



# CODE OF MEETING PRACTICE

ADOPTED BY THE NORTHERN RIVERS JOINT ORGANISATION ON 28 NOVEMBER 2025

**Document review frequency**

Within the first twelve (12) months of a local government election.

**Document control and approval of revisions**

All amendments to this document, other than minor administrative amendments, must be made in accordance with Chapter 12, Part 2, Division 1 of the *Local Government Act 1993* (NSW) and a summary recorded in the table below.

Minor administrative amendments (i.e. typographical errors and updating hyperlinks) may be made at any time with approval from the Executive Officer.

Version	Purpose and description of amendment	Person responsible	Reviewed	Date NRJO approved
0.1	Draft 28 May 2018 - For comment to councils		Refer to 22 June meeting	
0.2	Draft 22 June 2018 - For comment to councils			
0.3	Draft 30 July 2018 – Include comments from 22 June meeting		Refer to 6 August meeting	
0.4	Draft 6 August 2018 – Changes to: <ul style="list-style-type: none"> <li>that the code include public access to address the Committee on matters of regional interest.</li> <li>total time allowed will be limited to 30 minutes with speakers allowed 5 minutes each to address the committee.</li> <li>that all meetings are audio recorded</li> </ul>		Refer to 5 October meeting	
0.5	Draft 5 October 2018 – Changes to: <ul style="list-style-type: none"> <li>Introduction</li> <li>Section 12</li> <li>Section 15</li> </ul>		Refer to 2 November meeting	
1.0	Draft document adopted			2 November 2018
1.1	Revised to include 2020 changes to the Model Code of Meeting Practice		December 2022 meeting	2 December 2022
2	Revised to include 2025 changes to the Model Meeting Code	Executive Officer	November 2025 meeting	28 November 2025

## Table of Contents

1	INTRODUCTION.....	4
2	MEETING PRINCIPLES .....	4
3	BEFORE THE MEETING.....	5
4	PUBLIC FORUMS .....	8
5	COMING TOGETHER .....	9
6	THE CHAIRPERSON .....	14
7	MODES OF ADDRESS .....	15
8	ORDER OF BUSINESS FOR ORDINARY BOARD MEETINGS .....	15
9	CONSIDERATION OF BUSINESS AT BOARD MEETINGS.....	16
10	RULES OF DEBATE .....	17
11	VOTING .....	20
12	COMMITTEE OF THE WHOLE .....	21
13	★DEALING WITH ITEMS BY EXCEPTION.....	21
14	CLOSURE OF BOARD MEETINGS TO THE PUBLIC .....	22
15	KEEPING ORDER AT MEETINGS .....	25
16	CONFLICTS OF INTEREST.....	29
17	DECISIONS OF THE BOARD .....	29
18	★TIME LIMITS ON BOARD MEETINGS .....	31
19	AFTER THE MEETING.....	31
20	BOARD COMMITTEES .....	33
21	IRREGULARITIES .....	35
22	DEFINITIONS.....	36

## 1 INTRODUCTION

Joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice ('Model Meeting Code') prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

An adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, an adopted code of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

This Code of Meeting Practice ('Code'), adopted by the Northern Rivers Joint Organisation ('NRJO'), contains the following provisions:

Provision type	Identified by:
Mandatory	No symbol
Non-Mandatory	★
Specific to joint organisations	◆
Supplementary (to meet NRJO needs)	+

The board of the NRJO and any committee of the NRJO, of which all the members are voting representatives, must conduct its meetings in accordance with this Code.

In adopting this Code, the terms in the Model Meeting Code have been adapted to apply to a joint organisation by substituting the terms "council" for "board", "mayor" for "chairperson", "councillor" for "voting representative" and "general manager" for "executive officer".

Non-mandatory provisions which have not been adopted are marked as "Omitted" to preserve the numbering set out in the Model Meeting Code.

## 2 MEETING PRINCIPLES

2.1 Board 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 voting representatives and staff act ethically and make decisions in the interests of the whole community.

*+Respectful*: Voting representatives, staff and meeting attendees treat each other with respect.

