

Our ref: A24/0899  
21 February 2025

Mr Brett Whitworth  
Deputy Secretary  
Office of Local Government  
Locked Bag 3015  
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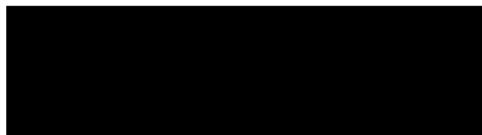
Dear Mr Whitworth,

**Model Meeting Code amendments**

Thank you for the opportunity to provide feedback on the consultation draft of the new Model Code of Meeting Practice.

Please find attached Council's submission, approved at its meeting on Tuesday, 18 February 2025, for your consideration.

Yours sincerely,



Richard Coelho  
Executive Manager, Governance

## WAVERLEY COUNCIL'S SUBMISSION ON PROPOSED AMENDMENTS TO THE MODEL CODE OF MEETING PRACTICE – CONSULTATION DRAFT 2024

Clause	Proposed amendment	Council submission
3.1	<b>Timing of ordinary council meetings</b> <b>Delete clause</b>  Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings]	Supports the proposal.
3.3	<b>Extraordinary meetings</b> <b>New clause</b>  The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.	Supports the proposal.
3.10	<b>Giving notice of business to be considered at council meetings</b> <b>Amend clause</b>  A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required] <b>within such reasonable time business days</b> before the meeting is to be held <b>as determined by the council.</b>	Supports the proposal.
3.12	<b>Giving notice of business to be considered at council meetings</b> <b>Delete clause</b>  If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of	Does not support the proposal.  The proposal seems contrary to good governance. Denying Councillors essential information and advice to make good decisions. As long as

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	motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.	general managers' comments are objective there should be no issue.
3.13	<p><b>Giving notice of business to be considered at council meetings</b>  <b>Delete clause</b></p> <p>A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:</p> <p>(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or</p> <p>(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.</p>	<p>Supports the proposal.</p> <p>Waverley is not affected by this proposal as this was a non-mandatory clause in the old Model that is not in our Code of Meeting Practice.</p>
3.13	<p><b>Questions with notice</b>  <b>Delete clause</b></p> <p>A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.</p>	<p>Does not support the proposal.</p> <p>Council is not the appropriate forum to discuss a complaint about wrongdoing. This should be done as per the Procedures for the Administration of the Code of Conduct. Could raise potential for defamation and questions of procedural fairness.</p>

Clause	Proposed amendment	Council submission
3.16	<p><b>Questions with notice</b> <b>Amend clause</b></p> <p>The general manager 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 council <del>or orally at the meeting.</del></p>	Supports the proposal.
3.18	<p><b>Agenda and business papers for ordinary meetings</b> <b>Amend clause</b></p> <p>Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, <b>in consultation with the mayor</b>, ensure that the agenda of the meeting:</p> <p>(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</p> <p>(b) states the grounds under section 10A(2) of the Act relevant to the item of business.</p>	<p>Does not support the proposal.</p> <p>Council ultimately decides if a matter is discussed in confidential session at the meeting. Involving the mayor at the agenda setting stage could complicate the process if, for example, there is disagreement over confidentiality.</p>
3.23	<p><b>Statement of ethical obligations</b> <b>Delete clause</b></p> <p>Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.</p>	<p>Does not support the proposal.</p> <p>Good reminder for Councillors of their obligations.</p>
3.25	<p><b>Agenda and business papers for extraordinary meetings</b> <b>Amend clause</b></p>	<p>Does not support the proposal.</p> <p>This complicates the process depending on who is present. It should just be a one step process in all cases</p>

Clause	Proposed amendment	Council submission
	<p>Despite clause 3.24, business may be considered at an extraordinary meeting of the council <b>at which all councillors are present</b>, even though due notice of the business has not been given <b>of the business</b>, if the council resolves to deal with the business on the grounds that it is urgent and</p> <p><del>(a) a motion is passed to have the business considered at the meeting, and</del></p> <p><del>(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</del> <b>A resolution adopted under this clause must state the reasons for the urgency.</b></p>	<p>based on whether there needs to be a decision before the next Council meeting; i.e. why does it require a Council resolution and a mayoral ruling to proceed?</p>
3.26	<p><b>Agenda and business papers for extraordinary meetings</b> <b>New clause</b></p> <p>A motion moved under clause 3.25 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite clauses 10.18–10.27, only the mover of a motion moved under clause 3.25, and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.</p>	<p>Supports the proposal</p>
3.27	<p><b>Agenda and business papers for extraordinary meetings</b> <b>New clause</b></p> <p>If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.</p>	<p>Does not support the proposal.</p> <p>This complicates the process depending on who is present. It should just be a one step process in all cases based on whether there needs to be a decision before the next Council meeting; i.e. why does it require a Council resolution and a mayoral ruling to proceed?</p>
3.30	<p><b>Agenda and business papers for extraordinary meetings</b> <b>Delete clause</b></p> <p>A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.</p>	<p>Supports the proposal.</p>



