

AMENDED ITEM



Item No: 3.3
Title: Adoption of Central Coast Council Code of Meeting Practice - Amendment to Facilitate Webcasting and Revised Meeting Dates
Department: Governance

28 September 2016 Ordinary Council Meeting

D12449460

Report Purpose:

Adoption of the Central Coast Council Code of Meeting Practice (amendment 1), following public exhibition and consultation.

Recommendation:

- 1 That Council note that two submissions were received as a result of the public exhibition and public notice of the draft Code of Meeting Practice that is attachment 1 to this report.**
- 2 That Council adopt, pursuant to s. 362 of the Local Government Act 1993, the draft Code of Meeting Practice that is attachment 2 to this report.**

Context:

Sections 361 and 362 of the *Local Government Act* ("LG Act") prescribe the process by which Council may adopt its own Code of Meeting Practice. Those sections relevantly state:

361 Preparation, public notice and exhibition of draft code

- (1) *Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) *The council must give public notice of the draft code after it is prepared.*
- (3) *The period of public exhibition must not be less than 28 days.*
- (4) *The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) *The council must publicly exhibit the draft code in accordance with its notice.*

362 Adoption of draft code

- (1) *After considering all submissions received by it concerning the draft code, the council may decide: ...*
 - (b) *to adopt the draft code as its code of meeting practice.*

3.3 Adoption of Central Coast Council Code of Meeting Practice - Amendment to Facilitate Webcasting and Revised Meeting Dates (contd)

At its meeting held on 27 July 2016 the Council resolved to adopt the Central Coast Council Code of Meeting Practice. In addition the Council proposed further amendment to that Code in order to facilitate webcasting of Council meetings and set revised monthly dates for meetings of the Council.

Council resolved as follows:

- "232/16 That Council note that no submissions were received as a result of the public exhibition and public notice of the draft Code of Meeting Practice that is attachment 1 to this report.
- 233/16 That Council adopt, pursuant to s. 362 of the Local Government Act 1993, the draft Code of Meeting Practice that is attachment 1 to this report.
- 234/16 That Council note the content of the report.
- 235/16 That Council resolve to trial webcasting of its meetings for a period of not less than 6 months.
- 236/16 That Council authorise the Chief Executive Officer to undertake the necessary procurement, budget allocation and other steps necessary to undertake the webcasting trial.
- 237/16 That Council request that the Chief Executive Officer provide a report to Council on the outcomes of the webcasting trial.
- 238/16 That Council resolve that each of the following be done in respect to the draft amended Code of Meeting Practice that is Attachment 2 to this report:
- a Give public notice of the draft amended Code, which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the draft amended Code is first publicly exhibited by Council; and
 - b Publicly exhibit the draft amended Code for not less than 28 days and in accordance with that public notice; and
 - c a report be provided to the Council on any submissions received in respect to the draft amended Code that is Attachment 2 to this report."

The amendments proposed in the draft Code of Meeting Practice (Attachment 1) are:

Ordinary meetings of Council will be held:

- Ordinary meetings of the Council would be held on the fourth Wednesday of the months January to November inclusive, to be held alternatively, at Gosford and Wyong offices.
- Indicate that meetings may audio visually recorded and broadcast by the Council.

3.3 Adoption of Central Coast Council Code of Meeting Practice - Amendment to Facilitate Webcasting and Revised Meeting Dates (contd)

Council undertook the following steps in respect to the draft Code of Meeting Practice ("the draft Code") that is **attachment 1** to this report, in compliance with s. 361 of the LG Act:

- Public notice was given of that draft Code, by way of advertisements placed in the 10 August 2016 edition of the Central Coast Express newspaper;
- Notice was given on Council's website from 10 August 2016 to 6 September 2016 of the public exhibition of the draft Code;
- The draft Code was publicly exhibited from 10 August 2016 to 6 September 2016 (28 days); and
- Members of the public were able to make submissions during the period from 10 August until 20 September 2016 (42 days).

Submissions

Two submissions were received by Council concerning the draft Code. Copies of the submissions are attached with personal information redacted. Key points made in the submission, which are relevant to the proposed Code of Meeting Practice, are addressed below:

Submission	Comment
Community perceives that there is lack of consultation and lists the following contributing factors <ul style="list-style-type: none">- Loss of Councillors- Business papers no longer being posted to community groups and are not available at libraries. Hard copies are not available at meetings	<ul style="list-style-type: none">- A range of consultation paths are being proposed as part of Council's Engagement Strategy. This Strategy will be the subject of a separate report to Council.- Business Papers are available on-line on Council's webpage. Residents may use Council library internet facilities to access the papers. Hard copy business papers are available, on request, for community groups. Council is currently reviewing its list of community groups requesting to receive the hard copy business paper. Most groups access the papers online.- Council provides hard copies of its business papers at meetings in accordance with the provisions of