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

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

### 3 BEFORE THE MEETING

#### Timing of ordinary board meetings

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

**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each time in a different quarter of the year.**

#### Extraordinary meetings

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

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

3.3 The chairperson may call an extraordinary meeting without the need to obtain the signature of two (2) voting representatives.

#### Notice to the public of board meetings

3.4 The board 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 board.

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

3.5 For the purposes of clause 3.4, notice of a meeting of the board and of a committee of board is to be published before the meeting takes place. The notice must be published on the board's website, and in such other manner that the board is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to voting representatives of ordinary board meetings

3.7 The executive officer must send to each voting representative, at least three (3) days before each meeting of the board, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to voting representatives in electronic form, unless the board determines otherwise, but only if all voting representatives have facilities to access the notice, agenda and business papers in that form.

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

### Notice to voting representatives of extraordinary meetings

3.9 Notice of less than three (3) days may be given to voting representatives of an extraordinary meeting of the board in cases of emergency.

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

### Giving notice of business to be considered at board meetings

3.10 A voting representative may give notice of any business they wish to be considered by the board 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 within such reasonable time before the meeting is to be held.<sup>1</sup>

3.11 A voting representative may, in writing to the executive officer, 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.

### Questions with notice

3.12 A voting representative may, by way of a notice submitted under clause 3.10, ask a question for response by the executive officer about the performance or operations of the board.

3.13 A voting representative is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.

3.13A + A voting representative is not permitted to ask a question that comprises a complaint against the executive officer or a member of staff of the board, or a question that implies wrongdoing by the executive officer or a member of staff or the board.

3.14 The executive officer or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the board or orally at the meeting.

### Agenda and business papers for ordinary meetings

3.15 The executive officer must cause the agenda for a meeting of the board or a committee of the board to be prepared as soon as practicable before the meeting.

3.16 The executive officer must ensure that the agenda for an ordinary meeting of the board states:

- all matters to be dealt with arising out of the proceedings of previous meetings of the board, and
- if the chairperson 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
- all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- any business of which due notice has been given under clause 3.10.

3.17 Nothing in clause 3.16 limits the powers of the chairperson to put a chairperson's minute to a meeting without notice under clause 9.7.

---

<sup>1</sup> + 'Reasonable time' is determined as ten (10) business days before the meeting is held.

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

3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the executive officer, is likely to take place when the meeting is closed to the public, the executive officer must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.19 reflects section 9(2A)(a) of the Act.**

3.20 The executive officer must ensure that the details of any item of business which, in the opinion of the executive officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to voting representatives 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 voting representative or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the board and committees of board, are to be published on the board'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 board, at the relevant meeting and at such other venues determined by the board.

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

3.22 Clause 3.21 does not apply to the business papers for items of business that the executive officer has identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

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

3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the board's website and made available to the public at a time that is as close as possible to the time they are available to voting representatives.

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

3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the board determines otherwise.

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

### Agenda and business papers for extraordinary meetings

- 3.25 The executive officer must ensure that the agenda for an extraordinary meeting of the board deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the executive officer to put a voting representative's minute to an extraordinary meeting under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the board at which all voting representatives are present, even though due notice of the business has not been given, if the board resolves to deal with the business on the grounds that it is urgent and requires a decision by the board before the next scheduled ordinary meeting of the board. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, the only move of a motion moved under clause 3.27, and the chairperson, if they are not the move of the motion, can speak to the motion before it is put.
- 3.29 If all voting representatives are not present at the extraordinary meeting, the board may only deal with business at the meeting that voting representatives 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 board 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 pre-meeting briefing sessions

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

**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 board 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 board.**
- 3.32 Nothing in clause 3.31 prevents a voting representative from requesting information from the executive officer 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.

## **4 PUBLIC FORUMS**

- 4.1 The board may hold a public forum prior to each ordinary meeting of the board 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 board meetings and meetings of committees of the board.
- 4.2 The board may determine the rules under which public forums are to be conducted and when they are to be held.

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

## 5 COMING TOGETHER

### Attendance by voting representatives at meetings

5.1 All voting representatives must make reasonable efforts to attend meetings of the board and of committees of the board of which they are members.

