, the mandatory provisions of the 2025 Model Meeting Code will prohibit pre-meeting briefings.
- Councils must also livestream meetings of the council and committees comprising wholly of councillors from 1 January 2026 using an audio-visual recording. Recordings of meetings must be published on the council's website for the balance of the council term or for 12 months, whichever is the later date.
- More detailed information about the changes to council meeting practices made by the 2025 Model Meeting Code is provided in the FAQ attached to this circular and available

on the [Model Code of Meeting Practice for Local Councils in NSW](#) webpage on OLG's website.

What will this mean for council?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.
- Transitional provisions in the Regulation will provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.
- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Key points

- The 2025 Model Meeting Code has two elements:
 - mandatory provisions (indicated in black font), and
 - non-mandatory provisions (indicated in red font) covering areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Where to go for further information

- The 2025 Model Meeting Code is available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website at www.olg.nsw.gov.au.
- More information about the 2025 Model Meeting Code and guidance on its adoption is provided in the FAQ attached to this circular and available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website.
- A webinar will be held in October to support councils in adopting the new Model Code of Meeting Practice. Notice will be provided to enable councils to register.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

A handwritten signature in blue ink, appearing to read "Brett Whitworth".

Brett Whitworth
Deputy Secretary
Office of Local Government

2025 Model Meeting Code - FAQ

Implementation of the 2025 Model Meeting Code

When must the 2025 Model Meeting Code be adopted?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.

What happens if the 2025 Model Meeting Code is not adopted by 31 December 2025?

- Transitional provisions in the Local Government (General) Regulation 2021 (the Regulation) provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, then from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

Are councils required to adopt the non-mandatory provisions of the 2025 Model Meeting Code?

- No. The non-mandatory provisions of the 2025 Model Meeting Code cover areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- Councils are free to omit the non-mandatory provisions or to adapt them to meet their needs.

Can councils include supplementary provisions in their adopted code of meeting practice?

- Yes. There is nothing to prevent councils from including supplementary provisions in their adopted code of meeting practice to meet their needs, provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2025 Model Meeting Code.

Are joint organisations and county councils required to adopt the 2025 Model Meeting Code?

- Yes. The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils.
- The provisions of the 2025 Model Meeting Code that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

What consultation must councils do before adopting a code of meeting practice?

- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.
- This requirement does not apply to joint organisations.

What are the key changes?

A key focus of the changes made to the 2025 Model Meeting Code is to ensure meetings are conducted in a dignified and orderly way befitting to a chamber of democracy and to promote community confidence in councils and their decisions.

The following is a summary of the key changes. It is not an exhaustive list of all the changes that have been made.

Extraordinary meetings

- The mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.

Dealing with urgent business at meetings

- The process for dealing with urgent business at both ordinary and extraordinary meetings has been simplified.
- Business may be considered at a meeting at which all councillors are present, even though due notice has not been given of the business, if the council resolves

to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. The resolution must state the reasons for the urgency.

- If all councillors are not present at the meeting, the chairperson must also rule that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

Prohibition on pre-meeting briefing sessions

- The 2025 Model Meeting Code prohibits briefing sessions being held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- The prohibition on briefing sessions does not prevent a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. The information must be provided in a way that does not involve any discussion of the information.

Public forums

- The public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums before council and committee meetings.
- Councils are also free to determine the rules under which public forums are to be conducted and when they are to be held. OLG will be issuing model best practice public forum rules that councils can use if they choose to.
- Public forums must be livestreamed.

Councillors' attendance at meetings by audio-visual link

- The provisions governing attendance by councillors at meetings by audio-visual link have been made mandatory and the option to attend meetings by audio-visual link has been restricted to where councillors are prevented from attending a meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

Absences from council meetings

- Changes have been made to the provisions governing absences from meetings.
- Where councillors are unable to attend one or more meetings of the council or committees of the council, the new provisions encourage them to:
 - submit an apology for the meetings they are unable to attend,
 - state the reasons for their absence from the meetings, and

- request that the council grant them a leave of absence from the relevant meetings.
- Where a councillor makes an apology, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting. Councils are required to act reasonably when deciding whether to grant a leave of absence to a councillor. To ensure accountability, if the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

Livestreaming meetings

- As of 1 January 2026, councils are required to livestream their meetings using an audio-visual recording.
- Recordings of meetings must be published on the council's website for the balance of the council's term or for 12 months, whichever is the later date.
- OLG will be issuing updated guidance on the livestreaming of meetings.

