



**POLICY NO: CCC001**

# **CODE OF MEETING PRACTICE**

24 September 2018

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1	September 2016	Creation of CCC Code of Meeting Practice.	D12493821
2	26 July 2017	Minor amendments to update code and rectify.	D12761195
3	27 November 2017	Amendments re meeting frequency and times.	D12848633
4	12 February 2018	Amendments taking into consideration feedback received.	D13057229
5	24 September 2018	Additions to items resolved by exception, public speakers and time limit.	D13247377

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## A Summary

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1. Council Meetings are the key decision making mechanism for Council. This Code of Meeting Practice facilitates and guides the effective, open and orderly conduct of Council Meetings at Central Coast Council (Council).
2. It ensures clarity, and seeks to align Council Meeting procedures with community expectations and legislative requirements.
3. The Code has been prepared in accordance with the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#), and complies with the Office of Local Government's [Meeting Practice Note \(2009\)](#). In some instances this Code reproduces the relevant legislation and in other instances it is referenced.
4. The Code sets out the minimum expectations with regard to the conduct of Council Meetings. In practice, Councillors and staff will seek to continually improve the conduct of Council Meetings to achieve the following principles:
  - (a) *Transparent* Decisions are made in a way that is open and accountable;
  - (b) *Informed* Decisions are made based upon relevant, quality information;
  - (c) *Inclusive* Decisions respect the diverse needs and interests of the Central Coast community;
  - (d) *Trusted* Our community has confidence that Councillors and staff act ethically and make decisions in the interests of the entire community;
  - (e) *Respectful* Councillors, staff and meeting attendees treat each other with respect; and
  - (f) *Orderly* Meetings are well organised, effectively run and skilfully chaired

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## B Definitions

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- Act:** means the [Local Government Act 1993](#).
- Administrator:** means any Administrator appointed in accordance with the [Local Government Act 1993](#). Where an Administrator has been appointed to Central Coast Council all references to the mayor and Councillors, and Council apply to the Administrator where the Administrator has all the functions of the Council.
- Agenda:** means a list of items for consideration at a meeting together with reports and other attachments relating to those items
- Amendment:** in relation to an original motion, means a motion moving an amendment to that motion.
- Chairperson:** (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the [Local Government Act 1993](#); and

- (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by clause 267 of the [Local Government \(General\) Regulation 2005](#).

**Chief Executive Officer or CEO:**

is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the [Local Government Act 1993](#), or in the absence of that person, the employee designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation

**Code:**

means Council's Code of Meeting Practice adopted by Council pursuant to the [Local Government Act 1993](#).

**Committee:**

means a committee appointed or elected by the Council in accordance with clause 260(1) of the [Regulations](#)

**Council:**

means Central Coast Council.

**Council Staff:**

means employees of Council, and includes the Chief Executive Officer.

**Councillors:**

means a person elected or appointed to civic office in the Council, and includes the Mayor.

**Deputy Mayor:**

means the Deputy Mayor of the Council.

**Exception Method:**

means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:

- ☐ A resolution of Council to use the Exception Method;
- ☐ The exclusion of reports nominated by Councillors to be considered individually;
- ☐ The exclusion of matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and
- ☐ The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

**Mayor:**

means the person elected as the Mayor of the Council.

**Record:**

means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council.

**Regulation:**

means the [Local Government \(General\) Regulation 2005](#).

**Relative:**

in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto

partner;

- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a). [[Local Government Act 1993](#) Dictionary]

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## C Reference Guides

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1. The following reference guides are provided to assist with some specific mechanics of Council meetings. They supplement the information contained in the Code.
  - The Chairperson;
  - Order of Business;
  - Confidential Items;
  - Motions and amendments;
  - Points of order; and
  - Rescission Motions

### The Chairperson

2. One of the Chairperson's primary functions is maintaining orderly and respectful meetings. The following sets out some aspects of the role of the Chairperson. It is the responsibility of all present at the meeting to understand and respect this role.
3. The Chairperson shall insist upon the proper conduct of debate.
4. The Chairperson may, at his or her discretion from time to time, slow proceedings to allow for clarification of a matter or decision to ensure there is clarity for Councillors, staff and those present.
5. The Chairperson must be impartial and consistent in procedural rulings.
6. The Chairperson will receive and put to the meeting any motion which is brought before the meeting in accordance with the [Local Government Act 1993](#), [Local Government \(General\) Regulation 2005](#) and Code of Meeting Practice.
7. The Chairperson will not permit discussion unless there is a motion before the meeting.
8. The Chairperson has no power to adjourn the meeting of his or her own accord except when the meeting lacks a quorum or when disorder arises.
9. The Chairperson has the right to rule out of order motions that do not relate to the business before Council and motions that are "ultra vires" (beyond the scope of the Council).
10. The Chairperson may refuse to put motions and amendments that are not clear.
11. The Chairperson has the authority to advise and counsel the meeting.