**Note: A voting representative may not attend a meeting as a voting representative (other than the first meeting of the board after the voting representative is elected or a meeting at which the voting representative 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 board may determine standards of dress for voting representatives when attending meetings.

5.3 Omitted.

5.4 ♦ The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

**♦ Note: Clause 5.4 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.4 and omit clause 5.3. Councils must not adopt clause 5.4.**

5.5 Where a voting representative is unable to attend one or more ordinary meetings of the board, the voting representative 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 board grant them a leave of absence from the relevant meetings.

5.6 The board must not act unreasonably when considering whether to grant a voting representative's request for a leave of absence.

5.7 Where a voting representative makes an apology under clause 5.5, the board must determine by resolution whether to grant the voting representative a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the board resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

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

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

## The quorum for a meeting

5.9 The quorum for a meeting of the board is a majority of the voting representatives of the board who hold office at that time and are not suspended from office.

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

5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the board.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

5.11 A meeting of the board 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.

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

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the voting representatives present, or
- (c) failing that, by the executive officer.

5.13 The executive officer must record in the board'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 board, together with the names of the voting representatives present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of voting representatives, board 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 chairperson may, in consultation with the executive officer and, as far as is practicable, with each voting representative, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the board's website and in such other manner that the board is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the board or at an extraordinary meeting called under clause 3.3.

## Meetings held by audio-visual link

5.16 A meeting of the board or a committee of the board may be held by audio-visual link where the chairperson determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of voting representatives and staff at risk. The chairperson must make a determination under this clause in consultation with the executive officer and, as far as is practicable, with each voting representative.

5.17 Where the chairperson determines under clause 5.16 that a meeting is to be held by

audio-visual link, the executive officer must:

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

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

**Note: Where a board holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

Attendance by voting representatives at meetings by audio-visual link

- 5.19 Voting representatives may attend and participate in meetings of the board and committees of the board by audio-visual link with the approval of the board or the relevant committee where they are prevented from attending the meeting in person because of ill-health or medical reasons, or because of unforeseen caring responsibilities.
- 5.20 + Omitted.
- 5.21 A request by a voting representative for approval to attend a meeting by audio-visual link must be made in writing to the executive officer prior to the meeting in question and must provide reasons why the voting representative will be prevented from attending the meeting in person.
- 5.22 Voting representatives may request approval to attend more than one meeting by audio-visual link. Where a voting representative requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The board 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 voting representative to attend a meeting by audio-visual link.
- 5.24 A voting representative who has requested approval to attend a meeting of the board or a committee of the board by audio-visual link may participate in the meeting by audio-visual link until the board or committee determines whether to approve their request and is to be taken as present at the meeting. The voting representative may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a voting representative to attend a meeting of the board or a committee of the board by audio-visual link must be made by a resolution of the board or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the board or committee refuses a voting representative's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.27 A decision whether to approve a voting representative's request to attend a meeting by audio-visual link is at the board's or the relevant committee's discretion. The board and committees of the board must act reasonably when considering requests by voting representatives to attend meetings by audio-visual link.

5.28 The board and committees of the board may refuse a voting representative's request to attend a meeting by audio-visual link where the board or committee is satisfied that the voting representative 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 board or a committee of the board by audio-visual link.

5.29 This code applies to a voting representative attending a meeting by audio-visual link in the same way it would if the voting representative was attending the meeting in person. Where a voting representative is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.30 A voting representative must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The voting representative's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.31 A voting representative 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 board or the committee into disrepute.

#### Entitlement of the public to attend board meetings

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

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

5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.34 A person (whether a voting representative or another person) is not entitled to be present at a meeting of the board or a committee of the board if expelled from the meeting:

- by a resolution of the meeting, or
- by the person presiding at the meeting if the board has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

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

**★Note: If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the board and committees of the board to expel**

**persons from meetings. If adopted, clause 15.15 authorises chairpersons to expel any person, including a voting representative, from a board or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than voting representatives from a board or committee meeting.**

Livestreaming of meetings

- 5.36 Omitted.
- 5.37 Omitted.
- 5.38 Omitted.
- 5.39 Omitted.
- 5.40 Omitted.
- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

**◆Note: Joint organisations are not required to livestream their meetings but may choose to do so by adopting clauses 5.36–5.40. Joint organisations that choose not to livestream their meetings may omit clauses 5.36–5.40.**

Attendance of the executive officer and other staff at meetings

- 5.42 The executive officer is entitled to attend, but not to vote at, a meeting of the board or a meeting of a committee of the board of which all of the members are voting representatives.