New rules of etiquette at meetings

- Councils may determine standards of dress for councillors when attending meetings.
- Where physically able to, councillors and staff are encouraged to stand when the mayor enters the chamber and when addressing the meeting.
- The 2025 Model Meeting Code prescribes modes of address.

Mayoral minutes

- The restrictions on mayoral minutes under the previous code have been removed. A mayoral minute may be put to a meeting without notice on any matter or topic that the mayor determines should be considered at the meeting.

Rules of debate

- The rules of debate have been simplified and the rules governing the foreshadowing of motions and amendments have been removed. It remains open to councillors to foreshadow that they intend to move an amendment during the debate, but there are no longer formal rules governing this.
- An amendment has been made to clarify that there is nothing to prevent a further motion from being moved at a meeting on the same item of business where the original motion is lost, provided the motion is not substantially the same as the one that was lost.

- Councils will no longer have the option of reducing the duration of speeches to less than 5 minutes. However, councils continue to have other options to expedite business at meetings such as moving that a motion be put where the necessary conditions have been satisfied and to resolve to deal with items by exception.

Voting on planning decisions

- Consistent with the Independent Commission Against Corruption's (ICAC) recommendations, a council or a council committee must not make a final planning decision at a meeting without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

Representations by the public on the closure of meetings

- In the interests of simplifying the code, the rules governing representations by the public on the closure of meetings have been removed. However, there is nothing to prevent councils from adopting their own rules on this. OLG will be issuing model best practice rules for public representations that councils can use if they choose to.

Making information considered at closed meetings public

- Consistent with ICAC's recommendation, the general manager must publish business papers for items of business considered during meetings that have been closed to public on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- Before publishing this information, the general manager must consult with the council and any other affected persons and provide reasons for why the information has ceased to be confidential.

Dealing with disorder

- Councils will be required to determine on the adoption of the new code and at the commencement of each council term, whether to authorise the person presiding at a meeting to exercise a power of expulsion.
- The definition of acts of disorder by councillors have changed. The following constitute acts of disorder under the Regulation and the 2025 Model Meeting Code:

- contravening the Act, the Regulation, or the council's code of meeting practice,
 - assaulting, or threatening to assault, another councillor or person present at the meeting,
 - moving or attempting to move a motion or an amendment that has an unlawful purpose, or deals with a matter that is outside the jurisdiction of the council or committee or addressing or attempting to address the council or committee on or such a motion, amendment or matter,
 - using offensive or disorderly words,
 - making gestures or otherwise behaving in a way that is sexist, racist, homophobic or otherwise discriminatory, or if the behaviour occurred in the Legislative Assembly, would be considered disorderly,
 - imputing improper motives, or unfavourably personally reflecting, on another council official or a person present at the meeting, or
 - saying or doing anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.
- Where a councillor fails to remedy an act of disorder at the meeting at which it occurs, they can be required to do so at each subsequent meeting until they remedy the act of disorder. On each occasion the councillor fails to comply with a direction by the chairperson to remedy an act of disorder, they can be expelled from the meeting and each subsequent meeting until they comply.
 - Members of the public can be expelled from meetings for engaging in disorderly conduct. Disorderly conduct includes:
 - speaking at meetings without being invited to,
 - bringing flags, signs or protest symbols to meetings,
 - disrupting meetings,
 - making unauthorised recordings of meetings.
 - The 2025 Model Meeting Code notes that failure by a councillor or members of the public to leave a meeting when expelled is an offence under section 660 of the Act. Section 660 provides that a person who wilfully obstructs a council, councillor, employee of a council or a duly authorised person in the exercise of any function under the Act, or Regulation is guilty of an offence. An offence under section 660 carries a maximum fine of \$2,100.

Committees

- Meetings of committees of a council whose membership comprises only of councillors must be conducted in accordance with the council's adopted meeting code. Such committees will no longer have the option of determining that rules under the council's meeting code do not apply to them.

