

Richmond  
Valley  
Council



# **ATTACHMENTS**

**Tuesday, 21 October 2025**

**UNDER SEPARATE COVER**

**Ordinary Council Meeting**



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Richmond  
Valley  
Council



# MINUTES

## Ordinary Council Meeting 16 September 2025



## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

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## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 16 SEPTEMBER 2025 AT 6PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Lyndall Murray (via audio visual link) and Cr John Walker.

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Ryan Gaiter (Director Organisational Services), Jenna Hazelwood (Chief of Staff), Tina Kao (Director Planning and Sustainable Communities), Ben Zeller (Director Infrastructure Services & Projects), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS**

Nil

## **4 APOLOGIES**

### **RESOLUTION 160925/1**

Moved: Cr Stephen Morrissey  
Seconded: Cr Robert Hayes

That Council approves Cr Lyndall Murray's attendance via an audio-visual link at the 16 September 2025 Ordinary meeting, due to personal commitments meaning she is absent from the area.

**CARRIED**

The Mayor welcomed newly appointed Director Planning and Sustainable Communities, Ms Tina Kao, to the organisation.

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**5 MAYORAL MINUTES**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD 19 AUGUST 2025****RESOLUTION 160925/2**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary Meeting held on 19 August 2025.

**CARRIED****7 MATTERS ARISING OUT OF THE MINUTES**

Nil

**8 DECLARATION OF INTERESTS**

Nil

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYORAL ATTENDANCE REPORT 12 AUGUST - 8 SEPTEMBER 2025****RESOLUTION 160925/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 12 August – 8 September 2025.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**12 DELEGATES' REPORTS****12.1 DELEGATES' REPORT SEPTEMBER 2025 - ROUS COUNTY COUNCIL****RESOLUTION 160925/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report – Rous County Council for September 2025.

**CARRIED****13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 160925/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 16.1 and 17.1 identified be determined without debate.

**CARRIED****14 GENERAL MANAGER**

Nil

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**15 PLANNING AND SUSTAINABLE COMMUNITIES****15.1 NORTHERN REGIONAL PLANNING PANEL - UPDATE ON APPOINTMENT OF DELEGATES****EXECUTIVE SUMMARY**

By resolution of Council on 22 October 2024, Council appointed its delegates to the Northern Regional Planning Panel which included re-confirming a reciprocal Planning Panel arrangement with Lismore City Council.

The nominated Lismore City Council delegates, to appear on the Richmond Valley Council Panel, and Angela Jones, Council's primary nominee to appear on the Lismore Panel, are no longer available, therefore requiring new nominations. Lismore has offered the services of Jamie Van Iersel as its principal expert delegate, with Shane Reinhold, and Graham Snow as alternates. Likewise, Council will offer the services of Tina Kao, as its principal expert delegate, and Andy Edwards, Tony McAteer and Cherie Smith as alternates.

**RESOLUTION 160925/6**

Moved: Cr Stephen Morrissey

Seconded: Cr John Walker

That Council:

1. Appoints Jamie Van Iersel as an expert nominee, with Shane Reinhold and Graham Snow as alternates, to represent Council on the Northern Regional Planning Panel, and
2. Offers the services of Tina Kao, as its principal expert delegate, and Andy Edwards, Tony McAteer and Cherie Smith as the alternates, to represent Lismore City Council on the Northern Regional Planning Panel.

**CARRIED**

**15.2 SECTION 4.6 RICHMOND VALLEY LOCAL ENVIRONMENTAL PLAN - PROPOSED OVERHEIGHT DWELLING - 945 WOODBURN CORAKI ROAD, BUNGAWALBIN****EXECUTIVE SUMMARY**

Council has received a development application for alterations and additions to a flood-affected home at Bungawalbin to raise the existing flood affected dwelling above the minimum habitable floor level including alterations and additions. This includes a Section 4.6 variation to the Richmond Valley Local Environmental Plan 2012 (RVLEP 2012) for building height exceeding 8.5m as it raises the dwelling by 2.61m to help avoid future inundation.

The proposal would result in the building being more than 10% above the permissible height limit and, therefore, it must be referred to Council for determination. As the home is located on a large rural lot and there will be no impacts on neighbouring properties, the variation is recommended for approval.

**RESOLUTION 160925/7**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That pursuant to Clause 4.6 of *Richmond Valley Local Environmental Plan 2012* a variation in respect of Clause 4.3 Height of Buildings be granted for DA2026/0020, as outlined in this report.

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## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**CARRIED****16 INFRASTRUCTURE SERVICES & PROJECTS****16.1 PROPOSED ROAD NAMING - SPRING GROVE DEVELOPMENT****EXECUTIVE SUMMARY**

Council is a Roads Authority, under Section 7 of the *Roads Act 1993*, and is responsible for formally naming public roads in accordance with the Act and Regulation.

Council has undertaken the road naming process for the creation of two new public roads at 71 Gregors Road for an approved subdivision creating 19 residential lots in Spring Grove.

Council has finalised the public consultation for two proposed road names in accordance with Section 162 of the *Roads Act 1993* and Part 2 of the Roads Regulation 2018. No submissions were received, and it is recommended that Council adopts the proposed road names.

**RESOLUTION 160925/8**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council formally adopt the following road names: Granite Place and Sandstone Drive at Spring Grove as set out in this report.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**16.2 STORMWATER INFRASTRUCTURE RENEWALS AND CAPITAL IMPROVEMENTS****EXECUTIVE SUMMARY**

At its Ordinary Meeting on 15 July 2025, Council resolved to add an additional \$500,000 in the 2025/2026 budget for drainage works, in response to the increasing strain on the stormwater network caused by ongoing wet weather conditions. This funding was allocated for stormwater drainage infrastructure, not roadside drainage.

Following the asset management improvements initiatives, Council has been transitioning towards visual inspection to provide a more accurate and reliable condition of the stormwater network. These investigations have identified 2.36km of failed stormwater conduit and a further 4.06km in poor condition. The deteriorating condition of the network highlights the inadequacy of the current annual renewal budget of \$160,000, which is insufficient to keep pace with the required infrastructure renewals.

Council's stormwater program is currently funded through a Stormwater Services Levy, which generates approximately \$208,527 annually. This levy, capped under the Local Government (General) Amendment (Stormwater) Regulation 2006, has remained unchanged since its introduction in 2006 despite rising construction and material costs. Given the current funding constraints, Council must consider options to increase the levy via a Special Variation application to IPART and/or secure alternative funding sources to address the growing backlog of renewal needs.

The Casino Stormwater Study has identified major capacity constraints in the town's trunk drainage network, originally constructed in the 1950s–60s. Increased urban density and more frequent extreme rainfall events have overwhelmed the system, contributing to localised flooding. Design options have been developed with a preliminary cost estimate of \$6.59–\$7.29 million to implement mitigation measures, and Council is actively seeking grant funding for these works. Similar pressures are emerging in Coraki and surrounding towns, with drainage modelling now being procured for Broadwater, Woodburn, Coraki and Evans Head.

The Draft Drainage Plan 2025–2030 outlines proposed priority projects, including recommendations for how the additional \$500,000 allocation can be used and identifies further future needs. Council is reviewing updated stormwater condition data received in August 2025, and this will inform the development of the 2026/2027 capital works program and future funding requirements.

To sustainably manage stormwater infrastructure into the future, Council must consider increasing the Stormwater Services Levy, continue asset condition assessments, and actively pursue grant funding to address both renewal and upgrade needs across the Local Government Area.

**RESOLUTION 160925/9**

Moved: Cr John Walker

Seconded: Cr Sandra Humphrys

That Council:

1. Adopts the Draft Drainage Plan 2025-2030 as the guiding document for stormwater budget priorities for the 2025-2026 financial year; and
2. Supports in principle, the investigation of options to enable an increase to the stormwater levy, including an IPART approved special rate variation, as a funding mechanism to support capital works and asset renewals programs as outlined in this report;
3. Receives a report on stormwater drainage network future funding options at a future meeting.

**CARRIED**



**16.3 LAND ACQUISITION BRUXNER HIGHWAY AND PATRICIA STREET FOR PUBLIC PURPOSE****EXECUTIVE SUMMARY**

The Casino Industries Activation Project, funded through the Bushfire Local Economic Recovery Fund (BLERF), involves key infrastructure upgrades including the construction of a concrete roundabout at the Bruxner Highway intersection, the widening and formalising of Patricia Street, and installing necessary stormwater drainage across private properties. These works are essential to support the Regional Job Precinct (RJP) Master Plan implementation and in line with Council's economic development plans to drive industrial expansion and local economic growth. This project will position the Richmond Valley to capitalise

Council has been in negotiations with the current landowners at 18 Patricia Street to reach a commercial agreement to purchase the entire property. These details are presented in a separate confidential report for consideration. A full purchase of the land provides strategic opportunities to activate more industrial land in line with the aims of the RJP, but also provides a clearer pathway to meet the infrastructure requirements of the roundabout and formalisation of Patricia Street.

Should an agreement for purchase not be reached, Council must consider compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* to secure a section of the land for road widening, public road protection, and drainage easements.

Council has successfully negotiated road widening on three corners of the Bruxner Highway roundabout, but acquisition of a part of the remaining privately owned land is required to complete the project. Patricia Street requires widening along its full length, involving acquisition of land on the eastern side of the existing road reserve, where a dwelling and farming infrastructure currently exist. Due to road reserve constraints, the dwelling (currently rented long term) will need to be demolished or relocated following acquisition, with appropriate compensation provided to the landowner.

Additionally, a 15-metre-wide drainage easement approximately 370 metres in length will be acquired to manage stormwater flows across private property. All compulsory acquisitions will be undertaken in compliance with the *Land Acquisition (Just Terms Compensation) Act 1991*, ensuring fair compensation and communication with affected parties.