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

- 5.43 The executive officer is entitled to attend a meeting of any other committee of the board and may, if a member of the committee, exercise a vote.

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

- 5.44 The executive officer may be excluded from a meeting of the board or a committee while the board or committee deals with a matter relating to the standard of performance of the executive officer or the terms of employment of the executive officer.

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

- 5.45 The attendance of other board staff at a meeting, (other than as members of the public) shall be determined by the executive officer in consultation with the chairperson.

- 5.46 ★The executive officer and other board staff may attend meetings of the board and committees of the board by audio-visual-link (other than as members of the public) subject to the approval of the chairperson (in the case of the executive officer) and the chairperson and the executive officer (in the case of other board staff).

## 6 THE CHAIRPERSON

### The chairperson at meetings

6.1 The chairperson, or at the request of or in the absence of the chairperson, the deputy chairperson (if any) presides at meetings of the board.

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

6.2 If the chairperson and the deputy chairperson (if any) are absent, a voting representative elected to chair the meeting by the voting representatives present presides at a meeting of the board.

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

### Election of the chairperson in the absence of the chairperson and deputy chairperson

6.3 If no chairperson is present at a meeting of the board 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 executive officer or, in their absence, an employee of the board designated by the executive officer to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the executive officer nor a designated employee is present at the meeting, or if there is no executive officer 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 board:

- (a) any voting representative then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every voting representative present must be silent to enable the chairperson to be heard without interruption.

## 7 MODES OF ADDRESS

- 7.1 Where physically able to, voting representatives and staff should stand when the chairperson enters the chamber and when addressing the meeting.
- 7.2 The chairperson is to be addressed as 'Mr Chairperson' or 'Madam Chairperson' or 'Chairperson' or 'Chair'.
- 7.3 ★Omitted.
- 7.4 ★Omitted.
- 7.5 A voting representative is to be addressed as 'Councillor [surname]'.
- 7.6 A board officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

## 8 ORDER OF BUSINESS FOR ORDINARY BOARD MEETINGS

- 8.1 At a meeting of the board, the general order of business is as fixed by resolution of the board.
- 8.1A + The following general order of business for an ordinary meeting of the board is deemed to be fixed by resolution as required under clause 8.1 as follows:
  - 01 Opening meeting\*
  - 02 Acknowledgement of country\*
  - 03 Apologies and applications for a leave of absence attendance by audio-visual link\*
  - 04 Disclosures of interests\*
  - 05 Address by official visitor(s)
  - 06 Confirmation of minutes\*
  - 07 Chairperson's minute(s)
  - 08 Notices of motions/Questions with notice\*
  - 09 Reports
  - 10 Late Reports
  - 11 Urgent business
  - 12 Confidential matters
  - 13 Conclusion of the meeting\*

+ The items marked with an asterisk (\*) are routinely included in the board meeting agenda. Remaining items are included as appropriate based on the board business proposed for discussion at the meeting.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the board if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**★Note: If adopted, Part 13 allows the board 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.

## **9 CONSIDERATION OF BUSINESS AT BOARD MEETINGS**

### Business that can be dealt with at a board meeting

9.1 The board must not consider business at a meeting of the board:

- (a) unless a voting representative has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the voting representatives in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 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 board, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) is a matter or topic put to the meeting by way of a chairperson's minute, or
- (d) is a motion for the adoption of recommendations of a committee of the board.

9.3 Despite clause 9.1, business may be considered at a meeting of the board at which all voting representatives are present even though due notice of the business has not been given to the voting representatives, if the board resolves to deal with the business on the grounds that it is urgent and requires a decision by the board before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.