Clause	Proposed amendment	Council submission
3.31	<p><b>Agenda and business papers for extraordinary meetings</b>  <b>Delete clause</b></p> <p>Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.</p>	Supports the proposal.
3.28	<p><b>Agenda and business papers for extraordinary meetings</b>  <b>Amend clause</b></p> <p>A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27 on whether a matter is of great urgency.</p>	Supports the proposal.
3.33– 3.38	<p><b>Pre meeting briefing sessions</b>  <b>Delete section</b></p> <p>3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.3.35 Pre-meeting briefing sessions may be held by audio-visual link.</p> <p>3.34 Pre-meeting briefing sessions are to be held in the absence of the public.</p> <p>3.35 Pre-meeting briefing sessions may be held by audio-visual link.</p> <p>3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.</p> <p>3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.</p>	<p>Does not support the proposal.</p> <p>Briefing sessions work well at Waverley. They are not decision-making forums and matters are not debated. They are a good way for staff to provide detailed information to Councillors to increase their knowledge about Council business and to answer any questions they may have.</p> <p>The amended Regulations should distinguish between matters that are going to the next Council meeting for a decision and matters that are not going to Council in the near future, to enable the latter to be the subjects of briefings.</p>

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	<p>3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.</p>	
4.1	<p><b>Public forums</b> <b>New clause</b></p> <p>The council may hold a public forum prior to <del>each</del> ordinary meetings of the council and committees of councillors for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of other committees of the council.</p>	<p>Does not support the proposal.</p> <p>Council allows members of the public to address Council on items of business to be considered at the meeting. This is done at the meeting before the items of business are dealt with. If a public forum is held before the meeting it will affect the start time of the meeting unless strict time and participant numbers are put in place, which would be difficult to manage and limit residents' ability to put their point of view to the meeting.</p>
4.2	<p><b>Public forums</b> <b>New clause</b></p> <p>The council may determine the rules under which the public forum is to be conducted.</p>	Supports the proposal.
4.2-4.24	<p><b>Public forums</b> <b>Delete remaining clauses</b></p>	Supports the proposal.

Clause	Proposed amendment	Council submission
5.4	<p><b>Attendance by councillors at meetings</b> <b>Amend clause</b></p> <p>Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings.</p> <p><del>This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.</del></p>	Supports the proposal.
5.6	<p><b>Attendance by councillors at meetings</b> <b>Amend clause</b></p> <p>The council must <b>not</b> act <b>un</b>reasonably when considering whether to grant a councillor's request for a leave of absence.</p>	Supports the proposal.
5.7	<p><b>Attendance by councillors at meetings</b> <b>New clause</b></p> <p>Clause 5.4 does not prevent a councillor from making an apology if they are unable to attend a meeting. Where a councillor makes an apology, the council will be deemed to have accepted the apology and granted them a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act unless the council resolves not to accept the apology or to grant a leave of absence for the meeting. Where the council resolves not to accept an apology and to grant a leave of absence it must state the reasons for its decision in its resolution.</p>	Supports the proposal.
5.8	<p><b>Attendance by councillors at meetings</b> <b>Delete clause</b></p> <p>A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.</p>	Supports the proposal.



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5.15	<p><b>The quorum for a meeting</b>  <b>Amend clause</b></p> <p>Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called <b>by the mayor</b> under clause 3.3.</p>	Supports the proposal.
5.16- 5.18	<p><b>Meetings held by audio-visual link</b>  <b>New clause</b></p> <p>5.16 A meeting of the council or a committee of the council may be held by audiovisual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.</p> <p>5.17 Where the mayor determines under clause 5.17 that a meeting is to be held by audio-visual link, the general manager must:</p> <p>(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and</p> <p>(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and</p> <p>(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.</p> <p>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.</p>	Supports the proposal.

