

# Riverina Water Code of Meeting Practice

June 2022 | Policy 1.02

## Table of Contents

1.	Introduction.....	5
2.	Meeting principles.....	5
3.	Before the meeting .....	5
	Timing of ordinary board meetings.....	5
	Extraordinary meetings .....	5
	Notice to the public of council meetings .....	6
	Notice to members of ordinary board meetings .....	6
	Notice to members of extraordinary meetings .....	6
	Giving notice of business to be considered at board meetings.....	6
	Questions with notice .....	7
	Agenda and business papers for ordinary meetings .....	7
	Statement of ethical obligations .....	8
	Availability of the agenda and business papers to the public .....	8
	Agenda and business papers for extraordinary meetings .....	9
	Pre-meeting briefing sessions .....	9
4.	Public forums.....	10
5.	Coming together.....	12
	Attendance by board members at meetings .....	12
	The quorum for a meeting.....	13
	Meetings held by audio-visual link.....	14
	Attendance by board members at meetings by audio-visual link.....	14
	Entitlement of the public to attend board meetings .....	15
	Webcasting of meetings.....	16
	Attendance of the chief executive officer (CEO) and other staff at meetings .....	16
6.	The chairperson .....	17
	The chairperson at meetings.....	17
	Election of the chairperson in the absence of the chairperson and deputy chairperson .....	17
	Chairperson to have precedence .....	18
7.	Order of business for ordinary board meetings .....	18
8.	Consideration of business at board meetings .....	18
	Business that can be dealt with at a board meeting.....	18
	Chairperson minutes .....	19
	Staff reports .....	20

Reports of committees of council.....	20
Questions .....	20
9. Rules of debate .....	20
Motions to be seconded .....	20
Notices of motion .....	21
Chairperson's duties with respect to motions .....	21
Motions requiring the expenditure of funds.....	21
Amendments to motions .....	21
Foreshadowed motions .....	22
Limitations on the number and duration of speeches .....	22
10. Voting .....	23
Voting entitlements of board members.....	23
Voting at board meetings .....	24
11. Committee of the whole .....	24
12. Dealing with items by exception .....	25
13. Closure of board meetings to the public .....	25
Grounds on which meetings can be closed to the public .....	25
Matters to be considered when closing meetings to the public .....	26
Notice of likelihood of closure not required in urgent cases .....	27
Representations by members of the public .....	28
Expulsion of non-members from meetings closed to the public .....	29
Obligation of board members attending meetings by audio-visual links.....	29
Information to be disclosed in resolutions closing meetings to the public .....	29
Resolutions passed at closed meetings to be made public .....	29
14. Keeping order at meetings .....	30
Points of order .....	30
Questions of order .....	30
Motions of dissent .....	30
Acts of disorder .....	30
How disorder at a meeting may be dealt with.....	31
Expulsion from meetings .....	31
How disorder by board members attending meetings by audio-visual link may be dealt with	32
Use of mobile phones and the unauthorised recording of meetings .....	32
15. Conflicts of interest.....	33
16. Decisions of the board.....	33

Board decisions.....	33
Rescinding or altering board decisions.....	33
Recommitting resolutions to correct an error.....	35
17. After the meeting.....	35
Minutes of meetings.....	35
Access to correspondence and reports laid on the table at, or submitted to, a meeting.....	36
Implementation of decisions of the council.....	37
18. Council committees (is sec 20 in model code).....	37
Application of this Part.....	37
Council committees whose members are all board members.....	37
Functions of committees.....	37
Notice of committee meetings.....	37
Attendance at committee meetings.....	37
Non-members entitled to attend committee meetings.....	38
Chairperson and deputy chairperson of council committees.....	38
Procedure in committee meetings.....	38
Closure of committee meetings to the public.....	39
Disorder in committee meetings.....	39
Minutes of council committee meetings.....	39
19. Irregularities.....	40
20. Definitions.....	41
21. Policy details.....	43

## 1. Introduction

*This Code of Meeting Practice* incorporates the mandatory provisions of the Model Meeting Code and some optional provisions as determined by the Board.

The Board and any committees of the council of which all the members are board members, must conduct its meetings in accordance with this *Code of Meeting Practice*. Council committees whose members include persons other than board members may adopt their own rules for meetings unless the Board determine otherwise.