9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9.5 If all voting representatives are present at a meeting, the board may only deal with business at the meeting that voting representatives 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 board before the next scheduled ordinary meeting.

9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

### Chairperson's minutes

9.7 The chairperson may, by minute signed by the chairperson, put to the meeting without notice any matter or topic that the chairperson determines should be considered at the meeting.

9.8 A chairperson's minute, when put to a meeting, takes precedence over all business on the board's agenda for the meeting. The chairperson may move the adoption of a chairperson's minute without the motion being seconded.

9.9 A recommendation made in a chairperson's minute put by the chairperson is, so far as it is adopted by the board, a resolution of the board.

### Staff reports

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

### Reports of committees of board

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

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

### Questions

9.13 A question must not be asked at a meeting of the board unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the board determines otherwise in accordance with this code.

9.14 A voting representative may, through the chairperson, put a question to another voting representative about a matter on the agenda.

9.15 A voting representative may, through the chairperson, ask the executive officer about a matter on the agenda. The executive officer may request another board employee to answer the question.

9.16 A voting representative or board 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 voting representative or board 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 board.

9.17 Voting representatives must put questions directly, succinctly, and without argument.

9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a voting representative or board 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 voting representative who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a voting representative who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to voting representatives, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the board determines

to consider the notice of motion at the meeting.

- 10.4 In the absence of a voting representative who has placed a notice of motion on the agenda for a meeting of the board:
  - (a) any other voting representative 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 board.

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

- 10.5 It is the duty of the chairperson at a meeting of the board 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.

#### Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the board and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before board at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the voting representative who moved the original motion.

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

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

- 10.16 A voting representative, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A voting representative must not, without the consent of the board, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a voting representative 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 voting representative to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a voting representative 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 voting representative expresses an intention to speak against it, or
  - (b) if at least two (2) voting representatives have spoken in favour of the motion or amendment and at least two (2) voting representatives have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All voting representatives must be heard without interruption and all other voting representatives must, unless otherwise permitted under this code, remain silent while another voting representative is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

◆ Participation by non-voting representatives in joint organisation board meetings

- 10.26 ◆ Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

**Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.**

**Note: Joint organisations must adopt clause 10.26.**

## 11 VOTING

### Voting entitlements of voting representatives

11.1 Each voting representative is entitled to one (1) vote.

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

**Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.**

11.2 Omitted

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

11.3 Omitted.

11.4 ♦A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

**Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3.**

**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.**

### Voting at board meetings

11.5 A voting representative who is present at a meeting of the board but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.6 Omitted.

11.7 Omitted.

11.8 Omitted.

11.9 Omitted.

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

11.11 ★All voting at board meetings (including board 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 11.13 may be omitted.**

### Voting on planning decisions

11.12 The board or a board 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 board for a decision.

- 11.13 Where the board or a board 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 executive officer must keep a register containing, for each planning decision made at a meeting of the board or a board committee (including but not limited to a committee of the board), the names of the voting representatives who supported the decision and the names of any voting representatives who opposed (or are taken to have opposed) the decision.
- 11.15 Omitted.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

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

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

## **12 COMMITTEE OF THE WHOLE**

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

**Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the board, so far as they are applicable, extend to and govern the proceedings of the board when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging voting representatives and staff to stand when addressing the meeting.

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

**Note: Clause 7.1 encourages voting representatives and staff to stand when addressing the meeting where they can.**
- 12.3 The executive officer or, in the absence of the executive officer, an employee of the board designated by the executive officer, is responsible for reporting to the board 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 board must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the board's minutes. However, the board 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 board or a committee of board 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 board 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 voting representatives 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 board or committee must not resolve to adopt any item of business under clause 13.1 that a voting representative 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 board or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 ★A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 ★Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 ★Voting representatives 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.

## **14 CLOSURE OF BOARD MEETINGS TO THE PUBLIC**

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

- 14.1 The board or a committee of the board 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 voting representatives),
  - (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 board 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 board, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the board, voting representatives, board staff or board 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 board's code of conduct.

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

- 14.2 The board or a committee of the board 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 board 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 board or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice, and
- (d) are subject to legal professional privilege.