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	<p>Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.</p>	
5.19	<p><b>Attendance by councillors at meetings by audio-visual link</b>  <b>Amend clause</b></p> <p>Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.</p>	<p>Does not support the proposal.</p> <p>Reduces flexibility and certainty for Councillors. The reasons for permitting attendance by video are too narrow. For example, travel is not proposed to be a reason.</p> <p>The approval process is too complicated and acts as a deterrent from applying for permission.</p> <p>Relies on Council acting reasonably. If video attendance is not approved, then a Councillor cannot attend the meeting. Potentially could deprive a Councillor of their core responsibility under the Act.</p> <p>Waverley Councillors do not currently need permission to attend meetings by audio-visual link. This works well at the moment with majority of Councillors regularly attending in person.</p>

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5.20	<p><b>Attendance by councillors at meetings by audio-visual link</b>  <b>New clause</b></p> <p>Clause 5.19 does not apply to meetings at which a mayoral election is to be held.</p>	Supports the proposal.
5.21-5.31	<p><b>Attendance by councillors at meetings by audio-visual link</b>  <b>New clause</b></p> <p>5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.</p> <p>5.22 Councillors may request approval to attend more than one meeting by audiovisual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.</p> <p>5.23 The council must comply with the Health Privacy Principles prescribed under the <i>Health Records and Information Privacy Act 2002</i> when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.</p> <p>5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.</p> <p>5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.</p> <p>5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.</p>	<p>Does not support the proposal.</p> <p>Reduces flexibility and certainty for Councillors. The reasons for permitting attendance by video are too narrow. For example, travel is not a reason.</p> <p>The approval process is too complicated and acts as a deterrent from applying for permission.</p> <p>Relies on Council acting reasonably. If video attendance not approved, then Councillor cannot attend the meeting, potentially depriving them of their core responsibility under the Act.</p> <p>Works well at the moment with majority of Councillors regularly attending in person.</p>

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	<p>5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.</p> <p>5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.</p> <p>5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.</p> <p>5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.</p> <p>5.31 A councillor must be appropriately dressed when attending a meeting by audiovisual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.</p>	
5.38	<p><b>Webcasting of meetings</b> <b>Amend clause</b></p> <p>The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting <b>or for the balance of the council's term, whichever is the longer period.</b></p>	Supports the proposal.

Clause	Proposed amendment	Council submission
5.44	<p><b>Attendance of the general manager and other staff at meetings</b>  <b>Amend clause</b></p> <p>The attendance of other council staff at a meeting, (other than as members of the public) shall be <del>with the approval of the general manager</del> <b>as determined by the council from time to time.</b></p>	<p>Does not support the proposal.</p> <p>Currently, Directors and Executive Managers with reports attend meetings. The GM is the person best placed to determine what support Councillors require based on the business on the agenda. Continue current practice.</p>
5.44	<p><b>Attendance of the general manager and other staff at meetings</b>  <b>Delete clause</b></p> <p>The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.</p>	<p>Does not support the proposal.</p> <p>Reduces flexibility for staff.</p>
7.1	<p><b>Modes of address</b>  <b>New clause</b></p> <p>Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.</p>	<p>Supports the proposal in part.</p> <p>Support standing when addressing the meeting, but not standing when mayor enters the chamber because it is not always practical – it relies on the mayor always being the last person to enter the chamber.</p>
7.3	<p><b>Modes of address</b>  <b>Amend clause</b></p> <p>Where the chairperson is not the mayor, they are to be addressed as either ‘Mr Chairperson’ or ‘Madam Chairperson’ <b>or ‘Chair’.</b></p>	<p>Supports the proposal.</p>



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8.2	<p><b>Order of business for ordinary council meetings</b>  <b>Delete clause</b></p> <p>The general order of business for an ordinary meeting of the council shall be:  [councils may adapt the following order of business to meet their needs]</p> <p>01 Opening meeting  02 Acknowledgement of country  03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors  04 Confirmation of minutes  05 Disclosures of interests  06 Mayoral minute(s)  07 Reports of committees  08 Reports to council  09 Notices of motions/Questions with notice  10 Confidential matters  11 Conclusion of the meeting</p> <p>Note: Councils must use either clause 8.1 or 8.2.</p>	Supports the proposal.
8.3	<p><b>Order of business for ordinary council meetings</b>  <b>Amend clause</b></p> <p>Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 8.2 and the mayor, if they are not the mover of the motion, may speak to the motion before it is put.</p>	Supports the proposal.
9.2	<p><b>Business that can be dealt with at a council meeting</b>  <b>Amend clause</b></p> <p>Clause 9.1 does not apply to the consideration of business at a meeting, if the business:</p> <p>(a) is already before, or directly relates to, a matter that is already before the council, or</p>	Supports the proposal.