Policy

Code of Meeting Practice



CONTROLLED DOCUMENT INFORMATION

ECM Number	922679
<u>Risks Controlled</u>	<u>Non-compliance with the Act and Regulation, Lack of public trust due to opaque decision-making; Procedural inconsistencies; Reputational due to perceived bias, misconduct or governance.</u>
Document Owner	Director Customer Corporate Services and Economy
Document Development Officer	Manager Governance, Risk and Corporate Performance
Review Timeframe	Within 12 months of each ordinary election
Last Review Date	16 November 2025
Next Scheduled Review	16 November 2028

Document History		
Date	Resolution No.	Details/Comments
19 July 2022	22-237	Adopted by Council - Model Code of Meeting Practice as released by Office of Local Government new provisions:
26 November 2024	OCM 344/24	Reviewed with the new Council. Added links to the Act and Regulations Added agenda item for Adoption of Multiple Items of Business and Councillor Reports. Added motions and amendments process as Annexure A
16 November <u>September</u> 2025	Draft	Adapted to the 2025 Model Code of Meeting Practice – Released by the OLG August 2025.

Further Document Information and Relationships	
Related Legislation*	NSW Local Government Act 1993, Part 2 How are decisions made? Local Government (General) Regulation 2021, Part 8 Conduct & Part 10 Meetings
Related Policies	Parkes Shire Council Code of Meeting Practice Annexure A: Motions and Amendments Parkes Shire Council Code of Conduct
Related Documents	Office of Local Government — Model Code of Meeting Practice Office of Local Government – FAQ: 2025 Model Meeting Code Office of Local Government – Guideline: Free Speech Office of Local Government – Guideline: 2013 Closure of Council Meetings to the Public

Note: Any reference to Legislation will be updated in this Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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1. Purpose

This Code of Meeting Practice ("Code") facilitates the effective, open and orderly conduct of meetings of the Parkes Shire Council ("Council"). It ensures clarity of process and seeks to align with Council meeting procedures with community expectations of open and transparent government, whilst complying with legislative requirements.

This Code has been prepared in accordance with the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2021* ("the Regulation") and incorporates all mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW 2021* ("the Model Code").

This Code must be interpreted in a manner that is consistent with the Act, the Regulation and the Model Meeting Code. In the event of any inconsistency, the Act, Regulation or Model Code (as the case may be) prevails to the extent of the inconsistency.

This Code applies to all meetings of Council and committees of Council of which all the members are Councillors ("committees of Council"). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

Commencement

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed or updated by resolution of Council.

Scope and Application

This Policy applies to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council.

Definitions

In this Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
the Act	means the <i>Local Government Act 1993</i> .
act of disorder	means an act of disorder as defined in clause 15.44-10 of this Code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech.
audio-visual link	means a facility that enables audio and visual communication between persons at different places.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.

Term	Definition
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 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 20.44-9 of this Code.
this Code	means the Council's adopted Code of Meeting Practice.
committee of the Council	means a committee established by the Council in accordance with clause 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 .
Council	means Parkes Shire Council.
Council official	includes Councillors, members of staff of Council, administrators, Council committee members, and delegates of Council.
day	means calendar day.
division	means a request by two Councillors under clause 11.76 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion.
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this Code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this Code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a Council under the <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 Act but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act.

Term	Definition
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
Term	Definition
the Regulation	means the <i>Local Government (General) Regulation 2021</i> .
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time <u>later</u> .
year	means the period beginning 01 July and ending the following 30 June.

2 Policy Statement (Meeting Principles)

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

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

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

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

3 Before the Meeting

Timing of ordinary Council meetings

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

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

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of Council meetings

- 3.~~34~~ The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.~~45~~ For the purposes of clause 3.~~34~~, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.~~56~~ For the purposes of clause 3.~~34~~, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of ordinary Council meetings

- 3.~~67~~ The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.~~6~~-~~7~~ reflects section 367(1) of the Act.

- 3.~~78~~ The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, unless the council determines otherwise, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.~~7~~-~~8~~ reflects section 367(3) of the Act.