**RESOLUTION 160925/10**

Moved: Cr John Walker

Seconded: Cr Sam Cornish

That Council:

1. Continues negotiations with the property owner of 18 Patricia Street, Casino to purchase the entirety of the property under commercial terms, subject to the conditions outlined in the Confidential Council Report.
2. Being unable to reach a commercial agreement for the entirety of the property of 18 Patricia Street,
  - a) Acquires the private ownership land and easement by private agreement, with acquisition by consent or through the compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991* by the authority contained in the *Roads Act 1993*. The land identified for the purposes of road widening and protection of public road described as Part Lots 18 ,19, 20 Section 7 DP976660, and Part Lot 2 DP783330.
  - b) Acquires the private ownership land by private agreement, with acquisition by consent or through the compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991* by the authority contained in the *Local*

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

*Government Act 1993*. The land identified for the purposes of drainage described as Part Lots 16 ,17, 18 Section 7 DP976660.

- c) Approves the making of an application to the Minister for the issue of a Proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1991* with respect to the subject land.
- d) Authorises the General Manager to:
  - i. Negotiate the final boundaries of the land acquisition in accordance with this report.
  - ii. Negotiate the compensation of land acquisition under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* to achieve genuine agreement between all parties.
  - iii. Sign the necessary documentation to implement this resolution, including affixing the Seal of Council as required.
- e) Dedicates the land acquired for road widening as public road.

**CARRIED****17 ORGANISATIONAL SERVICES****17.1 FINANCIAL ANALYSIS REPORT - AUGUST 2025****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 31 August 2025 is shown below:

| Bank Accounts | Term Deposits | Floating Rate Notes | Fixed Rate Bonds | TCorp IM Funds | Total        |
|---------------|---------------|---------------------|------------------|----------------|--------------|
| \$14,198,807  | \$32,000,000  | \$6,750,390         | \$4,500,000      | \$18,272,986   | \$75,722,183 |

The weighted average rate of return on Council's cash and investments at 31 August 2025 was 6.61% which was above the Bloomberg AusBond Bank Bill Index for August of 3.1% (annualised), which is Council's benchmark.

**RESOLUTION 160925/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of August 2025.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**18 GENERAL BUSINESS**

Nil

**19 MATTERS FOR INFORMATION****RESOLUTION 160925/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

Recommended that the following reports submitted for information be received and noted.

**CARRIED****19.1 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2023/2024****RESOLUTION 160925/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Richmond-Upper Clarence Regional Library Annual Report 2024/2025.

**CARRIED****19.2 SUSTAINABLE COMMUNITIES ANNUAL REPORT****RESOLUTION 160925/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

**BRIEFING**

That Council considers the Sustainable Communities Annual Report.

**CARRIED****19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2025 - 31 AUGUST 2025****RESOLUTION 160925/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Development Application report for the period 1 August 2025 to 31 August 2025.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**19.4 GRANT APPLICATION INFORMATION REPORT - AUGUST 2025****RESOLUTION 160925/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council:

1. Receives and notes the Grant Application Information Report for the month of August 2025; and
2. Notes the significant reduction over the last twelve months in the number of grant funding programs now available from both tiers of Government.

**CARRIED****19.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 27 AUGUST 2025****RESOLUTION 160925/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 27 August 2025.

**CARRIED****19.6 MINUTES OF THE LOCAL TRANSPORT FORUM MEETING HELD ON 2 SEPTEMBER 2025****RESOLUTION 160925/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Minutes of the Local Transport Forum Meeting held on 2 September 2025.

**CARRIED****20 QUESTIONS ON NOTICE**

Nil

**21 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Nil

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

**22 MATTERS REFERRED TO CLOSED COUNCIL**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

**22.1 Tender VP469888 - Anderson Avenue Casino Reconstruction**

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**22.2 Industrial and Rural Zoned Land Acquisition**

This matter relates to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

These matters are considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The General Manager reported that no written representations had been received in respect of the items listed for consideration in Closed Council.

The Chair called for representations from the gallery.

There were no verbal representations from the gallery in respect of this item.

The Chair advised that under section 10A Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above.

**RESOLUTION 160925/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council enters Closed Council to consider the business identified in Item 22.1, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(2) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) Local Government Act 1993.

**CARRIED**

Council closed its meeting at 6.33pm

## ORDINARY COUNCIL MEETING MINUTES

16 SEPTEMBER 2025

The open Council meeting resumed at 7.01pm

**23 RESOLUTIONS OF CLOSED COUNCIL**

The resolutions of the Closed Council meeting were read by Director Infrastructure Services and Projects (Item 22.1 and Item 22.2)

**22.1 Tender VP469888 - Anderson Avenue Casino Reconstruction**

That

1. Council accepts the tender from Synergy Resource Management which represents the best value for Council at \$346,653.05 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**22.2 Industrial and Rural Zoned Land Acquisition**

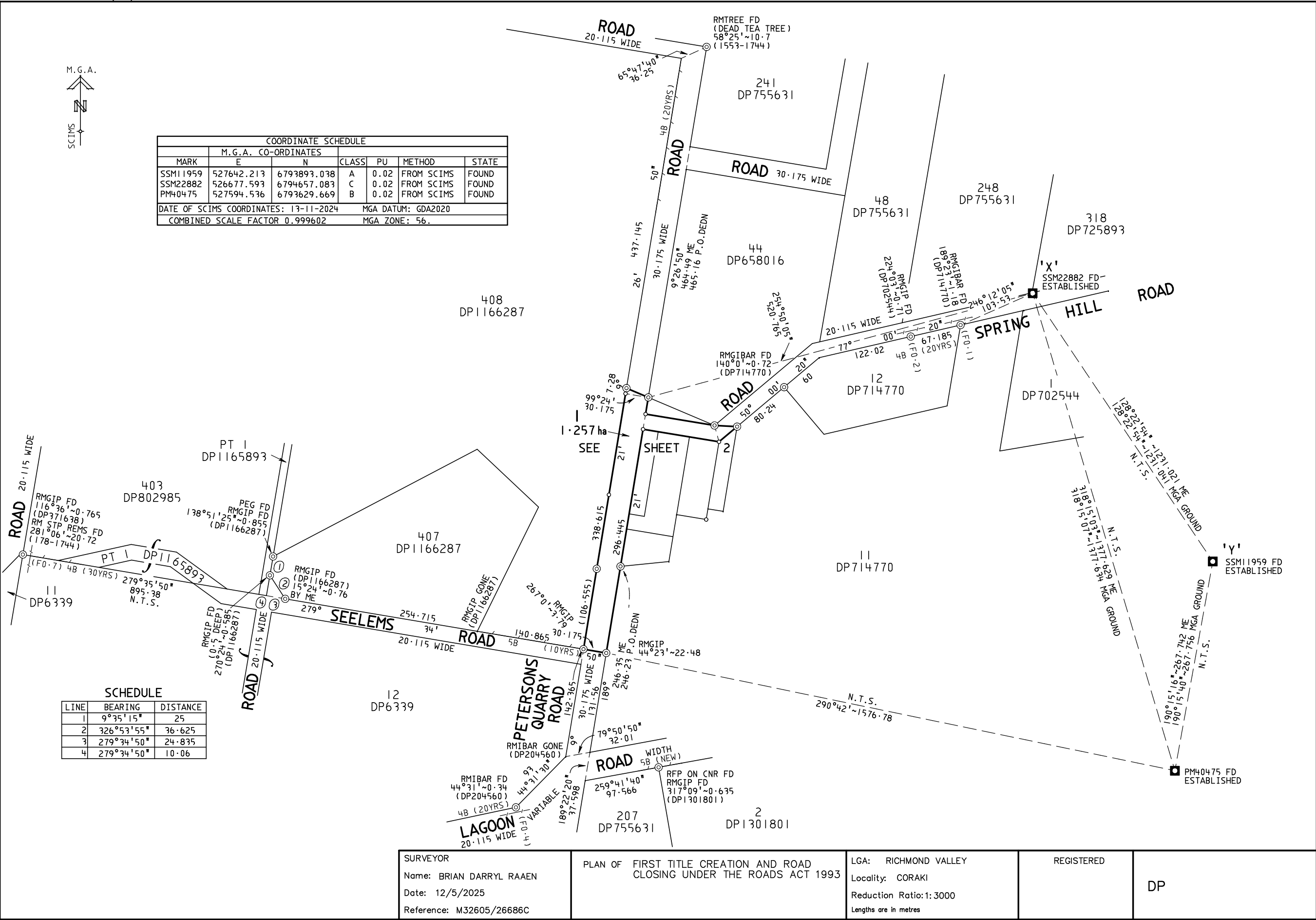
That Council:

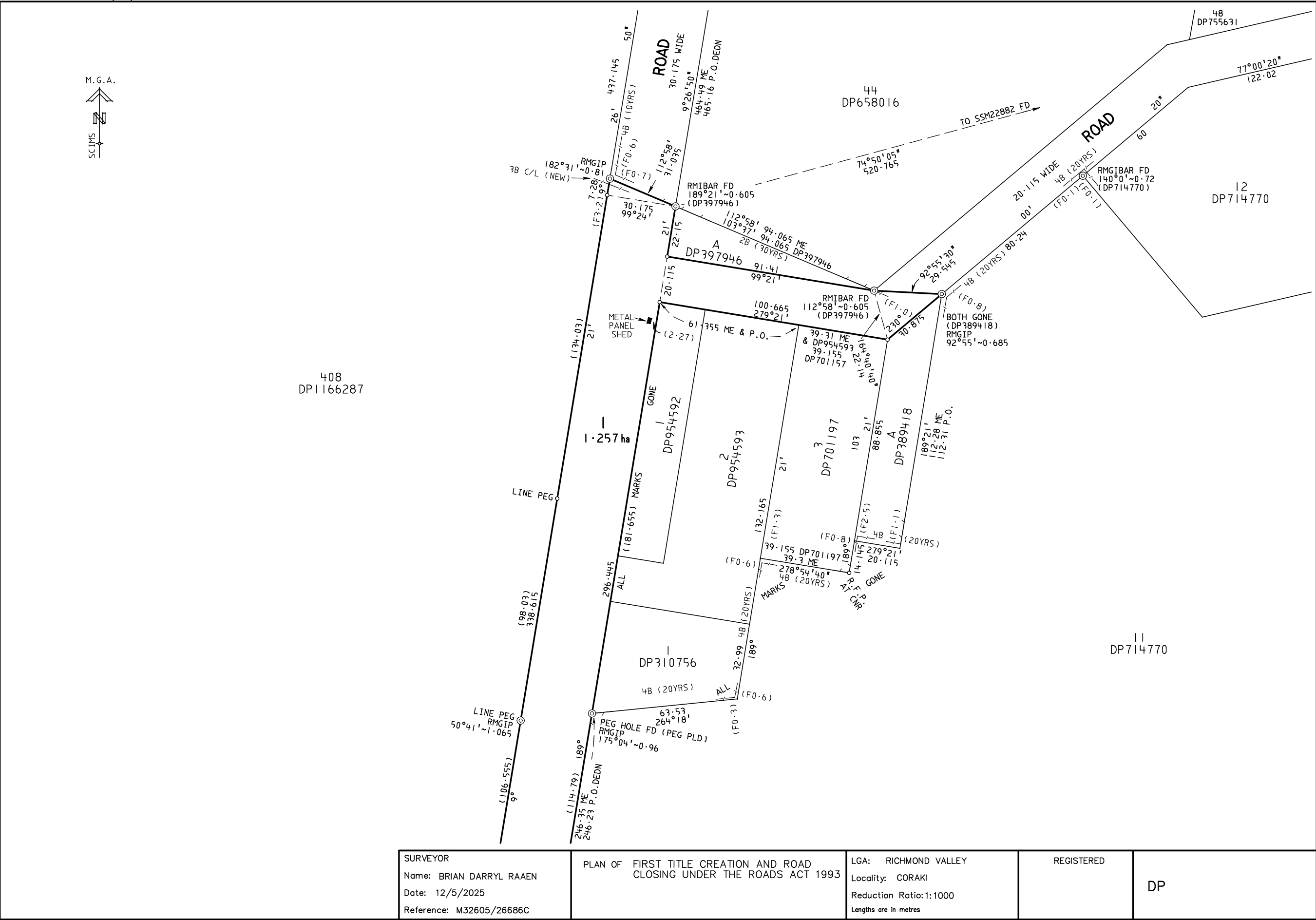
1. Authorises the General Manager to negotiate the purchase of the land generally in accordance with the details contained within this report; and
2. Authorises the General Manager to endorse relevant documents, contracts, and transfers, including affixing the seal of Council where appropriate, for the purchase of the land generally in accordance with the details contained within this report.

The Meeting closed at 7.02pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 October 2025.

.....  
**CHAIRPERSON**





|                                                                                     |                                                                           |                                                                                              |            |    |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------|----|
| SURVEYOR<br>Name: BRIAN DARRYL RAAEN<br>Date: 12/5/2025<br>Reference: M32605/26686C | PLAN OF FIRST TITLE CREATION AND ROAD<br>CLOSING UNDER THE ROADS ACT 1993 | LGA: RICHMOND VALLEY<br>Locality: CORAKI<br>Reduction Ratio: 1:1000<br>Lengths are in metres | REGISTERED | DP |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------|----|



Department of Planning,  
Housing and Infrastructure  
Office of Local Government



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# The model code of meeting practice for local councils in NSW

August 2025

[olg.nsw.gov.au](http://olg.nsw.gov.au)

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# 1 Introduction

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This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

In adopting the Model Meeting Code, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

## 2 Meeting principles

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### 2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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

# 3 Before the meeting

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## Timing of ordinary council meetings

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

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

**Note:** Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

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

**Note:** Under clause 13 of Schedule 11 of the Act, councils that have been designated as a rural and remote council under the Regulation are required to meet at least four (4) times each year, each time in a different quarter of the year.

## Extraordinary meetings

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

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

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

## Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

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

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must 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 councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note:** Clause 3.7 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 councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

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

## Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

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

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

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

## Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

## Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- 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
  - states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note:** Clause 3.19 reflects section 9(2A)(a) of the Act.
- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

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

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- Note:** Clause 3.21 reflects section 9(2) and (4) of the Act.
- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.
- Note:** Clause 3.22 reflects section 9(2A)(b) of the Act.
- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.
- Note:** Clause 3.23 reflects section 9(3) of the Act.
- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.
- Note:** Clause 3.24 reflects section 9(5) of the Act.

## Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

## Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- Note:** The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.
- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.



# 4 Public forums

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- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

# 5 Coming together

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## Attendance by councillors at meetings

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

**Note:** A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

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

- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

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

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

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

- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.

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

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

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

## The quorum for a meeting

- 5.9** The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

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

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

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

- 5.11** A meeting of the council must be adjourned if a quorum is not present:

- a. at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- b. within half an hour after the time designated for the holding of the meeting, or
- c. at any time during the meeting.

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

- a. by the chairperson, or
- b. in the chairperson's absence, by the majority of the councillors present, or
- c. failing that, by the general manager.

- 5.13** The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

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

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

## Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

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

## Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

- 5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

## Entitlement of the public to attend council meetings

- 5.32 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note:** Clause 5.32 reflects section 10(1) of the Act.
- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- by a resolution of the meeting, or
  - by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

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

**Note:** If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

## Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- a. the meeting is being recorded and made publicly available on the council's website, and
  - b. persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36-5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note:** Clauses 5.36–5.40 reflect section 236 of the Regulation.
- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- Note:** Joint organisations are not required to livestream their meetings but may choose to do so by adopting clauses 5.36–5.40. Joint organisations that choose not to livestream their meetings may omit clauses 5.36–5.40.

## Attendance of the general manager and other staff at meetings

- 5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note:** Clause 5.42 reflects section 376(1) of the Act.
- 5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note:** Clause 5.43 reflects section 376(2) of the Act.
- 5.44 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note:** Clause 5.44 reflects section 376(3) of the Act.
- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

# 6 The chairperson

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## The chairperson at meetings

- 6.1** The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

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

- 6.2** If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

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

- 6.3** If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4** The election of a chairperson must be conducted:

- a. by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- b. by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5** If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6** For the purposes of clause 6.5, the person conducting the election must:

- a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7** The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8** Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

## Chairperson to have precedence

- 6.9** When the chairperson rises or speaks during a meeting of the council:

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

# 7 Modes of address

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- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].



# 8 Order of business for ordinary council meetings

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- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note:** If adopted, Part 13 allows council to deal with items of business by exception.
- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

# 9 Consideration of business at council meetings

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

- 9.1 The council must not consider business at a meeting of the council:**
- a. unless a councillor has given notice of the business, as required by clause 3.10, and
  - b. unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:**
- a. is already before, or directly relates to, a matter that is already before the council, or
  - b. is the election of a chairperson to preside at the meeting, or
  - c. is a matter or topic put to the meeting by way of a mayoral minute, or
  - d. is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.**
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.**
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.**
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.**

## Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.**
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.**
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.**

## Staff reports

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

## Reports of committees of council

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

## Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

# 10 Rules of debate

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## Motions to be seconded

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

## Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- a. any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - b. the chairperson may defer consideration of the motion until the next meeting of the council.

## Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

## Amendments to motions

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

## Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
  - a. if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - b. if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

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

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

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

**Note:** Joint organisations must adopt clause 10.26. Councils must not adopt clause 10.26.

# 11 Voting

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## Voting entitlements of councillors

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

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

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

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

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

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

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

**Note:** Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

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

## Voting at council meetings

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

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

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

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

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

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

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

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

## Voting on planning decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.14 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.15 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

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

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



# 12 Committee of the whole

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

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

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

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

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

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

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

# 13 Dealing with items by exception

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- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

# 14 Closure of council meetings to the public

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

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

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

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

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

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

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

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

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

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

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

- a. are substantial issues relating to a matter in which the council or committee is involved, and
- b. are clearly identified in the advice,
- c. are fully discussed in that advice, and
- d. are subject to legal professional privilege.

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

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

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

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

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

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

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

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

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

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - should not be deferred (because of the urgency of the matter), and
    - should take place in a part of the meeting that is closed to the public.

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

## Representations by members of the public

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

**Note:** Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

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

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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

## Obligations of councillors attending meetings by audio-visual link

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

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

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

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

## Resolutions passed at closed meetings to be made public

- 14.17** If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18** Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19** The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20** The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

# 15 Keeping order at meetings

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## Points of order

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

## Questions of order

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

## Motions of dissent

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

## Acts of disorder

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

- a. contravenes the Act, the Regulation or this code, or
- b. assaults or threatens to assault another councillor or person present at the meeting, or
- c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- d. uses offensive or disorderly words, or
- e. makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- f. imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- g. says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

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

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

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

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

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

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

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

## How disorder at a meeting may be dealt with

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

## Expulsion from meetings

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



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

**Note:** Councils may use either clause 15.15 or clause 15.16.

**15.17** Clause [15.15/15.16] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

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

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

**15.19** A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

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

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

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

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

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

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

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

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

**15.25** If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

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

**15.26** Councillors, council staff and members of the public must ensure that mobile phones are turned to silent

during meetings of the council and committees of the council.

- 15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

# 16 Conflicts of interest

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

# 17 Decisions of the council

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## Council decisions

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

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

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

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

## Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- Note:** Clause 17.11 reflects section 372(6) of the Act.
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- a. a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
  - b. the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

## Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- a. to correct any error, ambiguity or imprecision in the council's resolution, or
  - b. to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

# 18 Time limits on council meetings

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- 18.1** Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine.
- 18.2** If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- a. defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - b. adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3** Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4** Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- a. individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - b. publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

# 19 After the meeting

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## Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Implementation of decisions of the council

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

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



# 20 Council committees

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## Application of this Part

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

## Council committees whose members are all councillors

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

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

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

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

## Functions of committees

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

## Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- a. the time, date and place of the meeting, and
- b. the business proposed to be considered at the meeting.