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	<p>(b) is the election of a chairperson to preside at the meeting, or</p> <p>(c) <del>subject to clause 9.9</del>, is a matter or topic put to the meeting by way of a mayoral minute, or</p> <p>(d) is a motion for the adoption of recommendations of <del>a committee, including, but not limited to</del>, a committee of the council.</p>	
9.3	<p><b>Business that can be dealt with at a council meeting</b> <b>Amend clause</b></p> <p>Despite clause 9.1, business may be considered at a meeting of the council <b>at which all councillors are present</b> even though due notice of the business has not been given <b>of the business</b> to the councillors, if <b>the council resolves to deal with</b></p> <p><del>(a) a motion is passed to have the business considered at the meeting, and</del></p> <p><del>(b) the business to be considered is ruled by the chairperson to be of great urgency</del></p> <p><b>the business</b> on the grounds that <b>it is urgent and</b> requires a decision by the council before the next scheduled ordinary meeting <del>of the council</del>. <b>A resolution adopted under this clause must state the reasons for the urgency.</b></p>	<p>Does not support the proposal.</p> <p>This complicates the process depending on who is present at the meeting. It should just be a one step process in all cases based on whether there needs to be a decision before the next Council meeting; i.e. why does it require a Council resolution and a mayoral ruling to proceed?</p>
9.4	<p><b>Business that can be dealt with at a council meeting</b> <b>New clause</b></p> <p>A motion moved under clause 9.3 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 9.3 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.</p>	<p>Does not support the proposal.</p> <p>This complicates the process depending on who is present at the meeting. It should just be a one step process in all cases based on whether there needs to be a decision before the next Council meeting; i.e. why does it</p>

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		require a Council resolution and a mayoral ruling to proceed?
9.5	<p><b>Business that can be dealt with at a council meeting</b>  <b>New clause</b></p> <p>If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.</p>	<p>Does not support the proposal.</p> <p>This complicates the process depending on who is present at the meeting. It should just be a one step process in all cases based on whether there needs to be a decision before the next Council meeting; i.e. why does it require a Council resolution and a mayoral ruling to proceed?</p>
9.4	<p><b>Business that can be dealt with at a council meeting</b>  <b>Delete clause</b></p> <p>A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.</p>	Supports the proposal.
9.7	<p><b>Mayoral minutes</b>  <b>Amend clause</b></p> <p><del>Subject to clause 9.9, If the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge</del> <b>the mayor determines should be considered at the meeting.</b></p>	Supports the proposal.

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9.9	<p><b>Mayoral minutes</b> <b>Delete clause</b></p> <p>A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	Supports the proposal.
9.10	<p><b>Mayoral minutes</b> <b>Delete clause</b></p> <p>Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.</p>	Supports the proposal.
9.13	<p><b>Questions</b> <b>Amend clause</b></p> <p>A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, <b>unless the council by resolution, and the mayor determines otherwise in accordance with clause 9.3.</b></p>	Supports the proposal.
9.15	<p><b>Questions</b> <b>Amend clause</b></p> <p>A councillor may, through the mayor <del>general manager</del>, put a question to <del>a council employee</del> <b>the general manager</b> about a matter on the agenda. <b>The general manager may request another council employee to answer the question.</b> Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.</p>	Supports the proposal.