Notice to Councillors of extraordinary meetings

- 3.~~8-9~~ Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

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Giving notice of business to be considered at Council meetings

3.910 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. -To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted no later than three (3) business days prior to the meeting.~~three (3) business days before the meeting is to be held.~~

3.4011 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

~~3.11 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.~~

~~3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:~~

~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or~~

~~(b) by written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.~~

Questions with notice

3.4312 A Councillor may, by way of a notice submitted under clause 3.910, ask a question for response by the General Manager about the performance or operations of the Council.

3.4413 A Councillor is not permitted to ask a question with notice under clause 3.4312 that would constitute an act of disorder~~comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.~~

- 3.~~45~~¹⁴ The General Manager or their nominee may respond to a question with notice submitted under clause 3.~~43~~¹² by way of a report included in the ~~business~~ papers for the relevant meeting of the Council ~~or orally at the meeting~~.

Agenda and business papers for ordinary meetings

- 3.~~46~~¹⁵ The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.

- 3.47-16 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
 - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.910.

- 3.4817 Nothing in clause 3.47-16 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.67.

- 3.4918 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

- 3.2019 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20-19 reflects section 9(2A)(a) of the Act.

- 3.2420 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor-councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- ~~3.22 Business papers for all ordinary and extraordinary meetings of the Council and committees of the Council must contain a statement reminding Councillors of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.~~

Availability of the agenda and business papers to the public

3.2321 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

Note: Clause 3.23-21 reflects section 9(2) and (4) of the Act.

3.2422 Clause 3.23-21 does not apply to the business papers for items of business that the General Manager has identified under clause 3.24-19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24-22 reflects section 9(2A) (b) of the Act.

3.2523 For the purposes of clause 3.2321, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.25-23 reflects section 9(3) of the Act.

3.2624 A copy of an agenda, or of an associated business paper made available under clause 3.2321, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.26-24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.2725 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.

3.2827 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency. Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

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

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

~~3.2928~~ A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put. A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of

~~3.30~~ Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

~~3.31~~ A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

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

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.
- ~~3.32 Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.~~
- ~~3.33 Pre-meeting briefing sessions are to be held in the absence of the public.~~
- ~~3.34 Pre-meeting briefing sessions may be held by audio-visual link.~~
- ~~3.35 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.~~
- ~~3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.~~
- ~~3.37 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.~~

4 Public Forums

- 4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.

See Annexure A: Rules for Public Forums

4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

~~4.2 Public forums may be held by audio-visual link.~~

~~4.3 Public forums are to be chaired by the Mayor or their nominee.~~

~~4.4 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12.00pm one (1) business day before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.~~

~~4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.~~

~~4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.~~

- ~~4.7 — The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.~~
- ~~4.8 — No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.~~
- ~~4.9 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.~~
- ~~4.10 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.~~
- ~~4.11 — Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 12.00pm one (1) business day before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.~~
- ~~4.12 — The General Manager or their delegate is to determine the order of speakers at the public forum.~~
- ~~4.13 — Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.~~
- ~~4.14 — Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~
- ~~4.15 — A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.~~
- ~~4.16 — Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to three (3) minutes.~~
- ~~4.17 — Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.~~
- ~~4.18 — The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five (5) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.~~

- ~~4.19 — Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.~~
- ~~4.20 — When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council Codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.~~
- ~~4.21 — If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.~~
- ~~4.22 — Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.~~
- ~~4.23 — Where a speaker engages in conduct of the type referred to in clause 4.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.~~
- ~~4.24 — Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.~~
- ~~— **Note: Public forums should not be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision-making by the Council or committee of Council. Where a public forum is held as part of a Council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of Council and committee meetings.**~~

5 Coming Together

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

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

5.2 The council may determine standards of dress for councillors when attending meetings.

To uphold the dignity and professionalism of Council proceedings, councillors are expected to dress in a manner that reflects the formal nature of Council meetings and promotes public confidence in the Council's governance. As a guide

(a) Councillors must wear business or smart casual attire that is neat, clean, and appropriate for a formal public setting.

(b) For ceremonial occasions, meetings involving dignitaries, or other formal events, councillors are encouraged to wear formal business attire (e.g., suit and tie, or equivalent).