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the board, or of a committee of the board, may be closed to the

public while the board or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the board 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 board, or a committee of the board, 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 board may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.

14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the board in a manner determined by the board.

Expulsion of non-voting representatives from meetings closed to the public

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

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

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

Obligations of voting representatives attending meetings by audio-visual link

14.15 Voting representatives attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is

closed to the public under section 10A of the Act.

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

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

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.16 reflects section 10D of the Act.**

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

- 14.17 If the board passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is webcast where practicable.
- 14.19 The executive officer 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 joint organisation's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The executive officer must consult with the joint organisation and any other affected persons before publishing information on the joint organisation'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 voting representative may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the voting representative raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.3 The chairperson, without the intervention of any other voting representative, may call any voting representative to order whenever, in the opinion of the chairperson, it is necessary to do so.

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

#### Motions of dissent

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

#### Acts of disorder

- 15.10 A voting representative commits an act of disorder if the voting representative, at a meeting of the board or a committee of the board:
  - (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another voting representative 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 board or the committee, or addresses or attempts to address the board 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 board official, or a person present at the meeting, except by a motion, or
  - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

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

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

15.11 The chairperson may require a voting representative:

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

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

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

15.13 Where a voting representative 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 voting representative to take that action at each subsequent meeting until such time as the voting representative complies with the requirement. If the voting representative fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

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

15.14 If disorder occurs at a meeting of the board, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The board, 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 voting representatives.

#### **★ Expulsion from meetings**

15.15 ★Omitted.

15.16 ★All chairpersons of meetings of the board and committees of the board are authorised under this code to expel any person other than a voting representative, from a board or committee meeting, for the purposes of section 10(2)(b) of the Act. Voting representatives may only be expelled by resolution of the board or the committee of the board.

**★ Note: Boards may use either clause 15.15 or clause 15.16.**

15.17 ★Clause 15.16 does not limit the ability of the board or a committee of the board to resolve to expel a person, including a voting representative, from a board or committee meeting, under section 10(2)(a) of the Act.

15.18 A voting representative may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the board for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a voting representative from the meeting for that reason does not prevent any other action from being taken against the voting representative for the act of disorder concerned.

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

15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be

expelled from a meeting of the board for engaging in or having engaged in disorderly conduct at the meeting.

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

- (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.

15.22 Where a voting representative or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.23 If a voting representative or a member of the public fails to leave the place where a meeting of the board is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the board or person presiding, may, by using only such force as is reasonably necessary, remove the voting representative or member of the public from that place and, if necessary, restrain the voting representative 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 voting representatives attending meetings by audio-visual link may be dealt with

15.24 Where a voting representative is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the voting representative's audio link to the meeting for the purposes of enforcing compliance with this code.

15.25 If a voting representative 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 voting representative's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.26 Voting representatives, board staff and members of the public must ensure that mobile phones are turned to silent during meetings of the board and committees of the board.

15.27 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 board or a committee of the board without the prior authorisation of the board or the committee.

15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.29 If any such person, after being notified of a resolution or direction expelling them from

the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the board or person presiding, may, by using only such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

## **16 CONFLICTS OF INTEREST**

- 16.1 All voting representatives and, where applicable, all other persons, must declare and manage any conflicts of interest they have in matters being considered at meetings of the board and committees of the board in accordance with the board's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Voting representatives 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 board's code of conduct. Where a voting representative has declared a conflict of interest in a matter being discussed at the meeting, the voting representative's audio- visual link to the meeting must be suspended or terminated and the voting representative must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the board or committee, or at any time during which the board or committee is voting on the matter.

## **17 DECISIONS OF THE BOARD**

### Board decisions

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

**Note: Clause 17.1 reflects section 371 of the Act in the case of boards and section 400T(8) in the case of joint organisations.**

**◆Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.**

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

### Rescinding or altering board decisions

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

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

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

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

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

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

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

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

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

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

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

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

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 ★Omitted.

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

**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 board may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three voting representatives is submitted to the chairperson at the meeting, and
- (b) the board resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the board before the next scheduled ordinary meeting of the board.
- (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 board before the next scheduled ordinary meeting of the board.