## 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 Board members and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Board members, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Board member, 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.
- 3.2 The Board may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

### Extraordinary meetings

- 3.3 If the chairperson receives a request in writing, signed by at least two (2) board members, 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 board members requesting the meeting.

**Note: Clause 3.3 reflects section 366 of the Act.**

### **Notice to the public of council 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 council.

**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 council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

### **Notice to members of ordinary board meetings**

- 3.7 The chief executive officer (CEO) must send to each board member, at least three (3) working 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 board members in electronic form, but only if all members 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 members of extraordinary meetings**

- 3.9 Notice of less than three (3) days may be given to board members 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 board member 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 four (4) business days before the meeting is to be held.

- 3.11 A board member may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the CEO considers that a notice of motion submitted by a board member for consideration at an ordinary meeting of the Board has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the CEO may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Board.
- 3.13 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 CEO must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Board, or
  - (b) by written notice sent to all board members with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Board to such a date specified in the notice, pending the preparation of such a report.

### **Questions with notice**

- 3.14 A board member may, by way of a notice submitted under clause 3.10, ask a question for response by the CEO about the performance or operations of the council.
- 3.15 A board member is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the CEO or a member of staff of the council, or a question that implies wrongdoing by the CEO or a member of staff of the council.
- 3.16 The CEO or their nominee may respond to a question with notice submitted under clause 3.14 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**

- 3.17 The CEO must cause the agenda for a meeting of the Board or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The CEO must ensure that the agenda for an ordinary meeting of the Board states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Board, and
  - (b) any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the chairperson to put a minute to a meeting under clause 8.6.
- 3.20 The CEO 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 CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next meeting of the Board.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO 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 3.21 reflects section 9(2A)(a) of the Act.**

- 3.22 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to board members 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 board member or by any other person to another person who is not authorised to have that information.

### **Statement of ethical obligations**

- 3.23 Business papers for all ordinary and extraordinary meetings of the board and committees of the council must contain a statement reminding board members of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's Code of Conduct to disclose and appropriately manage conflicts of interest.

### **Availability of the agenda and business papers to the public**

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

**Note: Clause 3.24 reflects section 9(2) and (4) of the Act.**



- 3.25 Clause 3.24 does not apply to the business papers for items of business that the CEO has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

- 3.26 For the purposes of clause 3.25, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to board members.

**Note: Clause 3.26 reflects section 9(3) of the Act.**

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

**Note: Clause 3.27 reflects section 9(5) of the Act.**

### **Agenda and business papers for extraordinary meetings**

- 3.28 The CEO must ensure that the agenda for an extraordinary meeting of the Board deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the Board, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Board before the next scheduled ordinary meeting of the board.
- 3.30 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.
- 3.31 Despite clauses 9.20–9.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

### **Pre-meeting briefing sessions**

- 3.33 Prior to each ordinary meeting of the council, the CEO may arrange a pre-meeting briefing session to brief members 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.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link
- 3.36 The CEO or a member of staff nominated by the CEO is to preside at pre-meeting briefing sessions.

- 3.37 Board members 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 board or committee meeting at which the item of business is to be considered.
- 3.38 Board members (including the chairperson) 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 board 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 board member who made the declaration.

## **4. Public forums**

- 4.1 The council 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 council.
- 4.2 Public forums may be held by audio-visual link
- 4.3 Public forums are to be chaired by the chairperson or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by midday on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the board meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The CEO or their delegate may refuse an application to speak at a public forum. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the board meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the CEO or their delegate may request the speakers to nominate from among themselves the persons who are to address the board on the item of business. If the speakers are not able to agree on whom to nominate to address the Board, the CEO or their delegate is to determine who will address the Board at the public forum.

- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the CEO or their delegate may, in consultation with the chairperson or the chairperson's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Board to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the Board at the public forum, and to identify any equipment needs no more than two days before the public forum. The CEO or their delegate may refuse to allow such material to be presented.
- 4.12 The CEO or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the Board. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the board meeting they have applied to address the Board on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A board member (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker to each question are to be limited to 3 minutes.
- 4.17 Speakers at public forums cannot ask questions of the Board, members or council staff.
- 4.18 The CEO or their nominee may, with the concurrence of the chairperson, address the Board for up to 5 minutes in response to an address to the Board at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the CEO may recommend that the Board defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the Board, speakers at public forums must comply with this Code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's Code of Conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any

inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this Code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the CEO or their delegate may refuse further applications from that person to speak at public forums for such a period as the CEO or their delegate considers appropriate.
- 4.24 Board members (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a board or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the board member who made the declaration.

**Note: Public forums should not be held as part of a board or committee meeting. Board or committee meetings should be reserved for decision-making by the board or committee of council. Where a public forum is held as part of a board or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of board and committee meetings.**

## 5. Coming together

### Attendance by board members at meetings

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

**Note: A board member may not attend a meeting as a member (other than the first meeting of the Board after the member is elected or a meeting at which the member 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 A board member cannot participate in a meeting of the Board or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code
- 5.3 Where a board member is unable to attend one or more ordinary meetings of the board, the member should request that the board grant them a leave of absence from those meetings. This clause does not prevent a member from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A board member's request for leave of absence from board meetings should, if practicable, identify (by date) the meetings from which the member intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The Board must act reasonably when considering whether to grant a member's request for a leave of absence.
- 5.6 A board member's civic office will become vacant if the member 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 5.6 reflects section 234(1)(d) of the Act.**
- 5.7 A board member who intends to attend a meeting of the Board despite having been granted a leave of absence should, if practicable, give the CEO at least two (2) days' notice of their intention to attend.

### **The quorum for a meeting**

- 5.8 The quorum for a meeting of the board is a majority of the members of the Board who hold office at that time and are not suspended from office.
- Note: Clause 5.8 reflects section 368(1) of the Act.**
- 5.9 Clause 5.8 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 5.9 reflects section 368(2) of the Act.**
- 5.10 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.
- 5.11 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 members present, or
  - (c) failing that, by the CEO.
- 5.12 The CEO must record in the Board 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 members present.

- 5.13 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 and welfare of board members, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the chairperson may, in consultation with the CEO and, as far as is practicable, with each board member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 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 Board or at an extraordinary meeting called under clause 3.3.

### **Meetings held by audio-visual link**

- 5.15 A meeting of the Board or a committee of the council 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 board members and staff at risk. The chairperson must make a determination under this clause in consultation with the CEO and, as far as practicable, with each member.
- 5.16 Where the chairperson determines under clause 5.15 that a meeting is to be held by audio-visual link, the CEO must:
- (a) Give written notice to all board members that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all board members can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website in such other manner the CEO 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.
- 5.17 The code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, 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 board members at meetings by audio-visual link**

- 5.18 Board members may attend and participate in meetings of the Board and committees of the council by audio-visual link.

- 5.19 A board member who attends a meeting of the Board or a committee of the council by audio-visual link is to be taken as present at the meeting.
- 5.20 This code applies to a board member attending a meeting by audio-visual link in the same way it would if the member was attending the meeting in person. Where a board member attends 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.
- 5.21 Where a board member is attending a meeting by audio-visual link and for whatever reason that link is broken, the board member will be noted in the minutes as having left the meeting. If and when that link is restored and the board member rejoins the meeting, the minutes will note the time of return.
- 5.22 A board member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The member's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.23 A board member 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**

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

**Note: Clause 5.24 reflects section 10(1) of the Act.**

- 5.25 Clause 5.24 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.26 A person (whether a board member or another person) is not entitled to be present at a meeting of the Board or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the Board has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.26 reflects section 10(2) of the Act.**

**Note: Clauses 14.13 and 14.14 confer a standing authorisation on all chairpersons of meetings of the Board and committees of the council to expel persons from meetings. If adopted, clause 15.13 authorises chairpersons to expel any person, including a member, from a board or committee meeting. Alternatively, if adopted, clause 14.14 authorises chairpersons to expel persons other than members from a board or committee meeting.**