(c) Clothing that displays offensive language, political slogans, or imagery that may be considered disrespectful or divisive is not permitted.

(d) The Chairperson may, at their discretion, remind councillors of the expected dress standard if attire is deemed inappropriate for the meeting context.

5.23 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.

5.4 Removed as it relates to joint organisations.

~~5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.~~

5.5 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.

~~5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.~~

5.56 The Council must **not** act **un**reasonably when considering whether to grant a Councillor's request for a leave of absence.

5.7 Where a councillor makes an apology under clause 5.5, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a

leave of absence for the meeting, it must state the reasons for its decision in its resolution.

- 5.68 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6-8 reflects section 234(1)(d) of the Act.

~~5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.~~

The quorum for a meeting

- 5.89 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office (6).

Note: Clause 5.8-9 reflects section 368(1) of the Act.

- 5.910 Clause 5.8-9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.9-10 reflects section 368(2) of the Act.

- 5.4011 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.

5.4412 In either case, the meeting must be adjourned to a time, date, and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the Councillors present, or
- (c) failing that, by the General Manager.

5.4213 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

5.4314 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.4415 Where a meeting is cancelled under clause 5.4314, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.23.

Meetings held by audio-visual link

5.4516 A meeting of the Council or a committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.

5.4617 Where the Mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the General Manager must:

- (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.4718 This Code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a Council holds a meeting by audio-visual link under clause 5.4516, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by Councillors at meetings by audio-visual link

5.4819 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link with the approval of the Council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held

5.2149 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.

5.2022 Councillors may request approval to attend more than one meeting by audio-visual link. Where a Councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.4921.

5.2423 The Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.

5.2224 A Councillor who has requested approval to attend a meeting of the Council or a committee of the Council by audio-visual link may participate in the meeting by audio-visual link until the Council or committee determines whether to approve their request and is to be taken as present at the meeting. The Councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.2325 A decision whether to approve a request by a Councillor to attend a meeting of the Council or a committee of the Council by audio-visual link must be made by a resolution of the Council or the committee concerned. The resolution must state:
the meetings the resolution applies to.
(a) the meetings the resolution applies to, and
(b) the reason why the Councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.2426 If the Council or committee refuses a Councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.2527 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and

committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.

~~A decision whether to approve a Councillor's request to attend a meeting by audio-visual link is at the Council's or the relevant committee's discretion. The Council and committees of the Council must act reasonably when considering requests by Councillors to attend meetings by audio-visual link. However, the Council and committees of the Council are under no obligation to approve a Councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the meeting by these means.~~

- 5.2628 The Council and committees of the Council may refuse a Councillor's request to attend a meeting by audio-visual link where the Council or committee is satisfied that the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this Code on one or more previous occasions they have attended a meeting of the Council or a committee of the Council by audio-visual link.
- 5.2729 This Code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. Where a Councillor is permitted to attend a meeting by audio-visual link under this Code, they are to be taken as attending the meeting in person for the purposes of the Code and will have the same voting rights as if they were attending the meeting in person.
- 5.2830 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this Code.
- 5.2931 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the committee into disrepute.

Entitlement of the public to attend Council meetings

- 5.3032 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

Note: Clause 5.30-32 reflects section 10(1) of the Act.

- 5.3133 Clause 5.30-32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.3234 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32-34 reflects section 10(2) of the Act.

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Webcasting/Livestreaming of meetings

- 5.3336 Each meeting of the Council or a committee of the Council is to be recorded by means of an audio or audio-visual device.

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- 5.3437 At the start of each meeting of the Council or a committee of the Council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the Council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.3538 ~~The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period. The recording of a meeting is to be made publicly available on the Council's website:~~
- ~~(a) at the same time as the meeting is taking place, or~~
 - ~~(b) as soon as practicable after the meeting.~~
- 5.3639 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.3740 Clauses 5.35-36 and 5.36-39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.33-36 – 5.37-39 reflect section 236 of the Regulation.**
- 5.3841 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

- 5.3942 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.
- Note: Clause 5.39-42 reflects section 376(1) of the Act.**
- 5.4043 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.40-43 reflects section 376(2) of the Act.**
- 5.4144 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
- Note: Clause 5.41-44 reflects section 376(3) of the Act.**
- 5.4245 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager in consultation with the Mayor.