Submission	Comment
<ul style="list-style-type: none"> - Size of DA lists are overwhelming - Confusion between "On exhibition" and "Have Your Say" - Development matters with fewer than 100 objections under delegated authority 	<p>Section 9 of the <i>Local Government Act, 1993</i>.</p> <ul style="list-style-type: none"> - The size of the list is dependent on the level of development activity in the community. Residents may contact Council to discuss any development related matters. - Noted. The 'On Exhibition' section of the Council web site is for matters that Council is seeking feedback from residents and often features items where Council also has a statutory requirement to exhibit. The 'Have Your Say' section of the website is an online facility where Council enables community members to register their interest and provide input into a much broader range of community initiatives. - This item is being considered under a separate report to Council.
<p>If Council wishes to halve the number of meetings it should explore an effective means of community engagement during the 'no councillor' period.</p>	<p>Council is committed to strengthening and coordinating community engagement by building on existing practices, introducing new approaches and integrating community engagement both offline and online. A range of consultation paths are being proposed as part of Council's Engagement Strategy. This Strategy will be the subject of a separate report to Council.</p>
<p>Not opposed to webcasting</p>	<p>Noted</p>
<p>Matter was not on the relevant on exhibition pages of the Council website</p>	<p>The matter was placed on public exhibition and appeared on Council's web page (both Gosford and Wyong pages) from 10 August 2016 to 6 September 2016. The submission was dated 6 August 2016 and therefore the exhibition period may not have commenced at the time the submitter accessed Council's web-page.</p>

Submission	Comment
<p>References to Councillors in the document. There should be a separate attachment for the Administrator.</p>	<p>The Code contains direct quotes from the LG Act and the <i>Local Government (General) Regulation 2005</i> ("LG Regulation") using the terms 'councillor' and 'the council' (governing body). Using this direct referencing format is to ensure openness, transparency and good governance in relation to the meeting practice provisions set down by the legislative requirements and the Council.</p> <p>The Administrator has all the functions of 'the council' until immediately before the first meeting of the council held after a fresh election (s.258 (b)). Any reference to a Councillor or the Council applies also to the Administrator.</p> <p>Amending the Code of Meeting Practice to paraphrase the wording from the LG Act and LG Regulation is not recommended.</p>
<p>Objection to the change of title from General Manager to Chief Executive Officer.</p> <p>If the title Chief Executive Officer is to be used, then the words General Manager should be amended in the Code.</p>	<p>Noted. The LG Act does use the term, General Manager. Councils of both the former areas had resolved to appoint Chief Executive Officers. The new Council has continued with this terminology.</p> <p>Noted. Similar to the previous item, the Code contains direct references from the LG Act and the LG Regulation to ensure openness and transparency. The legislation uses the term General Manager. Other sections of the Code not directly quoting from legislation use the current term, Chief Executive Officer. The 'definitions' of the Code identify the link between the Chief Executive and the General Manager.</p>
<p>Disagree with proposed meeting schedule as it will reduce community consultation.</p>	<p>Council is committed to strengthening and coordinating community engagement by building on existing practices, introducing new approaches and integrating community engagement both offline and online A range of consultation paths are being proposed as part of Council's Engagement Strategy. This Strategy will be the subject of a separate report to Council.</p>

Submission	Comment
Disagree with meetings commencing at 5pm	<p>The start time of the meeting is the same as the start time of the former Wyong Shire Council. The former Gosford City Council meeting start time was 6pm. Historically there has been little to no feedback in relation to difficulty in addressing the Council and generally any matters arising around time can be resolved at the time of making application to address the meeting.</p> <p>General accessibility to the meeting (rather than speaking at the meeting) will be increased with the proposed introduction of webcasting of the meeting where interested parties do not need to be in attendance and may access the meeting at any time.</p>
Clause 2.1.9 contains typographical errors	Agreed. The reference to Clause 2.19 should be to 2.1.9 and the reference to Clause 2.15 should be 2.1.5.
Clause 3.8.1 provides that Council should make available copies of the Business papers at its offices and at each meeting. Since the amalgamation papers have not been available at the meetings held in Gosford.	<p>At the first meeting held at the Gosford chambers, post amalgamation there were no hard copies of the Agenda Paper available. This has since been rectified.</p> <p>Since (and including) the 13 July 2016 meeting, there have been the following hard copies of the Agenda Paper made available from the Gosford office:</p> <p>Two Agenda Papers left at Reception Four Agenda Papers available at the Council Meeting One Agenda Paper delivered to each of the southern libraries At least, six copies of any late reports made available at the Council Meeting</p>
Clause 4.3.1 should be updated to reflect the number of Councillors as 15.	Agreed.
<p>Clause 4.6.5 - speaker for and against should be allowed to speak.</p> <p>Clause 4.6.5 - Two minutes is too short to speak on a matter.</p>	<p>Clause 4.6.5 relates only to speaking in relation to the closing of a meeting to consider a matter in confidential session. Therefore the speaker would likely only being speaking in opposition to the proposal to close the meeting.</p> <p>Provisions in relation to invited speakers for all other matters are in Clauses 5.15.2 – 5.15.5 and provide for</p>