## Webcasting of meetings

- 5.27 Each meeting of the Board or a committee of the council is to be recorded by means of an audio or audio-visual device..
- 5.28 At the start of each meeting of the Board or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and will be made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements
- 5.29 The recording of a meeting is to be made publicly available on the council's website :
- (a) at the same time the meeting is taking place, or
  - (b) as soon as practicable after the meeting
- 5.30 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.31 Clauses 5.29 and 5.30 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clause 5.29 – 5.31 reflect section 236 of the Regulation
- 5.38 Recording of meetings may be disposed of in accordance with the *State Records Act 1998*

## Attendance of the chief executive officer (CEO) and other staff at meetings

- 5.33 The CEO is entitled to attend, but not to vote at, a meeting of the board or a meeting of a committee of the council of which all of the members are board members.
- Note: Clause 5.33 reflects section 376(1) of the Act.**
- 5.34 The CEO is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.34 reflects section 376(2) of the Act.**
- 5.35 The CEO 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 CEO or the terms of employment of the CEO
- Note: Clause 5.35 reflects section 376(3) of the Act.**
- 5.36 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the CEO.



- 5.37 The CEO and other council staff may attend meetings of the Board 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 CEO.

## **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 member elected to chair the meeting by the members 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 CEO or, in their absence, an employee of the council designated by the CEO to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the CEO nor a designated employee is present at the meeting, or if there is no CEO 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 board member then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every member present must be silent to enable the chairperson to be heard without interruption.

## **7. Order of business for ordinary board meetings**

- 7.1 The general order of business for an ordinary meeting of the Board shall be:
- 01 Opening meeting
  - 02 Acknowledgement of country
  - 03 Apologies and applications for a leave of absence or attendance by audio visual link by board members
  - 04 Confirmation of minutes
  - 05 Disclosures of interests
  - 06 Chairperson minute(s)
  - 07 Reports of committees
  - 08 Reports to the board
  - 09 Notices of motions/Questions with notice
  - 10 Confidential matters
  - 11 Conclusion of the meeting
- 7.2 The order of business as fixed under clause 7.1 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: Part 12 allows the board to deal with items of business by exception.**

- 7.3 Despite clauses 9.20 – 9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

## **8. Consideration of business at board meetings**

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

- 8.1 The Board must not consider business at a meeting of the Board:
- (a) unless a board member has given notice of the business, as required by clause 3.10, and

- (b) unless notice of the business has been sent to the members 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.
- 8.2 Clause 8.1 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) subject to clause 8.9, is a matter or topic put to the meeting by way of a chairperson minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of the Board even though due notice of the business has not been given to the members if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Board before the next scheduled ordinary meeting of the board.
- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

### **Chairperson minutes**

- 8.6 A chairperson's minute, when put to a meeting, takes precedence over all business on the Board's agenda for the meeting.
- 8.7 A recommendation made in a chairperson minute put by the chairperson is, so far as it is adopted by the Board, a resolution of the Board.
- 8.8 A chairperson's 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 Board before the next scheduled ordinary meeting of the Board
- 8.9 Where a chairperson's 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 chairperson minute does not identify a funding source, the Board must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the recommendation if adopted.

## **Staff reports**

- 8.10 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 council**

- 8.11 The recommendations of a committee of the council are, so far as they are adopted by the Board, resolutions of the Board
- 8.12 If in a report of a committee of the council distinct recommendations are made, the Board may make separate decisions on each recommendation.

## **Questions**

- 8.13 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 3.14.
- 8.14 A board member may, through the chairperson, put a question to another member about a matter on the agenda.
- 8.15 A board member may, through the CEO, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the CEO at the direction of the CEO.
- 8.16 A board member or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a board member or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the board
- 8.17 Board members must put questions directly, succinctly, respectfully and without argument.
- 8.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a board member or council employee.

## **9. Rules of debate**

### **Motions to be seconded**

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

## **Notices of motion**

- 9.2 A board member 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.
- 9.3 If a board member who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to members, the member may request the withdrawal of the motion when it is before the Board.
- 9.4 In the absence of a board member who has placed a notice of motion on the agenda for a meeting of the Board:
- (a) any other member 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**

- 9.5 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.
- 9.6 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.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

## **Motions requiring the expenditure of funds**

- 9.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Board must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the motion if adopted.

## **Amendments to motions**

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 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.