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

## Non-members entitled to attend committee meetings

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

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

## Chairperson and deputy chairperson of council committees

- 20.9 The chairperson of each committee of the council must be:
- a. the mayor, or
  - b. if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - c. if the council does not elect such a member, a member of the committee elected by the committee.
- 20.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.12 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. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

## Procedure in committee meetings

- 20.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.
- 20.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.13.
- 20.15 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note:** Clause 20.15 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.15 and omit clause 20.14. Councils must not adopt clause 20.15.
- 20.16 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

## Mayoral minutes

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

## Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is livestreamed where practicable.
- 20.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

## Disorder in committee meetings

- 20.23 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

## Minutes of council committee meetings

- 20.24 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - details of each motion moved at a meeting and of any amendments moved to it,
  - the names of the mover and seconder of the motion or amendment,
  - whether the motion or amendment was passed or lost, and
  - such other matters specifically required under this code.
- 20.25 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.26 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.27 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.28 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 20.29 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.30 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

# 21 Irregularities

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

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

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

# 22 Definitions

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>the Act</b>                       | means the <i>Local Government Act 1993</i>                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>act of disorder</b>               | means an act of disorder as defined in clause 15.10 of this code                                                                                                                                                                                                                                                                                                                                                           |
| <b>amendment</b>                     | in relation to an original motion, means a motion moving an amendment to that motion                                                                                                                                                                                                                                                                                                                                       |
| <b>audio recorder</b>                | any device capable of recording speech                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>audio-visual link</b>             | means a facility that enables audio and visual communication between persons at different places                                                                                                                                                                                                                                                                                                                           |
| <b>business day</b>                  | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales                                                                                                                                                                                                                                                                             |
| <b>chairperson</b>                   | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 of this code                                                                                                                            |
| <b>this code</b>                     | means the council's adopted code of meeting practice                                                                                                                                                                                                                                                                                                                                                                       |
| <b>committee of the council</b>      | means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1                                                                                                                                                                                       |
| <b>council official</b>              | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council                                                                                                                                                                                                                                    |
| <b>day</b>                           | means calendar day                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>division</b>                      | means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion                                                                                                                                                                                                                                                          |
| <b>livestream</b>                    | a video broadcast of a meeting transmitted across the internet concurrently with the meeting                                                                                                                                                                                                                                                                                                                               |
| <b>open voting</b>                   | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means                                                                                                                                                                                                                                                                                                                 |
| <b>planning decision</b>             | means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement 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 |
| <b>performance improvement order</b> | means an order issued under section 438A of the Act                                                                                                                                                                                                                                                                                                                                                                        |
| <b>quorum</b>                        | means the minimum number of councillors or committee members necessary to conduct a meeting                                                                                                                                                                                                                                                                                                                                |
| <b>the Regulation</b>                | means the <i>Local Government (General) Regulation 2021</i>                                                                                                                                                                                                                                                                                                                                                                |
| <b>year</b>                          | means the period beginning 1 July and ending the following 30 June                                                                                                                                                                                                                                                                                                                                                         |

Richmond  
Valley  
Council



# RICHMOND VALLEY COUNCIL CODE OF MEETING PRACTICE

**2025**

|                       |  |
|-----------------------|--|
| <b>Adopted</b>        |  |
| <b>Resolution No.</b> |  |

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## 1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

Further information on meeting procedures at Richmond Valley Council can be obtained by contacting Council's Governance Department on (02) 6660 0300.

*Notes in the Code of Meeting Practice are explanatory notes only and do not form part of the Code of Meeting Practice. The notes are provided to assist with the understanding of the Code.*



## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

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

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

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

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

#### Extraordinary meetings

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

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

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

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

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

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must 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 councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 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 councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

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

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.

**Richmond Valley Council requires a notice of motion must be submitted by no later than 4.30pm on the Monday of the week prior to the meeting being held.**

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

consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that would constitute an act of disorder.
- 3.16 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.17 The general manager 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 council.

#### Agenda and business papers for ordinary meetings

- 3.18 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.20 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

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

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

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

#### Statement of ethical obligations

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

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

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

**Note: Clause 3.25 reflects section 9(2) and (4) of the Act.**

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

**Note: Clause 3.26 reflects section 9(2A)(b) of the Act.**

- 3.27 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 councillors.

**Note: Clause 3.27 reflects section 9(3) of the Act.**

- 3.28 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form unless the council determines otherwise.

**Note: Clause 3.28 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.29 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.30 Nothing in clause 3.29 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.31 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.32 A motion moved under clause 3.31 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.31, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.33 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.31 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.34 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.33 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

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

**Note: The prohibition on the holding of briefing sessions under clause 3.35 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.**

- 3.36 Nothing in clause 3.35 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

#### 4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.
- 4.4 The procedure for the conduct of the **Public Forum** will be as follows:
- 1) The Public Forum will be held prior to the commencement of Ordinary Council Meetings for the purpose of hearing oral submissions on agenda items only.
  - 2) A time limit of five (5) minutes per address will be applied with a maximum of six (6) time slots allocated at any one session. Each time slot shall be for one (1) item on the agenda.
  - 3) An appointment for addressing Council must be made by application via Council's Office of the General Manager, with reference to the related agenda item. Applications for allocation of a time slot must be made **by 4.30pm on the Monday prior to the scheduled meeting** with details to be provided to Councillors by midday on the day of the meeting.
  - 4) At all times during the address, participants will respect the right of the Chairperson to terminate the session.
  - 5) Addresses are not to be directed to any specific individual.

#### 5 COMING TOGETHER

##### Attendance by councillors at meetings

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

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office)**

**until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

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

**Richmond Valley Council supports the notion that council meetings require a level of respect and dignity befitting to a chamber of democracy. To promote this, Richmond Valley Council has determined that the standard dress code for councillors when attending meetings is to be “business casual”. Business casual wear is defined as professional yet comfortable attire that blends formal and informal wear which maintains an appearance suitable for a workplace; being neat and conventional, however, not formal.**

- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.5 The council must not act unreasonably when considering whether to grant a councillor’s request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.7 A councillor’s civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days’ notice of their intention to attend.

#### The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.



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

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

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

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

**Meetings held by audio-visual link**

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this

clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

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

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting

by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

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

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

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

- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

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

Richmond Valley Council encourages fair and equitable rights of participation in meetings whilst recognising meetings should be conducted in a dignified and orderly manner. To promote confidence in these principles, Richmond Valley Council determines the power of expulsion shall be conducted in accordance with clause 15.16 of this Code.

**Livestreaming of meetings**

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place; or
  - (b) in the event of a technical error, as soon as practicable after the meeting.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36 - 5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.36 – 5.40 reflect section 236 of the Regulation.**

- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

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

- 5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

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

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

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

- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

- 5.46 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link in accordance with the provisions of clause 5.19. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

## **6 THE CHAIRPERSON**

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

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

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

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

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

Chairperson to have precedence

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

**7 MODES OF ADDRESS**

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be

addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.

- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

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

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

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

## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

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

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.

- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

#### Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

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

#### Delegates' Reports



- 9.14 Reports are to be provided in writing by the Mayor and Delegates (preferably for dispatch with the meeting agenda). The delegates' reports are to relate to attendances the delegates undertake on behalf of Council and should include the following:

- (a) Date, location and subject matter of attendance
- (b) Precipis/summary of issues discussed/considered
- (c) Outcomes and/or actions required from attendance.

#### Late Correspondence

- 9.15 That the deadline be 4.30pm seven (7) days prior to a scheduled Council Meeting to allow ample time for staff to digest and comment, if appropriate, on the contents of the late correspondence. Items received after that time will only be included on the agenda at the discretion of the General Manager or Mayor.

#### Questions

- 9.16 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14, unless the council determines otherwise in accordance with this code.
- 9.17 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.18 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.19 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.20 Councillors must ask questions directly, succinctly, and without argument.
- 9.21 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

### **10 RULES OF DEBATE**

#### Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Amendments to motions

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

- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 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.
- 10.13 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 council at any one time.
- 10.14 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.
- 10.15 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.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

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

- 10.17 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.18 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.19 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.20 Despite clause 10.19, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.21 Despite clauses 10.17 and 10.18, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.22 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.21. A seconder is not required for such a motion.
- 10.23 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.17.
- 10.24 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.25 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.26 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.
- 10.27 Clause 10.26 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

## 11 VOTING

### Voting entitlements of councillors

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

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

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

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

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

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

#### Voting on planning decisions

- 11.11 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.12 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.13 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.14 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.15 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.16 Clauses 11.13–11.15 apply also to meetings that are closed to the public.

**Note: Clauses 11.13–11.16 reflect section 375A of the Act.**

**Note: The requirements of clause 11.13 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

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

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

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

**Note: Clauses 10.20 – 10.31 limit the number and duration of speeches.**

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

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## **13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

## 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

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

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

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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

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

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

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

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

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

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

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

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



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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Applications must be received by Council **by 4.30pm on the Monday prior to the meeting** at which the matter is to be considered.

- 14.13 The general manager (or their delegate) may refuse an application made under clause 14.12. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.14 No more than **six** speakers are to be permitted to make representations under clause 14.9.

- 14.15 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.16 The general manager (or their delegate) is to determine the order of speakers.
- 14.17 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **six** speakers to make representations in such order as determined by the chairperson.
- 14.18 Each speaker will be allowed **five** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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

- 14.19 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.20 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 such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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

#### Obligations of councillors attending meetings by audio-visual link

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

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

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

**Note: Clause 14.22 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.23 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.24 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.23 during a part of the meeting that is livestreamed where practicable.
- 14.25 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.26 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.25 and provide reasons for why the information has ceased to be confidential.

## **15 KEEPING ORDER AT MEETINGS**

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the

point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

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

#### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 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.
- 15.10 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

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
  - (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) uses offensive or disorderly words, or

- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

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

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

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), (d), (e), or (g), 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), (e), (f) or (g).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

- 15.13 A failure to comply with a requirement under clause 15.12 constitutes a fresh act of disorder for the purposes of clause 15.11.
- 15.14 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.10 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

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

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

#### Expulsion from meetings

- 15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.17 Clause 15.16 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.10 or clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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

- 15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.20 Members of the public attending a meeting of the council:
- (a) must remain silent during the meeting unless invited by the chairperson to speak,
  - (b) must not bring flags, signs or protest symbols to the meeting, and
  - (c) must not disrupt the meeting.
- 15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.
- 15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

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

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

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

Use of mobile phones and the unauthorised recording of meetings

- 15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

**16 CONFLICTS OF INTEREST**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 DECISIONS OF THE COUNCIL

### Council decisions

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

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

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

### Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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



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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **two working days** after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

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

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
  - (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

**Recommitting resolutions to correct an error**

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **18 TIME LIMITS ON COUNCIL MEETINGS**

- 18.1 Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine.