12. The Chairperson will preserve order and endeavour to prevent interference. This includes private conversations or heckling remarks, offensive statements or the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Clause 255 of the [Local Government \(General\) Regulation 2005](#) – Questions of Order).
13. The Chairperson of Council Meetings or Committees of which all Councillors are members has the right to exercise a casting vote.
14. When the Chairperson rises to stand, all present will take their seat and cease talking.
15. In general, it is the aim of the chair to ensure an effective meeting by using their authority sparingly. To achieve this requires the support of Councillors and the advice of staff.

### **Order of Business**

16. The Order of Business is set out in *Part D Clause 10*. This order applies only for Ordinary Council Meetings, but Extraordinary meetings will follow the same order in general terms.
17. These Orders of Business can be changed if a motion to change it is passed. It is not necessary to give notice of this kind of procedural motion. Only the mover of the motion is allowed to speak on it – this is different from most other motions.
18. It is considered good practice to amend the Order of Business where there are specific items which have a number of public speakers or in which there is significant known public interest. To do so demonstrates respect for those present.
19. However, it is appropriate that the procedural matters are dealt with prior to the consideration of a report. This ensures that, amongst other things, any conflicts of interest are declared and documented.

### **Confidential Items**

20. There are certain matters which Council may consider in the closed (confidential) part of the meeting. Council seeks to minimise the number of matters that are considered in closed session. This aligns to the relevant legislation and principles of this Code which encourage open decision making at Council meetings.
21. Only matters which are identified in s10A(2) of the [Local Government Act 1993](#) may be treated as confidential.
22. While a specific report may be identified for consideration in confidential session, where possible, as much information as possible will be provided in a public report.

23. Prior to determining to move into confidential session, it is necessary to allow any members of the public who may wish to address Council as to why Council should not resolve into confidential session. Any submissions should be considered by Council.
24. In closing the meeting, care needs to be taken to ensure the gallery is empty and any webcasting has ceased. It is good practice to confirm these have occurred prior to discussing any of the confidential matters listed.
25. In re-opening the meeting, it is appropriate to take the time to ensure any members of the public who may have waited have the opportunity to re-enter the Chambers.
26. After confidential session, the meeting re-opens and the decisions of Council read back to the open meeting.

### **Motions and Amendments**

27. Generally, speakers addressing motions or amendments should commence by stating whether they rise to speak for or against.
28. A motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council. The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.
29. If that motion is passed it becomes a resolution of Council.
30. Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
31. Prior to opening any debate, the Chairperson will ask the chamber if there is any objection.
32. If there is no objection to a motion, there shall be no right of reply, and the chair shall put the motion.
33. A Councillor who moves a motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
34. A motion should be very specific in its intention, and must be capable of being implemented.
35. If possible, a motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.



36. The motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the motion.
37. A Councillor seconding the motion is in effect saying "I support this proposal." If no person present is prepared to second the motion it then lapses and should not be discussed further.
38. When a motion is complex in its wording and intent, to assist other Councillors, a Councillor should submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format.
39. This will allow the motion/amendment to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting.
40. Motions should be written in a positive sense so that a "yes" vote indicates support for the action, and a "no" vote indicates that no action should be taken.
41. The mover of the motion has the right to speak first, and a general "right of reply" at the end of the debate. No new information or material should be argued during the "right of reply."
42. The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
43. At the end of the debate, the Chairperson puts the motion to the meeting for voting by Councillors.

### ***Amendments***

44. An Amendment to a motion requires a mover and a seconder to put it forward.
45. The Amendment must be dealt with before voting on the motion.
46. Debate is allowed only in relation to the amendment and not the motion – which is suspended while the amendment is considered.
47. If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
48. There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
49. Amendments may be in the form of additional words to a motion and/or the removal of words.

50. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion.
51. A change to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

### ***Foreshadowed Motions/Amendments***

52. It is possible to advise the Council of an intention of a foreshadowed Motion/Amendment that relates to the business currently before Council.
53. The Chairperson cannot accept the foreshadowed Motion/Amendment until the current Motion/Amendment has been determined.

### **Points of Order**

54. A point of order is a procedural motion where the mover is seeking to highlight what they see as a matter the Chairperson needs to determine to ensure the appropriate and effective conduct of the meeting.
55. A Point of Order may be called in the following circumstances:
  - a) a matter is raised that does not relate to the subject being discussed;
  - b) there is no quorum present in the Council chamber;
  - c) there has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate;
  - d) a Councillor has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person's motives or conduct;
  - e) a speaker has exceeded the time limit for speeches;
  - f) an amendment under discussion has not been seconded; or
  - g) a matter is raised which is outside the powers of the Council.
56. The Chairperson may rule a Councillor out-of-order in two ways:
  - a. generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or
  - b. by the Chairperson on his or her own initiative making the ruling.
57. When a Councillor raises a point of order, the person speaking must stop and resume his/her seat until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice for example:

*Under Part C Clause 53(g) of the Code of Meeting Practice I raise a point of order....*

58. No other Councillor may speak on the Point of Order.
59. The Chairperson will then rule on the Point of Order, either by agreeing with the point of order or dismissing the point of order.
60. If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent. (Refer Clause 248 of the [Local Government \(General\) Regulation 2005](#)).
61. A Point of Order must not be raised for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It is only concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.