- 9.12 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.
- 9.13 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 the Board at any one time.
- 9.14 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.
- 9.15 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.
- 9.16 An amendment may become the motion without debate or a vote where it is accepted by the member who moved the original motion.

### **Foreshadowed motions**

- 9.17 A board member may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Board, 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.
- 9.18 Where an amendment has been moved and seconded, a board member may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Board at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 9.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

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

- 9.20 A board member 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.

- 9.21 A board member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22 A board member 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.
- 9.23 Despite clause 9.22, the chairperson may permit a board member 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 member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24 Despite clause 9.22, the Board may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, a board member 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 member expresses an intention to speak against it, or
  - (b) if at least two (2) members have spoken in favour of the motion or amendment and at least two (2) members have spoken against it.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 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 9.20.
- 9.28 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.
- 9.29 All board members must be heard without interruption and all other members must, unless otherwise permitted under this code, remain silent while another member is speaking.
- 9.30 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. Voting

### Voting entitlements of board members

- 10.1 Each board member is entitled to one (1) vote.

**Note: Clause 10.1 reflects section 370(1) of the Act.**

- 10.2 The person presiding at a meeting of the Board has, in the event of an equality of votes, a second or casting vote.

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

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

### **Voting at board meetings**

- 10.4 A board member 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.
- 10.5 If a board member who has voted against a motion put at a board meeting so requests, the CEO must ensure that the member's dissenting vote is recorded in the council's minutes
- 10.6 The decision of the chairperson as the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) board members rise and call for a division.
- 10.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The CEO must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Board's minutes for the meeting.
- 10.8 When a division on a motion is called, any board member who fails to vote will be recorded as having voted against the motion in accordance with clause 10.4 of this code.
- 10.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Board may resolve that the voting in any election by members for chairperson or deputy chairperson is to be by secret ballot.
- 10.10 All voting at board meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

## **11. Committee of the whole**

- 11.1 The Board may resolve itself into a committee to consider any matter before the Board.

**Note: Clause 11.1 reflects section 373 of the Act.**

- 11.2 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.



**Note: Clauses 9.20–9.30 limit the number and duration of speeches.**

- 11.3 The CEO or, in the absence of the CEO, an employee of the council designated by the CEO, 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.
- 11.4 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.

## **12. Dealing with items by exception**

- 12.1 The Board or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the Board or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask board members 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, or ask questions of management.
- 12.3 The Board or committee must not resolve to adopt any item of business under clause 12.1 that a board member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 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 8.3.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 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.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Board members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's Code of Conduct.

## **13. Closure of board meetings to the public**

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

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

- (a) personnel matters concerning particular individuals (other than board members),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, board members, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's Code of Conduct.

**Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.**

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

**Note: Clause 13.2 reflects section 10A(3) of the Act.**

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

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
- (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 13.3 reflects section 10B(1) of the Act.**

- 13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(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.

**Note: Clause 13.4 reflects section 10B(2) of the Act.**

- 13.5 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 13.2), 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 13.1.

**Note: Clause 13.5 reflects section 10B(3) of the Act.**

- 13.6 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 board members or to employees of the council, or
    - (ii) cause a loss of confidence in the Board or committee.

**Note: Clause 13.6 reflects section 10B(4) of the Act.**

- 13.7 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 13.7 reflects section 10B(5) of the Act.**

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

- 13.8 Part of a meeting of the Board, or of a committee of the council, 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 3.21 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 13.1, and
  - (b) the Board or committee, after considering any representations made under clause 13.9, 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 13.8 reflects section 10C of the Act.**

## Representations by members of the public

- 13.9 The Board, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 13.9 reflects section 10A(4) of the Act.**

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by midday of the Monday preceding the Board meeting before the meeting at which the matter is to be considered.
- 13.12 The CEO (or their delegate) may refuse an application made under clause 13.11. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 No more than four (4) speakers are to be permitted to make representations under clause 13.9.
- 13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the CEO or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the board. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the CEO or their delegate is to determine who will make representations to the board.
- 13.15 The CEO (or their delegate) is to determine the order of speakers.
- 13.16 Where the Board or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

### **Expulsion of non-members from meetings closed to the public**

- 13.18 If a meeting or part of a meeting of the Board or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a board member 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.
- 13.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

### **Obligation of board members attending meetings by audio-visual links**

- 13.20 Board members 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**

- 13.21 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 13.21 reflects section 10D of the Act.**

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

- 13.22 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.
- 13.23 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 13.22 during a part of the meeting that is webcast.