Submission	Comment
	<p>speakers both for and against the item and a minimum speaking time for each individual at 5 minutes.</p> <p>As a side note this section should be renumbered to distinguish it from the Information reports section located above it.</p>
<p>Clause 5.3.3 – Relates to discussion of Shire Wide issues after an Ordinary meeting in non-decision making mode. The word 'Shire' should be changed to Council.</p>	<p>Agreed.</p>
<p>Clause 5.11.2(4) (a) should be renumbered so that sub-clause 5.11.2(4)(a1) becomes 5.11.2(4)(a)(iii).</p>	<p>While the numbering does not follow conventional standards, the Section is a direct quote from the LG Act with the numbering of the sub-section correctly shown as "(a1)".</p> <p><i>"(4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:</i> <i>(a) the matter is a proposal relating to:</i> <i>(i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or</i> <i>(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and</i> <i>(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and</i> <i>(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting."</i></p>
<p>Clause 5.14.13 should have reference to the second Wednesday of the month included</p>	<p>Agreed. Amend the clause as follows:</p> <p><i>5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on second or fourth Wednesday of the month.</i></p>

Submission	Comment
<p>Clause 9.3.1 Audio Recording</p> <p>Disagree with Audio recording as staff are available to take down motions which are then projected on the screen.</p> <p>There is opportunity for Administrator or Councillors to correct any minutes prior to confirmation of same.</p> <p>Everyone at meeting is open to defamation claims as there is no parliamentary privilege.</p> <p>No explanation is given as why an audio recording will be edited or modified</p>	<p>The meetings will be both audio and audio visually recorded. The recordings will assist with minute taking as well as to provide a means by which to enhance community participation in the meetings, and to support the principles of openness, transparency, accountability and accessibility.</p> <p>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 are not 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.</p> <p>If comments of the above nature are made at meetings and Council reproduces the comments on its website by way of meeting recordings it could itself be at risk of legal action. Accordingly Council reserves the right to alter any recording and any such edits or modifications will be notified publicly by way of the Council's website, in accordance with the Code.</p> <p>Council will give notice to speakers and meeting attendees regarding official recordings of meetings.</p> <p>This section should be retitled to delete the word "Audio" to reflect that the meeting recordings may be both audio and audio visual.</p>
<p>Clause 4.1 Quorum</p> <p>The definition of a Quorum refers the reader to Clause 233 of the LG Regulation but does not define it. It would be clearer to do so.</p>	<p>Clause 4.1 of the Code and Clause 233 of the Regulation deal with the Absence of a Quorum and rather than a definition of a quorum.</p> <p>Notwithstanding the above, the quorum is currently defined in the code as follows:</p>

Submission	Comment
	<p><i>"A quorum means the minimum number of members needing to be present to constitute a valid meeting."</i></p> <p>This definition applies to both Council and Committee meetings where a quorum may be different in either case.</p> <p>The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office (s. 368(1) of the LG Act)</p> <p>A 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 (s.260 of the LG Act).</p> <p>It is agreed that a more detailed definition would provide more clarity to the quorum requirements.</p>

Administrative Amendments

Given the feedback received in the submissions it is proposed to make the following further amendments to the Code.

Clause No	Proposed Administrative Amendment
Definitions:	Amend to the Definition of Quorum to include more detail
Quorum	<p><i>A quorum means the minimum number of members needing to be present to constitute a valid meeting.</i></p> <p><i>The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office (s. 368(1) of the LG Act)</i></p> <p><i>A 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 (s.260 of the LG Act).</i></p>

Clause 2.1.9	<p>References to Clause 2.19 and 2.15 which are contained in Clause 2.1.9 will be changed to Clauses 2.1.9 and 2.1.5 respectively. Delete reference to the Wednesdays in December and January</p> <p><i>2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers of the Wyong and Gosford Office alternatively as follows unless the Council or a Committee by resolution decides to meet in another location.</i></p> <p><i>Nothing in this clause 2.1.9 requires any meeting of Council to be held at times other than those set out in clause 2.1.5 above, and specifically nothing in this clause 2.1.9 requires any meeting of the Council to be held on the fourth Wednesday in December, or the second Wednesday of January.</i></p>
4.3.1	<p>Adjust for 15 Councillors at next election.</p> <p><i>4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 the remaining Councillors on each side of the Deputy Mayor. The other 8 remaining Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.</i></p>
Clause 5.3.3	<p>Replace the word "Shire" with the word "council"</p> <p><i>5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire-council wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.</i></p>
5.14.13	<p>Delete unnecessary references to when meetings are held.</p> <p><i>5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council. held on second or fourth Wednesday of the month.</i></p>