As a general guide, meetings of the council and committees of the council are to conclude no later than four (4) hours after commencement of the meeting, however this time is amendable by determination of the council and/or committee of the council.

- 18.2 If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Implementation of decisions of the council

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

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

## **20 COUNCIL COMMITTEES**

### Application of this Part

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

### Council committees whose members are all councillors

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

### Functions of committees

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

Notice of committee meetings

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

Attendance at committee meetings

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

Non-members entitled to attend committee meetings

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

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 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.
- 20.16 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 council or the committee determines otherwise in accordance with clause 20.15.

**Note: Clause 20.16 reflects section 397E of the Regulation.**

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

#### Mayoral minutes

- 20.18 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is livestreamed where practicable.
- 20.22 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to

be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

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

#### Disorder in committee meetings

- 20.23 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Minutes of council committee meetings

- 20.25 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 20.26 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.27 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.28 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.29 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 20.30 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.31 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 IRREGULARITIES

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

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

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



**22 DEFINITIONS**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| the Act                  | means the <i>Local Government Act 1993</i>                                                                                                                                                                                                                                                                                                                                                                                 |
| act of disorder          | means an act of disorder as defined in clause 15.11 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             | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales                                                                                                                                                                                                                                                                             |
| chairperson              | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code                                                                                                                           |
| this code                | means the council's adopted code of meeting practice                                                                                                                                                                                                                                                                                                                                                                       |
| committee of the council | means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1                                                                                                                                                                                       |
| council official         | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council                                                                                                                                                                                                                                    |
| day                      | means calendar day                                                                                                                                                                                                                                                                                                                                                                                                         |
| division                 | means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion                                                                                                                                                                                                                                                          |
| livestream               | a video broadcast of a meeting transmitted across the internet concurrently with the meeting                                                                                                                                                                                                                                                                                                                               |
| open voting              | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means                                                                                                                                                                                                                                                                                                                 |
| planning decision        | means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |

|                               |                                                                                             |
|-------------------------------|---------------------------------------------------------------------------------------------|
| performance improvement order | means an order issued under section 438A of the Act                                         |
| quorum                        | means the minimum number of councillors or committee members necessary to conduct a meeting |
| the Regulation                | means the <i>Local Government (General) Regulation 2021</i>                                 |
| year                          | means the period beginning 1 July and ending the following 30 June                          |



# Concise Investment Report Pack

**Richmond Valley Council**

1 September 2025 to 30 September 2025



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5. Environmentally Sustainable Investment Performance Report for the Period Ending 30 September 2025 Relative To 31 August 2025



## 1. Portfolio Valuation As At 30 September 2025

|                                                                          | Security Rating | Face Value Original  | Face Value Current   | Market Value         | % Total Value | Running Yield | Weighted Running Yield |
|--------------------------------------------------------------------------|-----------------|----------------------|----------------------|----------------------|---------------|---------------|------------------------|
| <b>Fixed Interest Security</b>                                           |                 |                      |                      |                      |               |               |                        |
| At Call Deposit                                                          |                 |                      |                      |                      |               |               |                        |
| CBA Business Online Saver Acct RVC At Call                               | S&P ST A1+      | 10,985,000.00        | 10,985,000.00        | <b>10,985,000.00</b> | 11.42%        | 3.40%         |                        |
| CBA General Fund Bk Acct RVC At Call                                     | S&P ST A1+      | 1,800,971.78         | 1,800,971.78         | <b>1,800,971.78</b>  | 1.87%         | 2.60%         |                        |
| CBA Trust Acct RVC At Call                                               | S&P ST A1+      | 87,050.17            | 87,050.17            | <b>87,050.17</b>     | 0.09%         | 2.30%         |                        |
| MACQ 940323454 At Call                                                   | Moodys A2       | 10,025,656.94        | 10,025,656.94        | <b>10,025,656.94</b> | 10.43%        | 3.90%         |                        |
| NAB Business Cheque Acct RVC At Call                                     | S&P ST A1+      | 12.32                | 12.32                | <b>12.32</b>         | 0.00%         | 0.00%         |                        |
|                                                                          |                 | <b>22,898,691.21</b> | <b>22,898,691.21</b> | <b>22,898,691.21</b> | <b>23.81%</b> |               | <b>0.85%</b>           |
| Floating Rate Note                                                       |                 |                      |                      |                      |               |               |                        |
| Auswide 1.5 17 Mar 2026 FRN                                              | Moodys Baa2     | 1,000,000.00         | 1,000,000.00         | <b>1,000,000.00</b>  | 1.04%         | 4.23%         |                        |
| Auswide 1.6 22 Mar 2027 FRN                                              | Moodys Baa2     | 1,500,000.00         | 1,500,000.00         | <b>1,500,000.00</b>  | 1.56%         | 4.05%         |                        |
| CACU 1.7 21 Sep 2026 FRN                                                 | S&P BBB-        | 1,750,000.00         | 1,750,000.00         | <b>1,750,000.00</b>  | 1.82%         | 5.08%         |                        |
| MACQ 0.48 09 Dec 2025 FRN                                                | Moodys A2       | 1,000,390.00         | 1,000,390.00         | <b>1,000,390.00</b>  | 1.04%         | 4.48%         |                        |
| JUDO 1.45 13 Jun 2028 FRN                                                | S&P BBB         | 1,500,000.00         | 1,500,000.00         | <b>1,500,000.00</b>  | 1.56%         | 4.96%         |                        |
|                                                                          |                 | <b>6,750,390.00</b>  | <b>6,750,390.00</b>  | <b>6,750,390.00</b>  | <b>7.02%</b>  |               | <b>0.32%</b>           |
| Fixed Rate Bond                                                          |                 |                      |                      |                      |               |               |                        |
| NTTC 1.1 15 Dec 2025 - Issued 10 September 2021 - Richmond Council Fixed | Moodys Aa3      | 2,000,000.00         | 2,000,000.00         | <b>2,000,000.00</b>  | 2.08%         | 1.10%         |                        |
| BOQ 4.7 27 Jan 2027 Fixed                                                | S&P BBB+        | 1,000,000.00         | 1,000,000.00         | <b>1,000,000.00</b>  | 1.04%         | 5.60%         |                        |
|                                                                          |                 | <b>3,000,000.00</b>  | <b>3,000,000.00</b>  | <b>3,000,000.00</b>  | <b>3.12%</b>  |               | <b>0.10%</b>           |
| Unit Trust                                                               |                 |                      |                      |                      |               |               |                        |
| NSWTC Long Term Growth Fund UT                                           |                 | 3,000,000.00         | 4,018,827.41         | <b>4,018,827.41</b>  | 4.18%         | 20.88%        |                        |
| NSWTC Medium Term Growth Fund UT                                         |                 | 11,005,029.35        | 14,491,358.87        | <b>14,491,358.87</b> | 15.07%        | 14.16%        |                        |
|                                                                          |                 | <b>14,005,029.35</b> | <b>18,510,186.28</b> | <b>18,510,186.28</b> | <b>19.25%</b> |               | <b>3.01%</b>           |