## **14. Keeping order at meetings**

### **Points of order**

- 14.1 A board member 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.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the board member 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**

- 14.4 The chairperson, without the intervention of any other board member, may call any member to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A board member who claims that another member has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 14.6 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.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **Motions of dissent**

- 14.8 A board member 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.
- 14.9 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.
- 14.10 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**

- 14.11 A board member commits an act of disorder if the member, at a meeting of the Board or a committee of the council:

- (a) contravenes the Act or any regulation in force under the Act, the Regulation or this code, or
- (b) assaults or threatens to assault another board member 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) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's Code of Conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Board or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation**

14.12 The chairperson may require a board member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 14.12 reflects section 233 of the Regulation**

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

14.13 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 board members.

### **Expulsion from meetings**

- 14.14 All chairpersons of meetings of the Board and committees of the council are authorised under this code to expel any person including any board member, from a board or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 14.15 Clause 14.14, does not limit the ability of the Board or a committee of the council to resolve to expel a person, including a board member, from a board or committee meeting, under section 10(2)(a) of the Act.

- 14.16 A board member 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 14.12. The expulsion of a board member from the meeting for that reason does not prevent any other action from being taken against the board member for the act of disorder concerned.

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

- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Board for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a board member 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.
- 14.19 If a board member 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 council or person presiding, may, by using only such force as is necessary, remove the board member or member of the public from that place and, if necessary, restrain the board member or member of the public from re-entering that place for the remainder of the meeting.

**How disorder by board members attending meetings by audio-visual link may be dealt with**

- 14.20 Where a board member is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the board member's audio-link to the meeting for the purposes of enforcing compliance with the code.
- 14.21 If a board member 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 board member's audio-visual link to the meeting.

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

- 14.22 Board members, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Board and committees of the council.
- 14.23 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 council without the prior authorisation of the Board or the committee.
- 14.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 14.23, may be expelled from the meeting as provided for under section 10(2) of the Act.



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

## 15. Conflicts of interest

- 15.1 All board members and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Board and committees of the council in accordance with the council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 15.2 Board members attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's Code of Conduct. Where a board member has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the board member's audio-visual link to the meeting must be suspended or terminated and the Board member 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.

## 16. Decisions of the board

### Board decisions

- 16.1 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 16.1 reflects section 371 of the Act.**

- 16.2 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

- 16.3 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 under clause 3.10.

**Note: Clause 16.3 reflects section 372(1) of the Act.**

- 16.4 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 16.4 reflects section 372(2) of the Act.**

- 16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 16.5 reflects section 372(3) of the Act.**

- 16.6 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) board members if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 16.6 reflects section 372(4) of the Act.**

- 16.7 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 16.7 reflects section 372(5) of the Act.**

- 16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 16.8 reflects section 372(7) of the Act.**

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

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

**Note: Clause 16.10 reflects section 372(6) of the Act.**

- 16.11 Subject to clause 16.7, 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(3) board members is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Board before the next scheduled ordinary meeting of the Board.

- 16.12 A motion moved under clause 16.11 (b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.
- 16.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.11(c).

### **Recommitting resolutions to correct an error**

- 16.14 Despite the provisions of this Part, a board member 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.
- 16.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.14(a), the board member is to propose alternative wording for the resolution.
- 16.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.14(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.
- 16.17 A motion moved under clause 16.14 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.14 can speak to the motion before it is put.
- 16.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.14.
- 16.19 A motion moved under clause 16.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **17. After the meeting**

### **Minutes of meetings**

- 17.1 The council is to keep full and accurate minutes of the proceedings of meetings of the Board.

**Note: Clause 17.1 reflects section 375(1) of the Act.**

- 17.2 At a minimum, the CEO must ensure that the following matters are recorded in the Board's minutes:
- (a) the names of board members 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.

17.3 The minutes of a board meeting must be confirmed at a subsequent meeting of the Board.

**Note: Clause 17.3 reflects section 375(2) of the Act.**

17.4 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.