<p>5.15.2- 5.15.5</p>	<p>Start in New Section 5.16 and renumber to 5.16.1, 5.16.2, 5.16.3 and 5.16.4. Insert new Section Title.</p> <p>5.16. Invited Speakers</p> <p>5.15.2-6.1 Any person may address the Council in accordance with procedures that the Council may determine.</p> <p>5.15.2-6.2 Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.</p> <p>5.15.2-6.3 An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity.</p> <p>Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.</p> <p>5.115.2-6.4 The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.</p>
<p>9.3</p>	<p>Amend Title to delete the word "Audio" as sub-clauses encompass both Audio and Audio-visual recording.</p> <p>9.3 Official Audio Recording of Council and Committee Meetings</p>

Section 362 of the LG Act provides that after considering all submissions received by it concerning the draft code, the council may decide:

"(a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or

(b) to adopt the draft code as its code of meeting practice.

(2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice."

In this instance it is recommended that the additional amendments are considered to be administrative in nature and not substantial and therefore it is not proposed to put a further amended Code on public exhibition.

3.3 Adoption of Central Coast Council Code of Meeting Practice - Amendment to Facilitate Webcasting and Revised Meeting Dates (contd)

It is **recommended** to adopt the exhibited draft Code (attachment 1), pursuant to s. 362(1)(b) of the LG Act, with the additional administrative amendments contained in the table above.

The administrative amendments have been included in the draft Code attached to this report (Attachment 2).

Financial Impact:

There is currently no budget allocation for the proposed webcast trial. That will need to be addressed in a quarterly adjustment, before the trial can commence.

Critical Dates or Timeframes:

Nil

Attachments

1	Proposed Central Coast Council Code of Meeting – post exhibition - Amendment 1	D12405573
2	Proposed Central Coast Code of Meeting Practice - post exhibition Amendment 1 including administrative amendments - for adoption	D12480745
3	Submission D12428200 to Code of Meeting Practice Exhibition August - September 2016 Redacted	D12464335
4	Submission D12474203 to Code of Meeting Practice Exhibition August - September Redacted	D12479109



POLICY No: CCC001

CODE OF MEETING PRACTICE

| JULY MAY 2016

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CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	25 MAY 27 JULY 2016 FOR THE PURPOSES OF EXHIBITION

History of Revisions

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1	25 May 2016	XXXXXXXX	XXXXXXXX
2	27 July 2016	XXXXXXXX	XXXXXXXX



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1 GENERAL

1.1 Making of this Code

This Code is made under the Local Government Act 1993 and in accordance with the Local Government (General) Regulation 2005 and subsequent amendments.

1.2 Citation

This Code may be cited as the "Code of Meeting Practice".

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act 1993).
- 1.3.3 The provisions of this Code are substantially based on the provisions of the Local Government Act 1993 and Part 10 (Meetings) of the Local Government (General) Regulation 2005, subsequent amendments and Council policy decisions.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the ratepayers, residents and visitors of the Central Coast.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support the basic organisation principle of Councillors not involving themselves in the day-to-day administration

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of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

1.4 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

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 means a motion moved as an alternative to the original 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 a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Central Coast Council

Committee means a Committee established by Council in accordance with

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clause 260 of the Local Government (General) Regulation 2005.

confidential session is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10A of the Local Government Act 1993.

council chamber includes the public gallery, the foyer areas on the relevant floor and the surrounds.

Councillor means a councillor of the Central Coast Council and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Central Coast Council.

due notice means:

- (a) a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting;
- (b) provided to the members of the Council or Committee 5 days prior to the meeting.

EP&A Act means the Environmental Planning and Assessment Act 1979

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;
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

Chief Executive Officer is the Chief Executive Officer of Central Coast Council which undertakes the functions of the General Manager under the Act, or in the absence of that person, the employee designated to act for the Chief Executive Officer.