17.13 ★A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.2(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.14 ★ A resolution adopted under clause 17.2(b) must state the reasons for the urgency.

★ Recommittting resolutions to correct an error

17.15 ★Despite the provisions of this Part, a voting representative 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 board'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 voting representative 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 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 BOARD MEETINGS**

18.1 ★Omitted.

18.2 ★Omitted.

18.3 ★Omitted.

18.4 ★Omitted.

**19 AFTER THE MEETING**

Minutes of meetings

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

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

19.2 At a minimum, the executive officer must ensure that the following matters are recorded in the board's minutes:

- (a) the names of voting representatives attending a board meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a board 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 board meeting must be confirmed at a subsequent meeting of the board.

**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 board meeting must be published on the board's website. This clause does not prevent the board 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 board and committees of the board 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 board 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 board

- 19.12 The executive officer is to implement, without undue delay, lawful decisions of the board.

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

## 20 BOARD COMMITTEES

### Application of this Part

20.1 This Part only applies to committees of the board whose members are all voting representatives.

### Board committees whose members are all voting representatives

20.2 The board may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the board is to consist of the chairperson and such other voting representatives as are elected by the voting representatives or appointed by the board.

20.4 The quorum for a meeting of a committee of the board is to be:

- (a) such number of members as the board decides, or
- (b) if the board has not decided a number – a majority of the members of the committee.

### Functions of committees

20.5 The board 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 executive officer must send to each voting representative, 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.

### Non-members entitled to attend committee meetings

20.8 A voting representative who is not a member of a committee of the board is entitled to attend, and to speak at a meeting of the committee. However, the voting representative 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 board committees

20.9 The chairperson of each committee of the board must be:

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

- 20.10 The board may elect a member of a committee of the board as deputy chairperson of the committee. If the board does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.11 If neither the chairperson nor the deputy chairperson of a committee of the board 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.
- 20.12 The chairperson is to preside at a meeting of a committee of the board. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.13 Subject to any specific requirements of this code, each committee of the board may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the board.
- 20.14 ◆Omitted.
- 20.15 ◆A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

**Note: Clause 20.15 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.15 and omit clause 20.14.**

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

#### Chairperson minutes

- 20.17 The provisions of this code relating to chairperson minutes also apply to meetings of committees of the board in the same way they apply to meetings of the board.

#### 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 board to the public in the same way they apply to the closure of meetings of the board to the public.
- 20.19 If a committee of the board 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 board. 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 where practicable.
- 20.21 The executive officer 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 joint organisation's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.22 The executive officer must consult with the committee and any other affected persons

before publishing information on the joint organisation's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

#### Disorder in committee meetings

20.23 The provisions of the Act, the Regulations and this code relating to the maintenance of order in board meetings apply to meetings of committees of the board in the same way as they apply to meetings of the board.

#### Minutes of board committee meetings

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

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

20.26 The minutes of meetings of each committee of the board must be confirmed at a subsequent meeting of the committee.

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

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

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

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

### **21 IRREGULARITES**

21.1 Proceedings at a meeting of a board or a board 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 voting representative or committee member, or
- (c) any defect in the election or appointment of a voting representative or committee member, or

- (d) a failure of a voting representative 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 board or committee meeting in accordance with the board's code of conduct, or
- (e) a failure to comply with this code.

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

## 22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 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
chairperson	in relation to a meeting of the board – 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 20.9 of this code
this code	means the board's adopted code of meeting practice
committee of the board	means a committee established by the board in accordance with clause 20.2 of this code (being a committee consisting only of voting representatives) or the board when it has resolved itself into committee of the whole under clause 12.1
board official	includes voting representatives, members of staff of a joint organisation, administrators, board members, delegates of the board and any other person exercising functions on behalf of the board
day	means calendar day
division	means a request by two voting representatives under clause 11.7 of this code requiring the recording of the names of the voting representatives who voted both for and against a 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 board under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of voting representatives or committee members necessary to conduct a meeting

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
year	means the period beginning 1 July and ending the following 30 June