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

**Note: Clause 17.5 reflects section 375(2) of the Act.**

17.6 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.

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

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

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

**Note: Clause 17.8 reflects section 11(1) of the Act.**

17.9 Clause 17.8 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 17.9 reflects section 11(2) of the Act.**

17.10 Clause 17.8 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 17.10 reflects section 11(3) of the Act.**

17.11 Correspondence or reports to which clauses 17.9 and 17.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

## **Implementation of decisions of the council**

17.12 The CEO is to implement, without undue delay, lawful decisions of the Board.

**Note: Clause 17.12 reflects section 335(b) of the Act.**

## **18. Council committees (sec 20 in model code)**

### **Application of this Part**

18.1 This Part only applies to committees of the council whose members are all board members.

### **Council committees whose members are all board members**

18.2 The Board may, by resolution, establish such committees as it considers necessary.

18.3 A committee of the council is to consist of the chairperson and such other board members as are elected by the members or appointed by the Board

18.4 The quorum for a meeting of a committee of the council is to be:

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

### **Functions of committees**

18.5 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**

18.6 The CEO must send to each board member, 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.

18.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### **Attendance at committee meetings**

18.8 A committee member (other than the chairperson) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

18.9 Clause 18.8 does not apply if all of the members of the Board are members of the committee.

### **Non-members entitled to attend committee meetings**

18.10 A board member who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the Board member is not entitled:

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

### **Chairperson and deputy chairperson of council committees**

18.11 The chairperson of each committee of the council 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.

18.12 The Board may elect a member of a committee of the council 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.

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

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

### **Procedure in committee meetings**

18.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the Board or the committee determines otherwise in accordance with this clause.

- 18.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the board or the committee determines otherwise in accordance with clause 20.15.
- 18.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

### **Closure of committee meetings to the public**

- 18.18 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the Board to the public.
- 18.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Board. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 18.20 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 18.19 during a part of the meeting that is webcast.

### **Disorder in committee meetings**

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

### **Minutes of council committee meetings**

- 18.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 18.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of board members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

- 18.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 18.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.27 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.
- 18.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## **19. Irregularities**

- 19.1 Proceedings at a meeting of the Board or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any board member or committee member, or
  - (c) any defect in the election or appointment of a board member or committee member, or
  - (d) a failure of a board member 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 council's code of conduct, or
  - (e) a failure to comply with this code.

**Note: Clause 19.1 reflects section 374 of the Act**



## 20. Definitions

the Act	the <i>Local Government Act 1993</i>
act of disorder	an act of disorder as defined in clause 14.11 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	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 17.11 of this code
this code	the council's adopted <i>Code of Meeting Practice</i>
committee of the council	a committee established by the board in accordance with clause 18.2 of this code (being a committee consisting only of board members) or the board when it has resolved itself into committee-of-the-whole under clause 11.1
council official	Has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	calendar day
division	a request by two members under clause 10.7 of this code requiring the recording of the names of the members who voted both for and against a motion
foreshadowed amendment	a proposed amendment foreshadowed by a board member under clause 9.18 of this code during debate on the first amendment
foreshadowed motion	a motion foreshadowed by a board member under clause 9.17 of this code during debate on an original motion
open voting	voting on the voices or by a show of hands or by a visible electronic voting system or similar means

planning decision	a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	an order issued under section 438A of the Act
quorum	the minimum number of board members or committee members necessary to conduct a meeting
the Regulation	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	the period beginning 1 July and ending the following 30 June

## 21. Policy details

Policy number	Policy 1.02
Responsible area	Chief Executive Office
Approved by	Riverina Water Board – Res 22/087
Approval date	22 June 2022
Legislation or related strategy	Local Government Act 1993 Model Code of Conduct 2018 Procedures for the Administration of the Code of Conduct 2018
Documents associated with this policy	Policy 1.6 Conflict of Interest Policy 1.3 Good Governance Policy 1.14 Fraud & Corruption Prevention Policy 1.28 Related Parties Disclosure
Policy history	Amended 26 Aug 2020 (Res 20/081) 26 June 2019 Resolution No 19/86 Replaces Code of Meeting Practice 2017 Res 17/136

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.