Mayor means the Mayor of the Central Coast Council.



meeting room means:

- Civic Centre Wyong (2 Hely Street Wyong) - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- Committee Rooms Wyong (Civic Centre 2 Hely Street Wyong) First Floor - Inside the doors of the Committee Room being used for the meeting.
- Council Chambers Gosford (49 Mann Street, Gosford) First Floor - Inside the doors of the Council Chambers being used for the meeting.
- Any Other Location - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media representatives or guests.

misbehaviour for the purposes of this Code means, any of the following:

- (a) a contravention by the Councillor of the Local Government Act 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.

original Motion means the motion before the meeting at the time.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* :

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

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negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

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 or of a Committee of Council.

the Regulation means the Local Government (General) Regulation, 2005.

the Act or **this Act** means the Local Government Act, 1993 unless specified.

this Code means the Central Coast Council Code of Meeting Practice.

Urgency in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

1.6 Other Definitions

Except as otherwise provided, expressions used in this code which are defined in the dictionary at the end of the Act have meanings set out in the dictionary of the Act.

1.7 Legislation

References to Act and Regulation

1.7.1 This code is made pursuant to section 360(2) of the Act.

The council and a committee of the council of which all members are councillors must conduct its meetings in accordance with this code of meeting practice adopted by it and in accordance with section 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.



2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

Notice of meeting
to Councillors

2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.

2.1.2 Section 367 of the Act

- (2) *Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.*
- (3) *A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.*

Notice of Meetings
to the Public

2.1.3 Section 232 of the Regulation

- (1) *This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.*
- (2) *A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (3) *The notice must specify the time and place of the meeting.*
- (4) *Notice of more than one meeting may be given in the same notice.*
- (5) *This clause does not apply to an extraordinary meeting of a council or committee.*

Frequency of
Ordinary Meetings
of Council and
Committees

2.1.4 Section 365 of the Act

The council is required to meet at least 10 times each year, each time in a different month.



2.1.5 Ordinary meetings of Council will be held as follows:

- on the ~~second and fourth~~ Wednesday of the months ~~February- January~~ to November inclusive.
- ~~on the fourth Wednesday in January~~
- ~~on the second Wednesday of December.~~

2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.

2.1.7 Ordinary meetings will commence at 5:00pm.

2.1.8 Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.

2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers as follows unless the Council or a Committee by resolution decides to meet in another location:

- ~~Where an ordinary meeting is held on the second week of any in the months of October, January, March, May or July in accordance with clause 2.1.5,~~ in the Council Chambers of the former Gosford City Council, at 49 Mann Street, Gosford; and
- ~~Where an ordinary meeting is held on the fourth week of any in the months of November, February, April, June 2017 or August in accordance with clause 2.1.5,~~ in the Council Chambers of the former Wyong Shire Council, at 2 Hely Street, Wyong.

Nothing in this clause 2.19 requires any meeting of Council to be held at times other than those set out in clause 2.15 above, and specifically nothing in this clause 2.19 requires any meeting of the Council to be held on the fourth Wednesday in December or the second Wednesday of January.



- 2.1.10 Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.
- 2.1.11 Ordinary Meetings of Council will conclude at 9.00pm.
- 2.1.12 Council can suspend standing orders to allow the meeting to continue.
- 2.1.13 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of Extraordinary Meetings

2.2.1 Section 366 of the Act

"If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of council to be held as soon as practicable but in any event within 14 days after receipt of the request."

2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.

2.2.3 The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.

2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.

2.2.5 The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of a council deals only with the matters stated in the notice of the Meeting. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the business in the agenda is finished.



Convening of
Extraordinary
Meetings for the
Election of Mayor

2.2.6 Section 290 of the Act

(1) "The election of the mayor by councillors is to be held:

(a) if it is the first election after an ordinary election of councillors - within 3 weeks after the ordinary election, or

(b) if it is not that first election or an election to fill a casual vacancy - during the month of September, or

(c) if it is the first election after the constitution of an area – within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or

(d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors – within 14 days after the appointment or election of the councillors.

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on a Wednesday in September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy will be held on a Wednesday, commencing at 5.00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in accordance with Schedule 7 of the Regulation.

2.2.12 The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be

Convening of
Extraordinary

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Meetings of the
Election of Deputy
Mayor

conducted immediately after the conclusion of the election of the Mayor.

- 2.2.13 The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers, method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.
- 2.2.14 Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the notice calling the meeting.
- 2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content

3.1.1 Clause 240 of the Regulation

- (1) *The general manager must ensure that the agenda for a meeting of the council states:*
- (a) *all matters to be dealt with arising out of the proceedings of former 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) *subject to subclause (2), any business of which due notice has been given.*
- (2) *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,*

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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) *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.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

General Manger's
authority for staff
reports and
recommendations

- 3.2.1 All staff reports are to be made to the Chief Executive Officer who will exercise discretion on their presentation to Council or Committee.
- 3.2.2 Where two or more feasible alternatives arise from a staff report, the Chief Executive Officer may decide the alternative to be recommended to Council or a Committee for consideration.
- 3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.
- 3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.