## Rescission Motions

62. Rescission motions are a complicated area of meeting procedure and it is important to be clear on the process and outcome for the benefit of Councillors, staff and the public.
63. There are two instances in which a rescission motion may be moved:
  - (a) A resolution has been passed at the Council Meeting or at a previous meeting of Council and those moving the Rescission Motion want to change it; or
  - (b) At the meeting or a previous *Council* Meeting a vote was not carried and those moving the Rescission Motion want to put the same (or similar) motion again.
64. Notice of a Rescission Motion must be signed by three Councillors. The exception is where more than three months have passed since the matter was first resolved. In this case it is not a Rescission Motion but simply a new motion (eg: Notice of Motion).
65. Once a Notice to alter or rescind a resolution has been signed by three Councillors and given to the Chief Executive Officer, the purported withdrawal of support for the motion by one or more of the signatories to the motion will not invalidate the motion. The Chief Executive Officer remains obliged to include the motion on the Agenda for the next Council meeting (unless the motion is, or the implementation of the motion would be, unlawful).
66. If Notice to alter or rescind a motion is given at the same meeting at which the matter was considered, any resolution cannot be acted upon until the Rescission Motion has been dealt with. It effectively puts a stop on action to implement the resolution that is subject of the Rescission Motion.
67. If a Rescission Motion is put and lost, a further Rescission Motion in similar terms cannot be put for three months.
68. In practical terms, the consideration of a Rescission Motion is in two steps:

- (a) first the Council must determine whether to carry the motion, that is, set aside the original decision. It is not necessary to consider what alternate motion may be put, only whether to rescind the original decision of Council; and then
  - (b) the matter is then at large and Council may determine it afresh. Council may make the same decision as was previously rescinded.
- 69. In some instances a Rescission Motion is not appropriate. Care must be taken where action has progressed on a matter or where the outcome has already been communicated to affected parties.
- 70. If notice of motion to rescind a resolution is given by 9.30 AM on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with, subject to Part C Clause 69.

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## **D Operative Parts**

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### **Before an Ordinary Council Meeting**

#### **When and where are Ordinary Meetings held?**

1. Ordinary Meetings of Council will be held on:
  - (a) the second Monday of the months of February to December inclusive at 49 Mann Street, Gosford commencing at 6.30 PM.
  - (b) the fourth Monday of the months of February to November inclusive at 2 Hely Street, Wyong, commencing at 6.30 PM.
2. Ordinary Meetings of Council are to conclude no later than 10.30 PM on the night of the meeting.
3. If the business of the Ordinary Meetings of Council is unfinished at 10.30 PM, Council may, by resolution, extend the time of the Ordinary Meetings of Council.
4. If the business of the Ordinary Meetings of Council is unfinished at 10.30 PM, and Council does not resolve to extend the Ordinary Meetings of Council under Part D Clause 3, the Council may resolve to:
  - (a) defer the remaining matters to the next Ordinary Meetings of Council; or
  - (b) adjourn the Ordinary Meetings of Council to a fixed time, date and place.
5. Part D Clause 4 does not limit the ability of Council to resolve to adjourn either an Agenda Item or an Ordinary Meetings of Council at any time. Any such resolution adjourning an Agenda Item or an Ordinary Meetings of Council must fix the time, date and place that the Agenda Item or the Ordinary Meetings of Council is to be adjourned to.

6. Where an adjournment is made under Part D Clause 4(b) or Part D Clause 5, the Chief Executive Officer must:
  - (a) individually notify each Councillor of the time, date and place at which the adjourned Agenda Item will be considered or when the adjourned Ordinary Meetings of Council will be reconvened; and
  - (b) publish the time, date and place at which the adjourned Agenda Item will be considered or when the adjourned Ordinary Meetings of Council will be reconvened:
    - (i) on Council's website;
    - (ii) by using such other means that will bring notice of the time, date and place at which the meeting will reconvene to the attention of as many people as possible.

### **Other Timeframes for Council Meetings**

7. Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
8. Council may amend the meeting times for Council Meetings by resolution.
9. The following timeframes are applicable to Ordinary Meetings of Council held pursuant to Part D Clause 1:
  - (a) deadline for Notices of Motion is 5.00 PM seven working days before the meeting; and
  - (b) Agenda Paper will be distributed by 5.00 PM six working days before the meeting.

### **When and where are Extraordinary Meetings held?**

10. Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings can be held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required. Section 366 of the Local Government Act 1993 governs the calling of extraordinary meetings of Council. Extraordinary meetings of Council will be held at either Gosford or Wyong depending on the timing within the meeting cycle.