~~5.43 — The General Manager and other Council staff may attend meetings of the Council and committees of the Council by audio-visual link. Attendance by Council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.~~

6 The Chairperson

The chairperson at meetings

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

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

- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

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

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

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

7 Modes of Address

7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting

7.12 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.

7.24 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson', ~~or~~ 'Madam Chairperson' or 'Mayor'.

7.35 A Councillor is to be addressed as 'Councillor [surname]'.

7.46 A Council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8 Order of Business for Ordinary Council Meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council. The general order of business will be as follows:

1. Opening of Meeting.
2. Acknowledgement of Country
3. Prayer
4. Apologies and Applications for a Leave of Absence
5. Applications to Attend by Audio-Visual Link
6. Confirmation of Minutes
7. Disclosures of Interests
8. Urgent Business
9. Adoption of Multiple Items of Business
10. Mayoral Minute(s)
11. Councillor Reports
12. Reports of Committees
13. Reports of the General Manager
14. Reports of the Director Customer, Corporate Services and Economy
15. Reports of the Director Infrastructure and Strategic Futures
16. Reports of the Director Operations
17. Reports of the Director Planning and Community Services

- 18. Notices of Motions / Questions with Notice
- 19. Confidential Matters
- 20. Report on Confidential Resolutions

8.1 The general order of business for an ordinary meeting of the Council shall be:

- ~~1. Opening of Meeting~~
- ~~2. Acknowledgement of Country~~
- ~~3. Prayer~~
- ~~4. Apologies and Applications for a Leave of Absence~~
- ~~5. Applications to Attend by Audio Visual Link~~
- ~~6. Confirmation of Minutes~~
- ~~7. Disclosures of Interests~~
- ~~8. Late Business~~
- ~~9. Adoption of Multiple Items of Business~~
- ~~10. Mayoral Minute(s)~~
- ~~11. Councillor Reports~~
- ~~12. Reports of Committees~~
- ~~13. Reports of the General Manager~~
- ~~14. Reports of the Director Customer, Corporate Services and Economy~~
- ~~15. Reports of the Director Infrastructure and Strategic Futures~~
- ~~16. Reports of the Director Operations~~
- ~~17. Reports of the Director Planning and Community Services~~
- ~~18. Notices of Motions/Questions with Notice~~
- ~~19. Confidential Matters~~
- ~~20. Report of Confidential Resolutions~~
- ~~21. Conclusion of Meeting~~

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting.- Such a motion can be moved without notice.

Note: Part 13 allows Council to deal with items of business by exception.

- 8.3 ~~Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.~~

9 Consideration of Business at Council Meetings

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.~~9~~10, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.~~6-7~~ in the case of an ordinary meeting or clause 3.~~8-9~~ in the case of an extraordinary meeting called in an emergency.

- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 ~~Despite clause 9.1, business may be considered at a meeting of the Council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency even though due notice of the business has not been given to the Councillors if:~~
- ~~(a) a motion is passed to have the business considered at the meeting, and~~
 - ~~(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.~~
- 9.4 A motion moved under clause 9.3~~(a)~~ can be moved without notice. Despite any other provision of this code~~Despite clauses 10.20–10.30,~~ only the mover of a motion referred to in clause 9.3~~(a)~~ and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.56 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3~~(b)~~5.

Mayoral Minutes

- 9.67 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting. Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.78 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. - The ~~chairperson (but only if the chairperson is the Mayor)~~ Mayor may move the adoption of a Mayoral minute without the motion being seconded.

9.89 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

~~9.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.~~

~~9.10 Where a Mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.~~

Staff reports

9.4110 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of Council

9.4211 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

9.4312 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

9.4413 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9-10 and 3.4312.