Recommendations
for staff reports

- 3.2.5 Staff reports should include a single recommendation:
 - (a) where clearly defined policy exists; or
 - (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.



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| Identification and numbering of staff reports | <p>3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.</p> <p>3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.</p> <p>3.2.8 Questions on Notice will be numbered consecutively for each calendar year.</p> |
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3.3 Confidential Matters

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| Confidential matters circulated separately | 3.3.1 If, in the opinion of the Chief Executive Officer, business to be transacted at a meeting of Council or of a Committee is a kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately. |
| Confidential matters referred to in business paper | 3.3.2 If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act. |

3.4 Confidential information not to be disclosed

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| Disclosure and misuse of information | <p>3.4.1 Section 664 of the Act</p> <p>(1) <i>A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</i></p> <ul style="list-style-type: none"> (a) <i>with the consent of the person from whom the information was obtained, or</i> (b) <i>in connection with the administration or execution of this Act, or</i> (c) <i>for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or</i> (d) <i>in accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public Access) Act 2009, or</i> (e) <i>with other lawful excuse.</i> |
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(1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

(1B) Subsection (1A) does not apply to:

- (a) the report of a committee of a council after it has been presented to the council, or*
- (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or*
- (c) disclosure made in circumstances prescribed by the regulations, or*
- (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.*

3.5 Councillor Requests for reports

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| Councillor request for EP&A Act Part 4 Application | 3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the Chief Executive Officer, and signed by a minimum of two Councillors. |
| | 3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the Chief Executive Officer not to exercise his standard delegation to determine a Part 4 application under the EP&A Act. |

3.6 Availability of Items on Agenda

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| Removal of items from the agenda | 3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting. |
| Items unavailable to certain Councillors | 3.6.2 Where a councillor is, or in the opinion of the Chief Executive Officer is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10A of the Act, be withheld from the |



business paper of that councillor and shall not be made available to that councillor by any person.

Late Reports

- 3.6.3 As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The Chief Executive Officer is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the item is to be considered.
- 3.6.4 For matters not listed on the agenda of meetings and where less than (5) days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.
- 3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting.

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

- (1) *The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.*
- (2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
 - (a) *a motion is passed to have the business transacted at the meeting, and*
 - (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

Such a motion can be moved without notice but only

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after the business notified in the agenda for the meeting has been disposed of.

- (3) *Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion not permitted on Agendas and Business Papers for Extraordinary Meetings

- 3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas and Business Papers

- 3.8.1 Section 9 of the Act

- (2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

- (2A) *In the case of a meeting whose 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:*

- (a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
 (b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*

- (4) *The copies are to be available free of charge.*

- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic*



form.

Web Access to
Agendas and
Business Papers

3.8.2 Agendas and Business Papers will be posted on the Central Coast Council's website as soon as possible after electronic distribution to the Councillors.

Media access to
Agendas and
Business Papers

3.8.3 Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors.

Commercial or
other access to
Agendas and
Business Papers

3.8.4 Other persons or organisations may access copies of business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the Central Coast Council's website.

Community
groups access to
Agendas and
Business Papers

3.8.5 Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows:

- (a) The community group must formally register its interest in writing on an annual basis.
- (b) Each group being restricted to one copy of the business paper for each meeting.
- (c) The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting.
- (d) Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group received prior advice of that item.

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.



4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

Absence of a quorum

4.1.1 Clause 233 of the Regulation

- (1) *A meeting of council must be adjourned if a quorum is not present:*
 - (a) *within half an hour after the time designated for the holding of the meeting, or*
 - (b) *at any time during the meeting.*
- (2) *In either case, the meeting must be adjourned to a time, date and place fixed:*
 - (a) *by the chairperson, or*
 - (b) *in his or her absence - by the majority of the councillors present, or*
 - (c) *failing that, by the general manager.*
- (3) *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.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence

4.2.1 Clause 235A of the Regulation

- (1) *A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.*
- (2) *A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.*

Presence at meetings

4.2.2 Clause 235 of the Regulation

A councillor cannot participate in a meeting of a council unless

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personally present at the meeting.