### **Notice of Meetings**

11. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe how notice is given to Councillors and the public of Ordinary and Extraordinary Meetings of the Council. Those provisions are not repeated in this Code.

## **Agendas and Business Papers**

12. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe the content and responsibility for the agenda and business papers for Council Meetings. Those provisions are not repeated in this Code.
13. Council staff should, when preparing business papers which will be open to inspection by the public, avoid including personal identifiers such as names and addresses unless such information is required by legislation.

## **Order of Business**

14. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe the content and responsibility for the agenda and business papers for meetings of Council. Those provisions are not repeated in this Code.
15. For the purpose of the Regulation, the general order of business for Ordinary Meetings of Council will be:
  - (a) Acknowledgement of Country;
  - (b) Apologies/Requests for leave of absence;
  - (c) Declaration of Interest;
  - (d) Notice of Intention to Deal with Matters in Confidential Session;
  - (e) Confirmation of Council Meeting Minutes;
  - (f) Minutes of the Mayor;
  - (g) Items considered by exception;
  - (h) Reports of the Chief Executive Officer and the Executive Leadership Team
  - (i) Questions on Notice ;
  - (j) Answers to Questions on Notice;
  - (k) Notices of Motion;
  - (l) Motions of Urgency; and
  - (m) Confidential Items.
16. The order of business as fixed under Part D Clause 15 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

## **Public access to correspondence and reports.**

17. The Local Government Act 1993 prescribes the processes by which meetings of the Council are closed, and the means by which documents considered or tabled at a meeting of Council are to remain confidential. Those provisions are not repeated in this Code.
18. Agendas and Business Papers will be posted to Central Coast Council's website as soon as practicable after electronic distribution to the Councillors, unless those documents are confidential or relate to business that is proposed to be conducted in a closed meeting of the Council.

## At the Meeting: General

### Who is entitled to attend Meetings? When can Meetings be closed?

19. Meetings of the Council are open to the public, except for those parts of a meeting that are closed in the accordance with the Local Government Act 1993. The provisions of the Act relating to the closure of meetings, and the expulsion of people from open meetings of the Council are not repeated in this Code.
20. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting in the manner permitted by the Act.

### Attendance of Chief Executive Officer at Meetings

21. The Local Government Act 1993 prescribes the meetings of the Council that the Chief Executive Officer is entitled to attend and the role that he or she may have in those meetings. Those provisions are not repeated in this Code.

### Mode of Address

22. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor (as the case may be) and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking except when asking a question.
23. A Councillor shall address all remarks or questions, either through or to the Chairperson.

### Who presides at Meetings of the Council?

24. The [Local Government Act 1993](#) and the [Local Government \(General\) Regulation 2005](#) prescribes who presides at meetings of the Council, including when the Mayor or other Chairperson is not present at a meeting. Those provisions are not repeated in this Code. The following measures supplement those provisions in the Act.
25. If the Mayor declares an interest in any matter being dealt with at a meeting in which he or she will not participate, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting for the consideration of that item.
26. If both the Mayor and Deputy Mayor declare interests in any matter being dealt with at a meeting in which they will not participate, the Mayor will vacate the chair immediately prior to that item being considered and a Chairperson will be elected to chair the meeting for the consideration of the item in accordance with the relevant provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

### **Chairperson to have precedence**

27. The Local Government (General) Regulation 2005 mandates that the Chairperson has precedence at Meetings of the Council and regulates the conduct of other Councillors when the Chairperson asserts that precedence. Those provisions are not repeated in this Code.

### **Conduct of business at a Meeting**

28. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) regulate the business that can be conducted at a meeting of Council. Those provisions are not repeated in this Code. Generally that business is limited to:
- (a) Business that has been the subject of notice in accordance with the Act;
  - (b) Specific kinds of business, such as business that is already before or directly relates to a matter that is already before the Council, a matter or topic put to the meeting by way or a motion of urgency or Mayoral Minute in accordance with the Regulation, or is for the adoption of recommendations of a Committee of the Council.
29. Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by Councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the Councillors and the public. It is considered better practice for any Mayoral Minute to be included as part of the Business Paper.

### **Items resolved by Exception**

30. 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 (known as the Exception Method) other than the following items of business:
- (a) Report on Disclosure of Pecuniary and Non-Pecuniary Interests;
  - (b) Matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or
  - (c) Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.
31. Before the Council or Committee resolves to adopt multiple items of business on the agenda together under Part D Clause 30, the Chairperson is to list the items of business to be adopted and ask Councillors to identify any of the individual items of business listed by the Chairperson that they wish to speak on.
32. The Council or Committee must not resolve to adopt any item of business under Part D Clause 30 that a Councillor has identified as being one they wish to speak on. To assist in this process, Councillors



may identify the item of business on the agenda they wish to speak on by notifying meeting support staff by 10 AM on the day of the Ordinary Meeting of Council.