## 1. Portfolio Valuation As At 30 September 2025

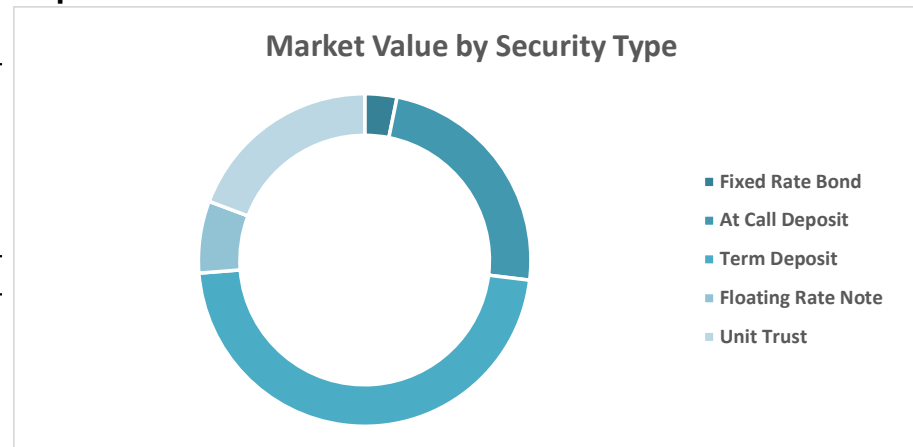
### Term Deposit

|                                   |               |               |               |                      |         |       |
|-----------------------------------|---------------|---------------|---------------|----------------------|---------|-------|
| AMP 5 30 Oct 2025 273DAY TD       | Moodys ST P-2 | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 5.00% |
| AMP 4.45 24 Nov 2025 180DAY TD    | Moodys ST P-2 | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.45% |
| AMP 4.3 07 Jan 2026 160DAY TD     | Moodys ST P-2 | 3,000,000.00  | 3,000,000.00  | <b>3,000,000.00</b>  | 3.12%   | 4.30% |
| Auswide 4.2 09 Sep 2026 365DAY TD | Moodys ST P-3 | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.20% |
| BBA 4.15 02 Mar 2025 182DAY TD    | S&P ST A2     | 4,000,000.00  | 4,000,000.00  | <b>4,000,000.00</b>  | 4.16%   | 4.15% |
| BBA 4.30 12 Feb 2025 155DAY TD    | S&P ST A2     | 3,000,000.00  | 3,000,000.00  | <b>3,000,000.00</b>  | 3.12%   | 4.30% |
| BOQ 4.45 06 Nov 2025 183DAY TD    | S&P ST A2     | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.45% |
| BOQ 4.35 02 Dec 2025 180DAY TD    | S&P ST A2     | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.35% |
| BOQ 4.25 31 Mar 2025 182DAY TD    | S&P ST A2     | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.25% |
| DEF 4.8 03 Oct 2025 182DAY TD     | S&P ST A2     | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.80% |
| HEART 4.35 30 Sep 2026 365DAY TD  | Fitch ST F3   | 1,000,000.00  | 1,000,000.00  | <b>1,000,000.00</b>  | 1.04%   | 4.35% |
| ING 5.17 21 Nov 2025 365DAY TD    | S&P ST A1     | 1,000,000.00  | 1,000,000.00  | <b>1,000,000.00</b>  | 1.04%   | 5.17% |
| NAB 4.25 08 Oct 2025 90DAY TD     | S&P ST A1+    | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.25% |
| NAB 4.30 28 Sep 2026 367DAY TD    | S&P ST A1+    | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.30% |
| RABO 4.5 30 Oct 2025 182DAY TD    | S&P ST A1     | 1,000,000.00  | 1,000,000.00  | <b>1,000,000.00</b>  | 1.04%   | 4.50% |
| RABO 4.32 05 Feb 2026 182DAY TD   | S&P ST A1     | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.32% |
| RCU 4.3 08 Dec 2025 123DAY TD     | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.30% |
| RCU 4.3 10 Mar 2026 183DAY TD     | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.30% |
| RCU 4.3 11 Mar 2026 182DAY TD     | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.30% |
| SCCU 4.3 10 Mar 2026 182DAY TD    | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.30% |
| SYD 4.55 01 Dec 2025 180DAY TD    | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.55% |
| SYD 4.25 10 Mar 2026 183DAY TD    | Unrated ST UR | 2,000,000.00  | 2,000,000.00  | <b>2,000,000.00</b>  | 2.08%   | 4.25% |
|                                   |               | 45,000,000.00 | 45,000,000.00 | <b>45,000,000.00</b> | 46.80%  | 2.07% |
| <b>Portfolio Total</b>            |               | 91,654,110.56 | 96,159,267.49 | <b>96,159,267.49</b> | 100.00% | 6.34% |



## 2. Portfolio Valuation By Categories As At 30 September 2025

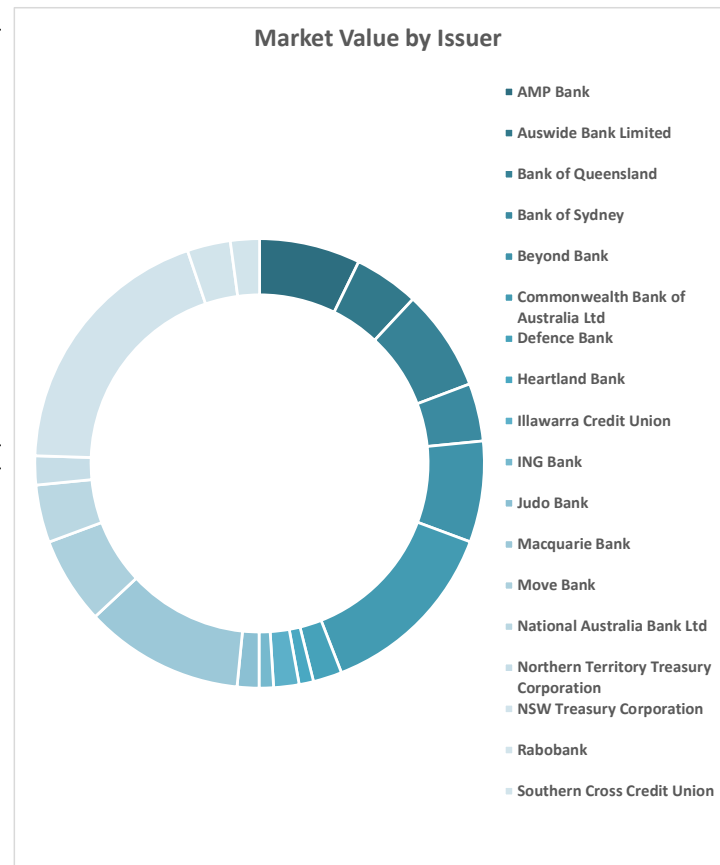
| Security Type      | Market Value  | % Total Value |
|--------------------|---------------|---------------|
| Fixed Rate Bond    | 3,000,000.00  | 3.12%         |
| At Call Deposit    | 22,898,691.21 | 23.81%        |
| Term Deposit       | 45,000,000.00 | 46.80%        |
| Floating Rate Note | 6,750,390.00  | 7.02%         |
| Unit Trust         | 18,510,186.28 | 19.25%        |
| Portfolio Total    | 96,159,267.49 | 100.00%       |





## 2. Portfolio Valuation By Categories As At 30 September 2025

| Issuer                                  | Market Value         | % Total Value  |
|-----------------------------------------|----------------------|----------------|
| AMP Bank                                | 7,000,000.00         | 7.28%          |
| Auswide Bank Limited                    | 4,500,000.00         | 4.68%          |
| Bank of Queensland                      | 7,000,000.00         | 7.28%          |
| Bank of Sydney                          | 4,000,000.00         | 4.16%          |
| Beyond Bank                             | 7,000,000.00         | 7.28%          |
| Commonwealth Bank of Australia Ltd      | 12,873,021.95        | 13.39%         |
| Defence Bank                            | 2,000,000.00         | 2.08%          |
| Heartland Bank                          | 1,000,000.00         | 1.04%          |
| Illawarra Credit Union                  | 1,750,000.00         | 1.82%          |
| ING Bank                                | 1,000,000.00         | 1.04%          |
| Judo Bank                               | 1,500,000.00         | 1.56%          |
| Macquarie Bank                          | 11,026,046.94        | 11.47%         |
| Move Bank                               | 6,000,000.00         | 6.24%          |
| National Australia Bank Ltd             | 4,000,012.32         | 4.16%          |
| Northern Territory Treasury Corporation | 2,000,000.00         | 2.08%          |
| NSW Treasury Corporation                | 18,510,186.28        | 19.25%         |
| Rabobank                                | 3,000,000.00         | 3.12%          |
| Southern Cross Credit Union             | 2,000,000.00         | 2.08%          |
| <b>Portfolio Total</b>                  | <b>96,159,267.49</b> | <b>100.00%</b> |