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| Departure from meetings | <p>4.2.3 Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.</p> <p>4.2.4 Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion and voting on that matter the Councillor will be excluded from being present in the area defined in this Code as the Council Chamber.</p> |
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4.3 Seating in the Chamber

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| Seating in the Chamber | <p>4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.</p> |
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4.4 Entitlement to Attend Committee Meetings

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| Mayor member of each Committee | <p>4.4.1 The Mayor is a member of each Committee and entitled to attend all meetings of Committees.</p> |
| Non member Councillor attendance at Committee meeting | <p>4.4.2 Clause 263 of the Regulation</p> <p>(1) <i>A councillor who is not a member of a committee of a council is entitled to attend, and speak at, a meeting of the committee.</i></p> <p>(2) <i>However, the councillor is not entitled:</i></p> <p>(a) <i>to give notice of business for inclusion in the agenda for the meeting, or</i></p> <p>(b) <i>to move or second a motion at the meeting, or</i></p> <p>(c) <i>to vote at the meeting.</i></p> |

4.5 Attendance of the General Manager

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|---------------------------------|-------------------------------------|
| Attendance and Participation of | <p>4.5.1 Section 376 of the Act</p> |
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General Manager
at Council or
Committee
Meetings

- (1) *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 the members are councillors.*
- (2) *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.*
- (3) *However, 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 the employment of the general manager.*

4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the
Public

4.6.1 Section 10 of the Act

- (1) *Except as provided by this Part:*
 - (a) *everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and*
 - (b) *a council must ensure that all meetings of the council and of such committees are open to the public.*
- (2) *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:*
 - (a) *by a resolution of the meeting; or*
 - (b) *by the person presiding at the meeting of the council has, by resolution, authorised the person presiding to exercise the power of expulsion.*
- (3) *A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.*

Exclusion of the
Public

4.6.2 Section 10A of the Act

- (1) *A council, or a committee of the council of which all the members are councillors, may close to the public so much*

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of its meeting as comprises:

- (a) the discussion of any of the matters listed in sub-clause (2), or*
- (b) the receipt or discussion of any of the information so listed.*

(2) The matters and information are the following:

- (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.*

(3) A council, or a committee of the council of which all the members are councillors, may also close to the public so

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much of its meeting as comprises a motion to close another part of the meeting to the public.

- (4) *A council, or a committee of a 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.*

4.6.3 It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position.

Representations
by members of the
Public – Closure of
part of meeting

4.6.4 Clause 252 of the Regulation

- (1) *A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*
- (2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.

Closure of Parts of
Meetings – Further
Limitations

4.6.6 Section 10B of the Act

- (1) *A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):*
- (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 public interest.

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(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, and*
 - (c) are fully discussed in that advice.**
- (3) 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 section 10A(3)), 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 section 10A(2)).*
- (4) 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.***
- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Department Chief Executive.*



Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 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 section 10A(2), and*
- (b) the council or committee, after considering any representations made under section 10A(4) 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.*

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (1) 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.*
- (2) The grounds must specify the following:*
 - (a) the relevant provision of section 10A(2),*
 - (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.*

Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

- (1) A council and a committee of which all the members are*

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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.

- (2) *This section does not apply if the correspondence or reports:*
 - (a) *relate to a matter that was received or discussed, or*
 - (b) *were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.*
- (3) *This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.*

5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees

Chair of Meetings
of Council

5.1.1 Section 369 of the Act

- (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.*
- (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.*

Chair of Meetings
of Committees

5.1.2 The Chairperson of each Committee meeting must be:

- (a) the Mayor; or
- (b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or
- (c) if Council does not elect such a member - a

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member of the Committee elected by the Committee.

Election of
Temporary
Chairperson at
Council and
Committee
Meetings

5.1.3 Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.

5.1.4 If neither the Mayor nor the Deputy Chairperson of a Committee 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.

5.1.5 Clause 236 of the Regulation

(1) *If no chairperson is present at a meeting of a 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.*

Note: Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the mayor and deputy mayor are absent.

(2) *The election must be conducted;*

(a) *by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or*

(b) *if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.*

(3) *If, at an election of a chairperson, 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.*

(4) *For the purposes of subclause (3), 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.*

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

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to have precedence

5.2.1 Clause 237 of the Regulation

When the chairperson rises during a meeting of a council

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

Chairperson's Duty With Respect to Motions

5.2.2 Clause 238 of the Regulation

- (1) *It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*
- (2) *The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) *Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees

Requirements for the Order of Business at Ordinary, Extraordinary and

5.3.1 Clause 239 of the Regulation

- (1) *At a meeting of a council (other than an extraordinary meeting) the general order of business is (except as provided by this Regulation) as fixed by the council's code*



Committee
Meetings

of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.