33. Where the consideration of multiple items of business together under Part D Clause 30 involves a variation to the order of business for the meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Part D Clause 16.
34. A motion to adopt multiple items of business together under Part D Clause 30 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.
35. Items of business adopted under Part D Clause 30 are to be taken as having been unanimously adopted.
36. Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under Part D Clause 30 in accordance with the requirements of Council's Code of Conduct.

#### **Limitation on speeches**

37. The Local Government (General) Regulation 2005 governs the number and sequence of speeches that may be made during a meeting of the Council. Those provisions are not repeated in this Code.
38. Council has resolved that the maximum length that a Councillor can address a meeting is limited to three minutes per item, reply or motion. This three minutes can be extended by an additional one minute by either:
  - (a) a Council resolution; or
  - (b) by the Chairperson of the meeting if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding.

#### **Time limit on debate**

39. Debate on any item of business on the agenda or transaction without notice may not continue for more than 30 minutes. At the expiration of this time, the Chairperson will stop the Councillor speaking at the time and, after permitting the mover of the motion three minutes right of reply, put the put motion to Council to be voted on in the following form:

Chairperson: "The time for debate has expired. Under Council's Code of Meeting Practice, I now invite the mover of the motion a three minutes right of reply, following which I will put the motion to Council for voting."

40. There will be rare occasions when an issue before Council is one of great importance to the whole of the Central Coast when limiting debate appears inappropriate. In these cases a Councillor must move,

prior to the commencement of the debate, to remove the time limit on debate contained in Part D Clause 39.

### **Questions may be put to Councillors and Council Employees**

41. The Local Government (General) Regulation 2005 permits, subject to some controls, questions to be put to Councillors and Council Employees. Those provisions are not repeated in this Code. The following supplement those provisions.
42. A Councillor may ask two Questions on Notice at an Ordinary Meeting of Council. A written copy of each question asked must be handed by the Councillor to the Chief Executive Officer, or in his or her absence to a senior member of staff present at the meeting.
43. The form of responses to Questions on Notice is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.
44. Where an answer has been provided to a Question on Notice and a Councillor seeks to have a matter arising from that question and answer considered by the Council, notice should be given to the Chief Executive Officer in the usual way. The Chief Executive Officer may include the item on the agenda for the next meeting, and make sure that the relevant Council staff prepare any necessary background documents or reports.
45. A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.
46. Questions asked at Council Meetings will be recorded in the minutes of that meeting.

### **Voting at Council Meetings**

47. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe voting entitlements in Meetings, how the result of such voting is determined, and how those votes are recorded (including making special provision for the recording of specified planning decisions under the Environmental Planning and Assessment Act 1979). Those provisions are not repeated in this Code. The following supplement those provisions.
48. Council may use electronic devices to record the votes cast by Councillors, but the requirement that voting take place by 'open means' still applies. Votes in writing are not allowed.
49. Councillors cannot participate in a meeting by video-conferencing or tele-conference. There are no 'proxy' votes at Council or committee meetings. A 'proxy' is a system where an absent Councillor can cast his or her vote by giving their vote to another Councillor.

## Public Forum

50. Council will hold a 30 minute public forum immediately prior to each Ordinary Meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to Extraordinary Council Meetings and Meetings of Committees of the Council (collective with Ordinary Meeting of Council referred to as "Council Meeting").
51. Public forums are to be chaired by the Mayor or their nominee.
52. To speak at a public forum, a person should first make an application to Council in the approved form that is Annexure 1 'Request to Speak Form' which contains guidelines for Speakers' participation in a public forum.
53. Applications to speak at the public forum must be received by 10 AM on the day of the Council Meeting, and must identify the item of business on the agenda of the Council Meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
54. If no applications to speak at the public forum have been received by 10 AM on the day of the Council Meeting, the forum will not be held.
55. A person may apply to speak on no more than two items of business on the agenda of the Council Meeting.
56. Serving Councillors are not permitted to speak at a public forum.
57. Legal or professional representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal or professional representative when applying to speak at the public forum.
58. The Chief Executive Officer or their delegate may refuse an application to speak at a public forum.
59. No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda of the Council Meeting.
60. If more than two speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address Council on the item of business. To facilitate this, the speaker's contact details contained in the 'Request to Speak Form' (Annexure 1) may be passed onto others with their prior consent.
61. If the speakers are not able to agree on whom to nominate to address Council, the Chief Executive Officer or their delegate is to determine who will address Council at the public forum based on the sequence of registration.
62. Approved speakers at the public forum are to register with Council any written, visual or audio material to be presented in support of their address to Council at the public forum, and to identify any

equipment needs no later than 10 AM on the day of the Council Meeting. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.