Clause	Proposed amendment	Council submission
10.3	<p><b>Notices of motion</b> <b>Amend clause</b></p> <p>If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it <del>after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors,</del> they councillor may request the its withdrawal of the motion when it is before the council at any time. <b>If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the mayor is to note the withdrawal of the notice of motion at the meeting.</b></p>	<p>Supports the proposal.</p>
10.9	<p><b>Motions requiring the expenditure of funds</b> <b>Delete section</b></p> <p>A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.</p>	<p>Does not support the proposal.</p> <p>Seems contrary to good governance. Denying Councillors information and advice needed to make decisions.</p>
10.17	<p><b>Foreshadowed motions</b> <b>Delete clause</b></p> <p>A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.</p>	<p>Does not support the proposal at this point in time. More information to understand OLG's intention and procedural requirements if there are no foreshadowed motions is needed.</p> <p>It is accepted meeting practice that when a motion is lost without an alternative motion having been foreshadowed, the matter ends and further motions cannot be moved.</p>



Clause	Proposed amendment	Council submission
		If it is OLG's intention to allow motions to be moved after a motion is lost, then that would be acceptable. If the intention is to ban alternative motions, then that is not supported.
10.17	<p><b>Foreshadowed amendments</b>  <b>Amend clause</b></p> <p>Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.</p>	Supports the proposal.
10.24	<p><b>Limitations on the number and duration of speeches</b>  <b>Delete clause</b></p> <p>Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.</p>	<p>Does not support the proposal.</p> <p>There are times when Council wishes to shorten the length of speeches to expedite a meeting.</p>
11.12	<p><b>Voting on planning decisions</b>  <b>New clause</b></p> <p>The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.</p>	Supports the proposal.
11.13	<p><b>Voting on planning decisions</b>  <b>New clause</b></p> <p>Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.</p>	Does not support the proposal.

Clause	Proposed amendment	Council submission
12.2	<p><b>Committee of the whole</b> <b>Amend clause</b></p> <p>All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches <b>and requiring councillors and staff to stand when addressing the meeting.</b></p>	<p>Does not support the proposal.</p> <p>The requirement to stand while in Committee of the Whole contradicts the notion of going into Committee to relax the formal rules of debate.</p> <p>Consider abolishing Committee of the Whole altogether and simply rely on a procedural motion to relax the formal rules of debate.</p>
13.7	<p><b>Dealing with items by exception</b> <b>Amend clause</b></p> <p>Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 <del>in accordance with the requirements of the council's code of conduct.</del></p>	<p>Supports the proposal.</p>
14.11	<p><b>Representations by members of the public</b> <b>New clause</b></p> <p>Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.</p>	<p>Supports the proposal.</p>
14.12	<p><b>Representations by members of the public</b> <b>Amend clause</b></p> <p>Where the matter has been identified in the agenda of the meeting under clause 3.18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under</p>	<p>Supports the proposal.</p>

Clause	Proposed amendment	Council submission
	<p>clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered a manner determined by the council.</p>	
14.12-14.17	<p><b>Representations by members of the public</b> Delete remaining section</p>	Supports the proposal.
14.18	<p><b>Resolutions passed at closed meetings to be made public</b> Amend clause</p> <p>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.</p>	Supports the proposal.
14.19	<p><b>Resolutions passed at closed meetings to be made public</b> New clause</p> <p>The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.</p>	<p>Support in principle.</p> <p>Administratively burdensome and potentially difficult to manage in practice and to determine when information has ceased to be confidential.</p>
14.20	<p><b>Resolutions passed at closed meetings to be made public</b> New clause</p> <p>The general manager must consult with the council before publishing information on the council's website under clause 14.19.</p>	Support in principle.
15.2	<p><b>Points of order</b> Delete clause</p> <p>A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.</p>	<p>Does not support the proposal.</p> <p>Need to simplify the act of disorder and point of order provisions generally.</p>

Clause	Proposed amendment	Council submission
		Opening up the principles to points of order will complicate matters. Consider deleting the principles if they do not add value to the meeting.
15.10	<p><b>Acts of disorder</b> <b>Amend clause</b></p> <p>A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:</p> <p>(a) contravenes the Act, the Regulation or this code, or</p> <p>(b) assaults or threatens to assault another councillor or person present at the meeting, or</p> <p>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or</p> <p>(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, <del>or alleges a breach of the council's code of conduct, or</del> <b>uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or</b></p> <p>(e) says or does anything that is inconsistent with maintaining order at the meeting <del>or is likely to bring the council or the committee into disrepute.</del></p>	<p>Does not support the proposal.</p> <p>Need to simplify the act of disorder and point of order provisions generally.</p> <p>A Council meeting is not the appropriate forum to discuss Code of Conduct matters.</p> <p>Shouldn't have to refer to external documents to run Council meetings. Would require knowledge about the rules of the NSW Legislative Assembly.</p> <p>Should retain the clause about disrepute as an act of disorder.</p>
15.12	<p><b>Acts of disorder</b> <b>New clause</b></p> <p>A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.</p>	Supports the proposal.