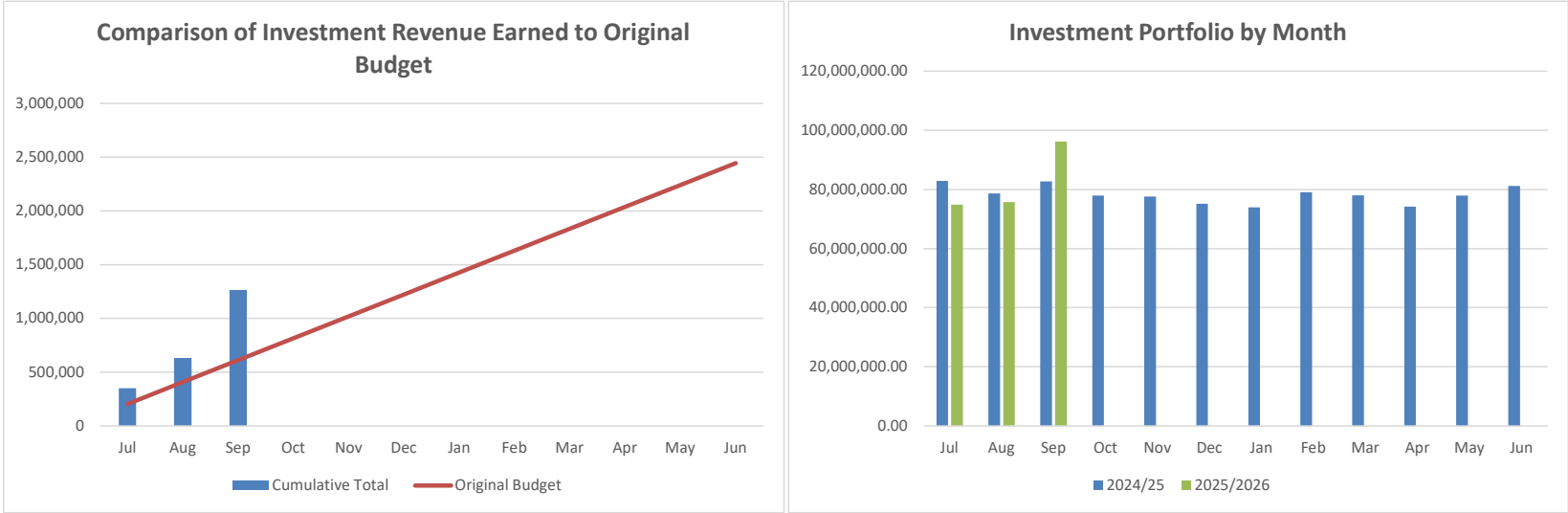


### 3. Investment Revenue Received For 1 September 2025 to 30 September 2025

| Security                       | Issuer                      | Settlement Date | Face Value (Basis of Interest Calculation) | Consideration Notional | Income Type              |
|--------------------------------|-----------------------------|-----------------|--------------------------------------------|------------------------|--------------------------|
| BBA 4.75 03 Sep 2025 182DAY TD | Beyond Bank                 | 1 Sep 2025      | 4,000,000.00                               | <b>94,219.18</b>       | Security Coupon Interest |
| RCU 4.8 10 Sep 2025 182DAY TD  | Railways CU Ltd t/as myMOVE | 10 Sep 2025     | 2,000,000.00                               | <b>47,868.49</b>       | Security Coupon Interest |
| MACQ 0.48 09 Dec 2025 FRN      | Macquarie Bank Ltd          | 10 Sep 2025     | 1,000,390.00                               | <b>10,459.27</b>       | Security Coupon Interest |
| JUDO 1.45 13 Jun 2028 FRN      | Judo Bank                   | 16 Sep 2025     | 1,500,000.00                               | <b>19,962.12</b>       | Security Coupon Interest |
| Auswide 1.5 17 Mar 2026 FRN    | Auswide Bank Limited        | 18 Sep 2025     | 1,000,000.00                               | <b>13,136.84</b>       | Security Coupon Interest |
| Auswide 1.6 22 Mar 2027 FRN    | Auswide Bank Limited        | 23 Sep 2025     | 1,500,000.00                               | <b>19,685.54</b>       | Security Coupon Interest |
| CACU 1.7 21 Sep 2026 FRN       | Illawarra Credit Union Ltd  | 23 Sep 2025     | 1,750,000.00                               | <b>23,402.77</b>       | Security Coupon Interest |
| JUDO 6.4 26 Sep 2025 Fixed     | Judo Bank                   | 29 Sep 2025     | 1,500,000.00                               | <b>48,000.00</b>       | Security Coupon Interest |
| AMP 4.45 30 Sep 2025 153DAY TD | AMP Bank Ltd                | 30 Sep 2025     | 1,000,000.00                               | <b>18,653.42</b>       | Security Coupon Interest |
| BOQ 4.8 30 Sep 2025 183DAY TD  | Bank of Queensland Ltd      | 30 Sep 2025     | 2,000,000.00                               | <b>48,131.51</b>       | Security Coupon Interest |
| Other                          | Macquarie Bank Ltd          | 30 Sep 2025     |                                            | <b>25,656.94</b>       | Bank Interest            |
| Other                          | Commonwealth Bank           | 30 Sep 2025     |                                            | <b>40,680.13</b>       | Bank Interest            |
| Other                          | Commonwealth Bank           | 30 Sep 2025     |                                            | <b>7,948.99</b>        | Bank Interest            |
| Other                          | Commonwealth Bank           | 30 Sep 2025     |                                            | <b>164.56</b>          | Bank Interest            |
|                                |                             |                 |                                            | <b>417,969.76</b>      |                          |
| Medium Term Growth Fund        | NSW Treasury Corporation    |                 |                                            | <b>168,371.49</b>      | Fair Value Gain/(Loss)   |
| Long Term Growth Fund          | NSW Treasury Corporation    |                 |                                            | <b>68,828.90</b>       | Fair Value Gain/(Loss)   |
|                                |                             |                 |                                            | <b>237,200.39</b>      |                          |
| <b>TOTAL</b>                   |                             |                 |                                            | <b>655,170.15</b>      |                          |



4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2025 - 2026 YTD





## 5. Environmentally Sustainable Investment Performance Report for the Period Ending 30 September 2025 Relative To 30 June 2025.

### Portfolio Summary by Fossil Fuel Lending ADIs

| ADI Lending Status                      | % Total      | Current Period       | % Total      | Prior Period         |
|-----------------------------------------|--------------|----------------------|--------------|----------------------|
| <b>Fossil Fuel Lending ADIs</b>         |              |                      |              |                      |
| Bank of Queensland                      | 1.0%         | 1,000,000.00         | 1.3%         | 1,000,000.00         |
| Commonwealth Bank of Australia Ltd      | 13.4%        | 12,873,021.95        | 13.5%        | 10,186,810.85        |
| ING Bank Australia Limited              | 1.0%         | 1,000,000.00         | 1.3%         | 1,000,000.00         |
| Macquarie Bank                          | 11.5%        | 11,026,046.94        | 6.6%         | 5,012,373.60         |
| National Australia Bank Ltd             | 4.2%         | 4,000,012.32         | 2.6%         | 2,000,012.32         |
|                                         | <b>31.1%</b> | <b>29,899,081.21</b> | <b>25.4%</b> | <b>19,199,196.77</b> |
| <b>Non Fossil Fuel Lending ADIs</b>     |              |                      |              |                      |
| Auswide Bank Limited                    | 4.7%         | 4,500,000.00         | 3.3%         | 2,500,000.00         |
| AMP Bank                                | 7.3%         | 7,000,000.00         | 10.6%        | 8,000,000.00         |
| Bank of Queensland                      | 6.2%         | 6,000,000.00         | 7.9%         | 6,000,000.00         |
| Bank of Sydney                          | 4.2%         | 4,000,000.00         | 2.6%         | 2,000,000.00         |
| Beyond Bank                             | 7.3%         | 7,000,000.00         | 5.3%         | 4,000,000.00         |
| Defence Bank                            | 2.1%         | 2,000,000.00         | 2.6%         | 2,000,000.00         |
| Heartland Bank                          | 1.0%         | 1,000,000.00         | 0.0%         | 0.00                 |
| Illawarra Credit Union                  | 1.8%         | 1,750,000.00         | 2.3%         | 1,750,000.00         |
| Judo Bank                               | 1.6%         | 1,500,000.00         | 4.0%         | 3,000,000.00         |
| Move Bank                               | 6.2%         | 6,000,000.00         | 5.3%         | 4,000,000.00         |
| Northern Territory Treasury Corporation | 2.1%         | 2,000,000.00         | 2.6%         | 2,000,000.00         |
| NSW Treasury Corporation                | 19.2%        | 18,510,186.28        | 24.1%        | 18,272,985.89        |
| Rabobank                                | 3.1%         | 3,000,000.00         | 4.0%         | 3,000,000.00         |
| Southern Cross Credit Union             | 2.1%         | 2,000,000.00         | 0.0%         | 0.00                 |
|                                         | <b>68.9%</b> | <b>66,260,186.28</b> | <b>74.6%</b> | <b>56,522,985.89</b> |
| <b>Total Portfolio</b>                  |              | <b>96,159,267.49</b> |              | <b>75,722,182.66</b> |

All amounts shown in the table and charts are Current Face Values.

The above percentages are relative to the portfolio total and may be affected by rounding.

A fossil fuel lending ADI appearing in the non-fossil fuel related table will indicate that the portfolio contains a "green bond" issued by that ADI.

Note: AMP has been reclassified during May to a non-fossil fuel lending ADI

Fossil Fuel vs Non Fossil Fuel Lending ADI





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## Council Policy

Richmond  
Valley  
Council



|                         |                                             |
|-------------------------|---------------------------------------------|
| <b>Policy Title:</b>    | <b>Fraud Prevention</b>                     |
| <b>Policy Number:</b>   | 1.13                                        |
| <b>Focus Area:</b>      | 11C Manage Organisational Risks Responsibly |
| <b>Responsibility:</b>  | Governance & Risk                           |
| <b>Meeting Adopted:</b> |                                             |

### Objective

The objective of Richmond Valley Council's Fraud Prevention Policy is to ensure that the actions of any person do not result in the conduct of fraudulent or corrupt acts by ensuring that:

- Council has a policy to manage and prevent fraud or corruption;
- the policy complies with the provisions of various sections contained within the *Local Government Act 1993* (LGA) and the *Independent Commission Against Corruption Act 1988* (ICAC Act);
- all staff are aware of the policy through distribution of information and posting on the Council Intranet;
- Council has guidelines and measures for the prevention, detection and management of fraud or corruption; and
- the policy provides guidance to the General Manager and other persons in meeting the various reporting requirements.

### Introduction

The purpose of this policy is to limit Richmond Valley Council's exposure to fraud or corruption by encouraging an "awareness culture" that fraud and corruption within its workplace will not be tolerated.

Richmond Valley Council is committed to protecting its public funds or assets from any attempt to gain benefit through deceit, solicitation, stealing or forgery, by:

- members of the public;
- contractors;
- elected members; or
- its own employees

Richmond Valley Council is seeking commitment from everyone within the scope of application to this policy.

### Scope

This policy applies to:

- Council staff and councillors;
- permanent employees, whether full-time or part-time;

Richmond Valley Council – 1.13 Fraud Prevention

Adopted:

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- temporary or casual employees;
- consultants;
- individual contractors working for the Council; and
- other people who perform public official functions and their conduct and activities could be investigated by an investigating authority, which can include volunteers and those contracted to work for Council.

## Definitions

In accordance with *Australian Standard AS 8001:2021*:

"FRAUD" means dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.

The types of acts or omissions include, but are not limited to, theft, false pretenses, evasion, manipulation of information, misappropriation, larceny, embezzlement and improper destruction or falsification of accounts or records.

"CORRUPTION" means dishonest activity in which a person associated with an organisation (e.g. director, executive, manager, employee or contractor) acts contrary to the interest of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.

It is not corrupt conduct unless it involves:

- a criminal offence;
- a disciplinary offence; or
- reasonable grounds for terminating the services of a public official.

## Ethical Framework

The Fraud Prevention Policy sits within a wider ethical framework within Richmond Valley Council. The framework includes, but is not limited to, the following documents:

- **Code of Conduct – Councillors/Personnel.** The aim of the Code of Conduct is to define and maintain suitable standards of conduct and openness in Council decisions and dealings and to meet the requirements of section 440 of the LGA.
- **Internal Reporting (Public Interest Disclosures) Policy.** The aim of this policy is to provide a clear set of guidelines that ensure people are fully informed of their responsibilities in respect to Public Interest Disclosures. The policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, substantial waste of public money, government information

contravention and pecuniary interest and other wrongdoings by Council staff and or Councillors.

- **Business Ethics Policy.** The aim of this policy is to provide clear ethical guidance to Councillors, staff and those doing business with Council (including contractors), regarding the conduct of council business.
- **Gifts and Benefits Policy.** This policy aims to provide a framework of ethical considerations for Council staff and Councilors in relation to the giving or receiving of gifts and benefits in the course of official duties.
- **Complaints Management and Mandatory Reporting Policy.** This policy provides a complaints management framework for the effective handling of complaints.

### Prevention Responsibility

The General Manager is responsible for the prevention and detection of fraud and corruption through the implementation of appropriate and effective internal control systems.

The Directors, Managers and Supervisors must share responsibility for the prevention and detection of fraud or corruption and for the operations of Council.

It is the responsibility of Senior Management to ensure that there are mechanisms in place within the area of their control to:

- assess the risk of fraud;
- promote awareness of ethical principles applied by Council; and
- educate employees about fraud and corruption prevention and detection.