63. The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum.
64. Each speaker will be allowed three minutes to address Council. These three minutes can be extended by an additional one minute by the Chairperson if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding. These times are to be strictly enforced by the Chairperson.
65. Speakers at public forums must not digress from the item on the agenda of the Council Meeting they have applied to address Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
66. Any member of the public may make a request to the Chief Executive Officer for permission to address a Forum on any item of business on the agenda of the Council Meeting the person wishes to speak on with the exception of:
  - (a) Individual tenderers in respect to tenders;
  - (b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.
67. Only items listed on the current agenda of the Council Meeting (excluding those outlined in Part D Clause 42 of this Code) can be spoken about.
68. A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum to clarify the position of the speaker or statements made. Questions put to a speaker must be direct, succinct and without argument.
69. Speakers are under no obligation to answer a question put under Part D Clause 68, but any answer by the speaker is to be limited to one minute.
70. Speakers are not permitted to ask questions of Council, Councillors or Council Staff.
71. The public forum is to be webcast by Council subject to the Chairperson making a statement informing those in attendance that the forum is being webcast and that those in attendance should refrain from making any defamatory statements.
72. The Chief Executive Officer or his or her nominee may, with the concurrence of the Chairperson, address Council for up to three minutes in response to an address to Council at a public forum after the address and any subsequent questions and answers have been finalised.
73. Where an address made at a public forum raises matters that require further consideration by Council Staff, the Chief Executive Officer may recommend that Council defer consideration of the matter pending the preparation of a further report on the matters.
74. When addressing Council, speakers at public forums must comply with this Code and all other relevant Council Codes, Policies and Procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of Council's Code of Conduct or making other potentially defamatory or

insulting statements. The speaker is to also ensure they have approval to discuss other people's personal information.

75. If the Chairperson considers that a speaker at a public forum has engaged in prohibited conduct of the type referred to in Part D Clause 74, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking and they may (at the Chairperson discretion) be removed from the Forum.
76. Part D Clause 75 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005.
77. Where a speaker engages in prohibited conduct of the type referred to in Part D Clause 74, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Chief Executive Officer or their delegate considers appropriate.
78. Councillors (including the Mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do at a Council or Committee Meeting.

### **Recording and Webcasting of Council Meetings**

79. The proceedings, including all debate, or all Ordinary and Extraordinary Meetings held in the Council chamber (excluding those parts of the meeting which are held in confidential session or those parts of the meeting closed to the public as provided by section 10A of the *Local Government Act 1993*) shall be recorded and webcast. The Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly by way of the Council's website.
80. The purpose of audio recording Council meetings is to ensure the accurate compilation of Minutes of those meetings.
81. The purpose of audio visual recordings of Council and Committee meetings, and the broadcasting over the internet of those recordings, is to provide a means by which to enhance community participation in such meetings, and to support the principles of openness, transparency, accountability and accessibility. The Chief Executive Officer may interrupt or suspend the webcasting of any meeting of the Council where such broadcast might prejudice the interests of the Council such as but not limited to preventing the publication by Council of material that is defamatory.
82. Comments made by participants in any Council or Committee meeting which are derogatory or damaging to any person's character and reputation, including any other Councillor, employee of the Council, or member of the public, may be defamatory and may subject a participant to an action for defamation. Comments made during the course of a Council or Committee meeting may not be protected by the defence of absolute privilege under the [Defamation Act 2005](#), and may not attract any other defences available under that Act or the common law.

83. At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being audio and audio visually recorded and may be broadcasted over the internet live or at any time after a meeting at the discretion of Council.
84. Access to audio recordings (or requests for transcripts) by Councillors and members of the public will be determined in accordance with the Government Information (Public Access) Act, 2009.
85. The Act and Regulation prohibit the recording of Council Meetings other than by or as permitted by the Council, and permit the expulsion of any such person. Those provisions are not repeated in this Code.

## Conflicts of Interest

See also Council's [Code of Conduct](#) in relation to Conflict of Interests and Pecuniary Interest

86. The Local Government Act 1993 and the Code of Conduct adopted by the Council regulate conflicts of interest. Those provisions are complex, and are not repeated in this Code of Meeting Practice. Councillors and Council Staff must comply with those provisions, and take care to ensure they understand their obligations under those provisions and appropriately manage any conflicts of interest. Those provisions are supplemented by the following provisions of this Code.
87. For the purpose of clarity and transparency, general disclosures are not permitted. Appropriate disclosures must be made for each time a matter in which the interest exists is considered.
88. The Minister for Local Government has power under the Act to permit a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
  - (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
  - (b) that it is in the interests of the electors for the area to do so.

## Quorum and Attendance

### Presence at Council Meetings, Leaves of Absence and Quorum

89. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe how Councillors are able to participate in a meeting of the Council, the granting of leave of absence to attend Council meetings, and the requirements for a quorum at a meeting of the Council. Those provisions are not repeated in this Code. It is important that Councillors understand those provisions.