Clause	Proposed amendment	Council submission
15.13	<p><b>Acts of disorder</b> <b>New clause</b></p> <p>Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement.</p>	Supports the proposal.
17.12	<p><b>Rescinding or altering council decisions</b> <b>Amend clause</b></p> <p>Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) notice of motion signed by three councillors is submitted to the chairperson <b>at the meeting</b>, and</p> <p>(b) <b>the council resolves to deal with the</b> a motion <b>at the meeting on the</b> <del>to have the motion considered at the meeting is passed, and</del></p> <p>(c) <del>the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it</del> <b>is urgent and</b> requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	Supports the proposal.
17.14	<p><b>Rescinding or altering council decisions</b> <b>Amend clause</b></p> <p><del>A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c)</del> <b>resolution adopted under clause 17.12(b) must state the reasons for the urgency.</b></p>	Supports the proposal.



Clause	Proposed amendment	Council submission
17.18	<p><b>Recommitting resolutions to correct an error</b>  <b>Amend clause</b></p> <p>A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 17.15 <b>and the mayor, if they are not the mover of the motion</b>, can speak to the motion before it is put.</p>	<p>Does not support the proposal.</p> <p>Best practice is for chair to confirm the motion before it is put to eliminate the need for corrections.</p>
18.1	<p><b>Time limits on council meetings</b>  <b>Amend clause</b></p> <p>Meetings of the council and committees of the council are to conclude <b>at a time the council may from time to time determine</b> <del>no later than [council to specify the time].</del></p>	Supports the proposal.
18.2	<p><b>Time limits on council meetings</b>  <b>Delete clause</b></p> <p>If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.</p>	Supports the proposal.
18.2	<p><b>Time limits on council meetings</b>  <b>Amend clause</b></p> <p>If the business of the meeting is unfinished at [council to specify the time] <b>the time the council has determined</b>, and the council does not resolve to extend the meeting, the chairperson must either:</p> <p>(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or</p> <p>(b) adjourn the meeting to a time, date and place fixed by the chairperson.</p>	Supports the proposal.

Clause	Proposed amendment	Council submission
20.8	<p><b>Attendance at committee meetings</b> <b>Delete clause</b></p> <p>A committee member (other than the mayor) ceases to be a member of a committee if the committee member:</p> <p>(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or</p> <p>(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.</p>	Supports the proposal.
20.9	<p><b>Attendance at committee meetings</b> <b>Delete clause</b></p> <p>Clause 20.8 does not apply if all of the members of the council are members of the committee.</p>	Supports the proposal.
20.19	<p><b>Closure of committee meetings to the public</b> <b>Amend clause</b></p> <p>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 20.18 during a part of the meeting that is webcast <b>where practicable</b>.</p>	Supports the proposal.
20.20	<p><b>Closure of committee meetings to the public</b> <b>New clause</b></p> <p>The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.</p>	<p>Support in principle.</p> <p>Administratively burdensome and potentially difficult to manage in practice and to determine when information has ceased to be confidential.</p>

Clause	Proposed amendment	Council submission
20.21	<p><b>Closure of committee meetings to the public</b>  <b>New clause</b></p> <p>The general manager must consult with the committee before publishing information on the council's website under clause 20.20.</p>	<p>Support in principle.</p> <p>Administratively burdensome and potentially difficult to manage in practice and to determine when information has ceased to be confidential.</p>
	<p><b>Definitions</b>  <b>Delete definition</b></p> <p>Foreshadowed motion means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion</p>	<p>Does not support the proposal at this point in time. More information to understand OLG's intention and procedural requirements if there are no foreshadowed motions is needed.</p> <p>It is accepted meeting practice that when a motion is lost without an alternative motion having been foreshadowed, the matter ends and further motions cannot be moved.</p> <p>If it is OLG's intention to allow motions to be moved after a motion is lost, then that would be acceptable. If the intention is to ban alternative motions, then that is not supported.</p>
	<p><b>Definitions</b>  <b>Amend definition</b></p> <p>Planning decision means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development</p>	<p>Supports the proposal.</p>

Clause	Proposed amendment	Council submission
	contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.	