Council staff involved with risk and insurance matters will liaise with Senior Management in the conduct of activities to comply with these mechanisms.

All employees have the responsibility to report fraud and suspected corrupt activity, through the appropriate notification to their Supervisor, Manager or Director.

For those employees who wish to take advantage of the provisions of the *Protected Disclosures Act*, then they are to make their report in accordance with Council's Internal Reporting (Public Interest Disclosures) Policy.

### Prevention Strategy

Council, through Senior Management, will create an environment and culture in which fraudulent or corrupt acts will not be tolerated, and which will be fully investigated where they are suspected or reported.

To adhere to this objective, Council is developing policies and procedures which will result in fewer opportunities for fraud and corruption.

Council's Governance and Finance Officers will conduct regular risk assessment reviews across all operational areas of Council in conjunction with officers within the relevant operational

area. After identification and assessment of potential risk, an implementation plan will be developed to eliminate, minimise and control the risks.

This action can be attained by:

- developing or strengthening internal controls;
- establishing new or additional systems for monitoring and detection;
- delivery of appropriate training programs;
- communicating incidents, findings and recommendations;
- conducting follow-up on audits and recommendations; and
- ensuring that Council's current and potential customers are aware of its policies and procedures, thereby avoiding any conflict of interest.

By developing and strengthening internal controls, it can provide for the security and accountability of Council resources and prevent/reduce the opportunity for fraud or corruption through:

- segregation of duties;
- appropriate recruitment procedures (including reference checking);
- internal audits;
- documentation of procedures;
- budget control;
- reconciliations; and
- consideration of risk.

Council has identified the necessity to effectively manage access to information and the critical importance of ensuring that information assets are not lost, amended, misused, inappropriately disclosed or damaged.

### Audit, Risk and Improvement Committee

In accordance with section 428A(1) of the LGA, Council has appointed an Audit, Risk and Improvement Committee (ARIC).

The ARIC's role with respect to fraud and corruption under the LGA is to keep under review the following aspects of the council's operations—

- compliance,
- risk management,
- fraud control,
- financial management,
- governance,
- implementation of the strategic plan, delivery program and strategies,
- service reviews,
- collection of performance measurement data by the council,
- any other matters prescribed by the regulations,

and to provide information to Council for the purpose of improving Council's performance.



The *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* identifies the following key functions of the ARIC:

- a) oversee the internal audit activities carried out in relation to the council
- b) review the performance and efficacy of the activities over each period of four years
- c) prepare a report on the review that may include recommendations
- d) give a copy of the report to the governing body of the council.

The appointed ARIC forms an integral part of Council's fraud and corruption prevention strategy by monitoring and reporting on internal audits, providing strategic oversight and advice on issues raised in relevant audits. In accordance with the Terms of Reference, the ARIC is to review and advise Council of the adequacy and effectiveness of the Council's fraud and corruption framework and activities, including whether the Council has appropriate processes and systems in place to capture and investigate fraud-related information.

### Internal Reporting of Fraud or Corruption

Good channels of internal communication can encourage a steady flow of information that can result in Council improving its practices and procedures.

All employees have the responsibility to report fraud and suspected corrupt activity, through the appropriate notification to their Supervisor, Manager or Director. Senior Officers are to ensure that employees are protected from fear of retribution if they make any report about fraud or corruption.

Those employees who feel uncomfortable about reporting suspected fraud or corruption, should take advantage of the provisions of the *Protected Disclosures Act*. They are to make their report in accordance with Council's Internal Reporting (Public Interest Disclosures) Policy. This policy provides the framework for providing information to employees on how their internal report will be handled within Council.

The underlying focus of this policy is to inform employees and the general public that fraudulent or corrupt acts against Council will not be tolerated and every report is taken seriously by Senior Management. Prompt action will be initiated to investigate all reported acts of fraud or corruption and policies and procedures improved to discourage others who may be inclined to commit similar conduct.

### External Reporting of Fraud or Corruption

Internal reporting systems should always be available for all employees and the general public. Employees are encouraged to make reports to Council Officers in accordance with the Internal Reporting (Public Interest Disclosures) Policy. This policy provides an alternative avenue for employees who feel more comfortable in reporting fraud or corrupt acts to an external investigating authority, being the Independent Commission Against Corruption (ICAC), or Director General, Department of Local Government.

The General Manager is required under the *Local Government Act 1993* and *ICAC Act 1988* to report circumstances of fraud or corruption.

## Investigation

The purpose of a fraud or corruption investigation is to find out as much as possible about what happened; it is not to establish the guilt of a suspect.

When a fraudulent or corrupt act comes to the notice of a Council Officer or to the general public, then they are required to make such reports in accordance with this policy or Council's Internal Reporting (Public Interest Disclosures) Policy.

Whenever an allegation or suspicions of fraud or corruption arise, it is the responsibility of Senior Officers to ensure confidentiality. Releasing information can result in serious damage to the investigation and to the suspected party.

In all cases of reported alleged fraud or corruption, the General Manager should be immediately informed of the matter and then kept informed of the progress of the investigation. The General Manager will report to ICAC any suspected concerns of corrupt conduct. The report will be after the existence of corrupt conduct has been established.

The nature of the allegation will determine who firstly will assess information relating to the possible act of fraud or corruption. Senior Officers may conduct an initial investigation to establish the existence of an alleged act and if they consider it can be handled within the respective Directorate.

If it is considered by the Director and General Manager that the investigation should be conducted outside their Directorate, then it should be handled by a nominated Council Officer (from Council's Management Team), police or outsourced to an independent investigator.

The Council Officer who is responsible for the conduct of any investigation, must prepare a process plan, notwithstanding the following actions:

- defining the objective or scope of the investigation;
- methodology of the investigation;
- details of any initial enquiries; and
- timeframe and finalisation arrangements.

Information obtained during the investigation must be recorded to determine:

- whether the information is trivial, frivolous or vexatious;
- how much specific evidence there is to support the information provided;
- how long ago the alleged misconduct occurred; and
- whether additional resources are required to investigate the allegation.

In all cases, investigations must be carried out objectively, thoroughly and without prejudice. Senior Management must ensure high standards of investigation that preserve due process and protect the integrity of the process, whilst ensuring confidentiality and fairness.

## Seriousness of Fraud and Fraud Reporting

Fraud is addressed at Part 4AA of the *Crimes Act 1900*. Fraud offences are considered very serious, as evidenced by the fact that all offences under Part 4AA carry a maximum penalty of a term of imprisonment.

Under the *Crimes Act 1900*, concealing a serious indictable offence is a crime in certain circumstances. Under section 316, anyone who knows or believes that a serious indictable offence (which could include fraud) has been committed and has material information that could assist with the apprehension or prosecution or conviction of the offender must bring that information to the attention of police or another appropriate body. The failure to any report such an offence, without a reasonable excuse, comes with a penalty of up to 5 years' imprisonment.

## Disciplinary Action

Council will comply with the provisions of its Code of Conduct, associated policies, relevant awards, conditions and legislation in dealing with confirmed fraudulent acts.

When an investigation confirms that a fraud has occurred, it should recommend the appropriate level of action to be implemented. Such level will depend upon the amount of evidence obtained during the investigation.

If there is sufficient information for the matter to be reported to the police, then that authority should manage the remainder of the investigation.

If there is not enough evidence to sustain criminal charges, then Council should investigate implementing disciplinary action. Prior to taking disciplinary action, the General Manager or delegate will give the Council Officer an opportunity to respond to the allegations.

Under Clause 38 of the Local Government (State) Award, in cases of serious misconduct the employer may summarily dismiss an employee following a proper investigation (provided the employee is afforded procedural fairness). Council may also exercise its right to recover lost funds via civil proceedings to obtain damages or through the *Victims Rights and Support Act 2013 (NSW)*.

## Preventing Further Fraud

It is important that any fraudulent or corrupt acts are not repeated. Details of any disclosed fraudulent or corrupt acts will be provided to all Senior Officers in order that they may examine their operations for similar circumstances and risks.

Officers from the Governance and Finance sections will work in conjunction with other relevant Council Officers to develop internal controls and procedures to reduce the risk of fraudulent or corrupt acts reoccurring within Council.

There will be a continual revision of all Council internal controls and procedures to ensure that they serve the purpose for which they were developed and to improve controls and procedures where they are warranted.

The main avenue for preventing further fraud is for all Council employees to be proactive in assisting Senior Officers in detecting or preventing fraudulent or corrupt acts before they can materialise into a major concern to Council. This factor can be achieved if Council has a well-developed staff training and awareness program.

### Staff Training and Awareness

The Fraud Prevention Policy will be incorporated into Council's induction process, providing all new employees with knowledge of Council's expectations surrounding fraud. Council will develop a comprehensive training program to inform Council employees of policies and procedures in relation to making them aware of fraud and corruption issues.

Such issues include appropriate provisions within Council's Internal Reporting (Public Interest Disclosures) Policy, Complaints Management and Mandatory Reporting Policy and Fraud Prevention Policy pertaining to the risk management process, the reporting process, internal support mechanisms and the management of investigations.

### Client and Community Awareness

Council does conduct business with a wide range of external parties that have different ethical standards. Council has developed policies and procedures which it expects potential clients to adhere to, including the Code of Conduct and Business Ethics Policy. Both of these documents are separately listed on Council's Website and Staff Intranet and this information is contained within all tender documents.

Council will communicate to the community, awareness programs on fraud or corruption as a means of providing leadership to the community, with the aim of improving its standing. The programs will provide clear guidelines about Council's acceptable practices and to show that it is committed to providing honest and ethical services to the community.

## Review

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

| Version Number | Date    | Reason / Comments                                                                                                |
|----------------|---------|------------------------------------------------------------------------------------------------------------------|
| 1              | 01/2008 | Adopted                                                                                                          |
| 2              | 08/2015 | Update to staff titles and format                                                                                |
| 3              | 06/2020 | Review                                                                                                           |
| 4              |         | Review, minor amendments, amendments to definitions and addition of section Audit Risk and Improvement Committee |