## Motions and Amendments

### Motions

90. A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council to consider.
91. A motion may be moved by the Councillor who placed the motion on the agenda for a meeting. If that Councillor is not present when the motion comes before that meeting another Councillor may move the motion, or the Chairperson may defer the motion to the next meeting of the Council.
92. The Chairperson must receive and put any lawful motion to the meeting, and must rule out of order any motion that is unlawful. A motion that is ruled out of order is taken to be rejected.
93. A motion cannot be debated until it has been seconded. The mover of a motion may be allowed by the Chairperson to briefly speak to the motion before calling for the motion to be seconded. The Regulation provides some exceptions to the requirement that a motion be seconded, which are not repeated in this Code.
94. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

### What is an Amendment?

95. An amendment is a change to the motion before the Council (the initial motion), and is moved while the initial motion is being debated. An amendment to a motion must be put forward in a motion itself. It cannot be a direct negative of the original motion.
96. At the meeting a Councillor may move an amendment to any motion except a motion of dissent. An amendment cannot be debated unless it is seconded by another Councillor.
97. The amendment must be dealt with before voting on the main motion takes place. Debate is allowed only in relation to the amendment and not the main motion - which is suspended while the amendment is considered.
98. If an amendment is carried it becomes the motion.
99. If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
100. A Councillor may, when a motion and an amendment have been moved, foreshadow an intention to move a further amendment before the amendment has been voted upon. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with. If the

amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.

### **What is a Resolution?**

101. A resolution is a motion that has been passed by a majority of Councillors at the Council Meeting. While in practice it means the 'Council decision', the word 'resolution' also indicates the process by which the decision was made.

### **Motions of Dissent**

102. The [Local Government \(General\) Regulation 2005](#) prescribes, in precise terms, how motions of dissent are made, spoken to and the determined. It is important that Councillors understand those provisions, as they are an important mechanism for regulating conduct and business in Council meetings. Those provisions are not repeated in this Code.

## **Rescission Motions**

### **Rescinding or Altering Resolutions**

103. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe, in precise terms, the circumstances in which a resolution of the Council may be rescinded or altered, and the means by which that may in some circumstances be done. This Code does not repeat those provisions, but does supplement those with the following additional matters.
104. A qualified motion outlining an alternative proposal, should a rescission motion be carried, should accompany any such notice of rescission.
105. The signatories of any such rescission motion will be given the first opportunity to speak to their rescission motion.
106. A rescission motion may come from the floor the same night as the item has been considered by Council. The rescission motion must be in writing, signed by three Councillors and handed to the Chief Executive Officer. The Chief Executive Officer will advise the Council and those present that a rescission motion has been lodged.
107. If notice of motion to rescind a resolution is given prior to 9.30 AM on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.

## **Order at Meetings**

### **Questions of Order and dealing with disorder**

108. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe how questions of order, and acts of disorder, are to be dealt with. Those provisions are important



mechanisms for ensuring that Council meetings and meetings of Committees of the Council (where all members of the Committee are Councillors) are conducted fairly, openly and efficiently. It is important that Councillors and Council Staff understand those provisions. Those provisions are not repeated in this Code.

109. The role of a Councillor is as follows:

- (a) to be an active and contributing member of the governing body;
- (b) to make considered and well informed decisions as a member of the governing body;
- (c) to participate in the development of the integrated planning and reporting framework;
- (d) to represent the collective interests of residents, ratepayers and the local community;
- (e) to facilitate communication between the local community and the governing body;
- (f) to uphold and represent accurately the policies and decisions of the governing body; and
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

As such, Councillors should not involve themselves in the day-to-day administration of Council. Those matters are the responsibility of the Chief Executive Officer.

110. Councillors must not make personal attacks upon staff at meetings. If a Councillor has a complaint about a member of staff that complaint should be addressed in writing to the Chief Executive Officer. If the complaint is about the Chief Executive Officer it should be addressed in writing to the Mayor.

111. During debate within a meeting of Council, Councillors are to respect the opinions being expressed by other Councillors and Council staff and not make comments of a derogatory or defamatory nature.

## **Council Committees**

112. The governing body of Council may resolve itself into a committee to consider any matter before the Council. All the provisions of the Local Government Act 1993, Local Government (General) Regulation 2005 and this Code that apply to meetings of the Council apply to each Committee of the whole, other than those provisions limiting the number and duration of speeches and the requirement that Councillors stand while speaking.

113. The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council proceedings in Committees of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

114. The Regulation also permits the Council to establish other committees comprised of the Mayor and such other Councillors as determined by resolution. The Regulation includes provisions regulating how the Council establishes such committees, how the Council determines the functions of those committees, and how those meetings are conducted and their resolutions recorded. This Code does not repeat those provisions.

## **After the Meeting**

### **Decisions of the Council**

115. 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.
116. A resolution of Council is effective upon it being passed by the Council.

### **Public Access to Correspondence and Reports**

117. A Council, and a committee of which all members are Councillors 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. That obligation does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed, or were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public; or
  - (b) if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential.