9.4514 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.4615 A Councillor may, through the Mayor, ask the General Manager, ~~put a question to a Council employee~~ about a matter on the agenda. The general manager may request another council employee to answer the question~~Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.~~

- | 9.~~47~~16 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. -Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- | 9.~~48~~17 Councillors must put questions directly, succinctly, respectfully and without argument.
- | 9.~~49~~18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 Rules of Debate

Motions to be seconded

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

Notices of motion

- | 10.2 A Councillor who has submitted a notice of motion under clause 3.~~9-10~~ is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- | 10.3 If a Councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
 - (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

~~10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.~~

Motions requiring the expenditure of funds

~~10.9 — A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.~~

Amendments to motions

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

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

10.4210 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.4311 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

10.4412 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.4513 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

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

Foreshadowed motions

~~10.17 — A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.~~

~~10.18 — Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.~~

~~10.19 — Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.~~

Limitations on the number and duration of speeches

10.2015 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.2416 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.2217 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.2318 Despite clause 10.2217, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

~~10.24 — Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.~~

10.2519 Despite clauses 10.2015 and 10.2416, a Councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
- (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.

10.2620 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.2519. A seconder is not required for such a motion.

10.2721 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.2015.

10.2822 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.2923 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.

10.3024 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 Voting

Voting entitlements of Councillors

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

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

- 11.2 The person presiding at a meeting 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.

11.4 ~~Removed as it relates to joint organisations.~~

Voting at Council meetings

- 11.~~45~~ 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.

~~11.56 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.~~

~~11.67 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.~~

~~11.78 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.~~

~~11.89 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.~~

- 11.~~910~~ 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.

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

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.15 may be omitted.

Voting on planning decisions

11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

11.14 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.

~~11.1115~~ 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.

11.1216 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.

11.1317 Clauses 11.1414–11.1216 apply also to meetings that are closed to the public.

Note: Clauses 11.1414–11.1216 reflect section 375A of the Act.

Note: The requirements of clause 11.1414 may be satisfied by maintaining a register of the minutes of each planning decision.

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, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.2015–10.3025 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

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 where it considers it necessary to expedite the consideration of business at a meeting.

- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to 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 intend to vote against the recommendation made in the business paper or 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 8.32.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 ~~in accordance with the requirements of 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.
 - (d) are subject to legal professional privilege.

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

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

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

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

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- 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 Departmental Chief Executive of the Office of Local Government.

See: Office of Local Government – Closure of Council Meetings to the Public Guidelines.

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting 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 3.20-19~~ as a matter that is likely to be considered when the meeting is closed, but only if:

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

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

Representations by members of the public

- 14.9 The 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 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1

- ~~14.11~~ 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.20-19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application in a manner determined by the Council. ~~to the Council in the approved form. Applications must be received by 12.00pm one (1) business day 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. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.~~

~~14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.~~

~~14.14 — If more than the permitted number of speakers apply 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 3.20 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 two (2) speakers to make representations in such order as determined by the chairperson.~~

~~14.17 — Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~

Expulsion of non-Councillors from meetings closed to the public

14.18~~13~~ 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~~14~~ If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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

Obligations of Councillors attending meetings by audio-visual link

14.20~~15~~ Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.~~24~~¹⁶ The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.~~22~~¹⁷ If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.~~23~~¹⁸ Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.~~22~~¹⁷ during a part of the meeting that is ~~webcast~~livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 Keeping Order at Meetings

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- ~~15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.~~
- 15.~~3~~² A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- | 15.43 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.
- | 15.54 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.

- | 15.65 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.
- | 15.76 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- | 15.87 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.
- | 15.98 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- | 15.409 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

- | 15.4410 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - (a) contravenes the Act, the Regulation or this Code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) uses offensive or disorderly words, or
 - (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
 - (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
 - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting (d)—insults, makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
 - (e) ~~says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.~~

Note: Clause 15.44-10 reflects section 182 of the Regulation.

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

15.4211 The chairperson may require a Councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.4410(a), (b), (e) or (eg), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.4410(d), (e), (f) and/or (ge).

Note: Clause 15.42-11 reflects section 233 of the Regulation.

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

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

How disorder at a meeting may be dealt with

15.4314 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

15.4415 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.

~~15.16 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: Council may use either clause 15.15 or clause 15.16.

15.4517 Clause 15.44-15 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.

15.4618 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.~~42~~¹¹ or 15.13.- The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

15.~~47~~¹⁹ 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.

15.20 Members of the public attending a meeting of the council:

- (a) must remain silent during the meeting unless invited by the chairperson to speak,
- (b) must not bring flags, signs or protest symbols to the meeting, and
- (c) must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20

15.~~48~~²² Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.~~49~~²³ If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

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

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

- ~~15.2024~~ Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this Code.
- 15.2425 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.2226 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.
- 15.2327 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.2428 Without limiting clause 15.4719, a contravention of clause 15.2427 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.4719. Any person who contravenes or attempts to contravene clause 15.2327, may, as provided for under section 10(2) of the Act, be expelled from the meeting~~be expelled from the meeting as provided for under section 10(2) of the Act.~~
- 15.2529 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

16 Conflicts of Interest

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared

a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or committee, or at any time during which the Council or committee is voting on the matter.

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 3.10](#).

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 lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with ~~clause 3.9~~[this code](#).

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.~~10~~[11](#) with the consent of all signatories to the notice of motion.

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- 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 ~~two~~ one (21) business days 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) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council
 - ~~(b) a motion to have the motion considered at the meeting is passed, and~~
 - ~~(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.~~
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite ~~clauses 10.20–10.30~~ any other provisions of this code, 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 resolution adopted under clause 17.12(b) must state the reasons for the urgency. A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are 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 10.20–10.30~~ any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, 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 8.00pm.

~~18.2 If the business of the meeting is unfinished at 8.00pm, the Council or the committee may, by resolution, extend the time of the meeting.~~

- 18.32 If the business of the meeting is unfinished at 8.00pm, and the Council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

- 18.43 Clause 18.~~32~~ 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.~~54~~ Where a meeting is adjourned under clause 18.~~32~~ or 18.43, 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 on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 After the Meeting

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) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and

- (e) such other matters specifically required under this Code.

- 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 the subsequent meeting.

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

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

- 19.7 The confirmed minutes of a 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.

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.

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

Application of this Part

- 20.1 This Part only applies to committees of the Council whose members are all Councillors.

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.

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.

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.

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.~~

Non-members entitled to attend committee meetings

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

Chairperson and deputy chairperson of Council committees

- 20.149 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.
- 20.4210 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.
- 20.4311 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.
- 20.4412 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.

Procedure in committee meetings

- 20.4513 Subject to any specific requirements of this Code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.4614 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.4513.
- 20.4715 *Removed as it relates to joint organisations.*
- 20.16 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 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~~livestreamed where practicable.

20.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential

Disorder in committee meetings

20.~~24~~23 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~~24 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

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

20.~~23~~25 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.~~24~~26 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

20.~~25~~27 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- | 20.~~26~~28 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- | 20.~~27~~29 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
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- 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 declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
 - (e) a failure to comply with this Code.

Note: Clause 21.1 reflects section 374 of the Act.

22 Review

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.

Appendix 1: Rules for a Public Forum

1. To speak at a public forum a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12.00pm one (1) business day before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
2. A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
3. The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
4. No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
5. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate among themselves the people who are to address the Council on the business item. If the speakers cannot agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
6. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
7. Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 12.00pm one (1) business day before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
8. The General Manager or their delegate is to determine the order of speakers.
9. Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.
10. Speakers must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
11. A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address. Questions put to a speaker must be direct, succinct and without argument.
12. Speakers are under no obligation to answer a question put to them. Answers by the speaker, to each question are to be limited to three (3) minutes.
13. Speakers cannot ask questions of the Council, Councillors, or Council staff.
14. The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five (5) minutes in response to an address to the Council after the address and any subsequent questions and answers have been finalised.

15. Where an address made raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
16. When addressing the Council, speakers must comply with this Code and all other relevant Council Codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
17. If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 15.10, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
18. Point 17 above does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
19. Where a speaker engages in conduct of the type referred to in clause 15.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
20. Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict-of-interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Note: Where a public forum is held in conjunction with a Council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of Council and committee meetings, which includes livestreaming.

Annexure AA: Motions and Amendments Process

1. A process diagram to show how motions and amendments are handled in a council meeting under the code of meeting practice has been developed and included as a separate annexure.

See [Council Policy - Code of Meeting Practice - Annexure A: Motions and Amendments Process](#).