## **Minutes**

### **Minutes of the Meeting**

118. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe the content of minutes of Council Meetings, how those minutes are confirmed and signed, and how those minutes are to be made available for inspection. The provisions in the Act and Regulation are not repeated in this Code.
119. The draft minutes of an Ordinary Council Meeting will be available to Councillors, and placed on Council's website, by close of business on the Friday following the Ordinary Council Meeting.

## **Code of Meeting Practice**

### **Amendment of this Code**

120. This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Local Government Act 1993.

121. Changes that are made to Act and Regulation will automatically be incorporated into this Code, as will typographical corrections and formatting, and such changes will not be advertised or reports to Council unless they are significant. Revised copies will be distributed to Councillors and placed on the website whenever changes are made.

## **Council Workshops and Briefing Sessions**

122. The Council may hold workshops and briefing sessions. Workshops and briefing sessions are not meetings of the Council or its formal standing committees, under this Code.
123. A Workshop may involve Councillors, staff and participants invited by the Chief Executive Officer. The Chief Executive Officer or their delegate will facilitate workshops or briefing sessions.
124. Workshops are not open to the public.
125. Workshops are informal and are intended and used to provide useful background information to Councillors on issues, to develop Councillor knowledge and expertise to assist in their role as public officials, and to provide informal input into relevant matters.
126. No Council decisions are to be made at workshops.
127. Workshops do not have any decision making authority or powers and shall not be used for transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) Council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council or committee meeting.
128. All Councillors are entitled to attend workshops.
129. Any information or briefing papers for a workshop shall be given to all Councillors. Any information given to a particular Councillor for a workshop in the performing of their civic duties must also be available to any other Councillor who requests it.
130. Workshop briefing papers shall contain information and options but no recommendations, and no recommendations are to be put to nor sought from, the Councillors or other workshop participants in the course of the workshop. General consensus on any options may be expressed by the workshop participants.
131. Conflict of interests provisions – both Pecuniary and Non-Pecuniary - do apply to workshops conducted by the Council under this Clause and as such need to be appropriately identified, managed and a written record made.
132. The meeting procedures in the Act and the Regulation and in this Code do not apply to workshops held by the Council under this Clause :

- (a) which apply to meetings of the Council and its formal committees comprising of all Councillors and only Councillors; and
  - (b) in respect of the attendance entitlements or requirements of Councillors and attendance entitlements of the public.
133. Minutes and recordings of the meeting will not be taken but a formal record of the workshop will be kept by Council staff detailing the date, subject, those present, the purpose of the workshop and any disclosures of interest.

## Annexure 1

Request to Speak Form (*PUBLIC FORUM*)

PUBLIC FORUMS COMMENCE AT 6PM

Council Meeting Date

(You must register to speak at the Public Forum by 10 AM and this form should be received by Councillor Support staff before the start of the Council Meeting - [MeetingSupport@centralcoast.nsw.gov.au](mailto:MeetingSupport@centralcoast.nsw.gov.au) ). With your consent your contact details in this form may be passed onto other members of the public with a similar stance as you (either for or against) on the agenda item in accordance with Part D Clause 60 of the Code of Meeting Practice.

Speaker's Name

Agenda Item speaking on

For or Against Item

Best contact number

Email

Address

Consent

I consent to my contact details being passed on to other members of the public with a similar stance: ☐ Yes ☐ No

Public Forums are broadcast live to the public and recorded. By speaking at a Public Forum you are giving consent to your image and voice being broadcast to the world. Recordings are Copyright protected and are accessible under the Government Information (Public Access) Act so they may be used in proceedings outside of Council.

Council accepts no liability for any defamatory remarks or inappropriate comments that might be made.

## Guidelines for Speakers

- 1 Submitting this form does not guarantee a right to address Council. The Chief Executive Officer or their delegate may refuse an application to speak at a public forum.
- 2 You can speak on any Agenda item except:
  - a) Individual tenderers in respect to tenders;
  - b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.
- 3 You can only speak about an Item that is listed on the Agenda (excluding those listed above).
- 4 You must not make defamatory or insulting statements. You should take care to ensure you have approval to discuss other people's personal information.
- 5 You will be able to speak for three minutes. Sometimes this will be extended by Council to allow you to finish. Sometimes you may be asked to speak for a shorter period of time, this is to facilitate participation by other speakers.
6. If more than two speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate, in accordance with Part D Clauses 60 and 61, may:
  - a) request the speakers to nominate from among themselves the persons who are to address Council; or
  - b) determine who will address Council from the nominated speakers, based on sequence of registration.
- 7 Councillors might ask you some questions after you speak to clarify something you have said. You are under no obligation to answer.
- 8 The Chairperson may ask you to stop speaking if what you are saying is considered repetitive, irrelevant or inappropriate.
- 9 Upon arriving at the meeting, please make yourself known to a Meeting Support staff member.