- (2) *The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.*
- (3) *Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.*

Order of Business
for Ordinary
Meetings-

5.3.2 The general order of business for Ordinary Meetings of Council will be:

- (a) Opening Prayer
- (b) Acknowledgement of Country
- (c) Apologies/Requests for leave of absence
- (d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests
- (e) Report on Proposed Inspections
- (f) Report on Proposed Briefings
- (g) Report of Address by Invited Speakers
- (h) Notice of Intention to Deal with Matters in Confidential Session
- (i) Confirmation of Ordinary Meeting Minutes
- (j) Confirmation of Extraordinary Meeting Minutes
- (k) Confirmation of Confidential Meeting Minutes
- (l) Business Arising out of the Minutes
- (m) Minutes of the Mayor
- (n) Consider Motion of Urgency for Late Items
- (o) Consider Motion for Exception Method
- (p) Reports of Directors and Chief Executive Officer
- (q) Reports of Delegates
- (r) Information Reports
- (s) Question of which due notice has been given
- (t) Answers to Questions without on Notice
- (u) Notices of Motion
- (v) Notices of Rescission
- (w) Motions of Urgency
- (x) Questions on Notice
- (y) Correspondence
- (z) Confidential Items



- Order of Business of Extraordinary Meetings - after a Local Government Election - fixed by this Code
- 5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.
- 5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
 - (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
 - (f) Election of Mayor
 - (g) Election of Deputy Mayor
 - (h) Determine Committees for the term of the Council
 - (i) Election of Committee members for the term of
 - (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
 - (k) Determine delegation of Authorities to Committees for the term of Council
 - (l) Election of Delegates and Representatives for the term of the Council.
 - (m) Determination of Times and Dates of meetings for the term of the Council.
 - (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
 - (o) Setting venue and date for the briefing of Councillors.
- Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election
- 5.3.5 The General Order of Business at the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Mayoral Report for past term
 - (e) Determine the method of voting to be used for the



- election of Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor

5.4 Transaction of Business at Meetings of Council and Committees

Giving notice of
business

5.4.1 Clause 241 of the Regulation

- (1) *A council must not transact business at a meeting of the council:*
 - (a) *unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and*
 - (b) *unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.*
- (2) *Subclause (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 as provided by clause 236(1), or;*
 - (c) *is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or*
 - (d) *is a motion for the adoption of recommendations of a committee of the council.*
- (3) *Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
 - (a) *a motion is passed to have the business transacted at the meeting, and*
 - (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*



Such a motion can be moved without notice

- (4) *Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.*

Business not to be transacted for reports on Inspections and Briefings

- 5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.

5.5 Motions and Resolutions of Council

Motions and Resolutions

- 5.5.1 A Council must resolve transactions by resolution of a vote by the majority.
- 5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.
- 5.5.3 A motion must be seconded by another Councillor before debate can proceed.
- 5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.

Motions to be Moved/Seconded

- 5.5.5 Clause 246 of the Regulation
- A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).*
- 5.5.6 Despite the clause above, the chairperson may allow the mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion.

Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.

Secunder may reserve the right to speak.

- 5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate.



Debate of motion and amendment	5.5.8	It is permissible to debate the motion and an amendment concurrently.
Content of Amendment	5.5.9	An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion.
	5.5.10	Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Withdrawal of Amendment	5.5.11	An amendment may be withdrawn or modified by the mover with the consent of the seconder.
Recording of Motions and Amendments	5.5.12	Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	5.5.13	Clause 247 of the Regulation <i>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 council at any one time.</i>
	5.5.14	If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting.
Foreshadowed amendments	5.5.15	Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content.
	5.5.16	Foreshadowed amendments are not recorded in the minutes.

5.6 Mayoral Minutes

Mayoral Minute entitlement	5.6.1	Clause 243 of the Regulation (1) <i>If the mayor is the chairperson at a meeting of a council, the</i>
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chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.

- (2) *Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.*
- (3) *A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.*

	5.6.2	It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.
Content of Mayoral Minutes	5.6.3	Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.
Mayoral Minute amendment by Councillors	5.6.4	Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.

5.7 Notices of Motion and Notices of Motion to Rescind

Form of lodgement and content of notice of motion	5.7.1	Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.
Chief Executive Officer may amend notice of motion	5.7.2	The Chief Executive Officer may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In such event the Chief Executive Officer will, as soon as is practicable, inform the author of the notice of motion of the action which the General Manager Chief Executive Officer has taken and the reasons for that action.



Limitation on number of notices of motion	5.7.3 A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4 All notices of motion will be dated and numbered as received and will be entered by the Chief Executive Officer upon the business paper in the order in which they are received.
Absence of mover - notice of motion	5.7.5 Clause 245 of the Regulation <i>In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:</i> (a) <i>any other councillor may move the motion at the meeting; or</i> (b) <i>the chairperson may defer the motion until the next meeting of council at which the motion can be considered.</i>
Adoption of unopposed notices of motion	5.7.6 The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.
Speakers on Notices of Motion and Notices of Rescission are permitted	5.7.7 A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council. 5.7.8 The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.

5.8 Rescinding or Altering Resolutions

Notice of Motion to Rescind	5.8.1 Section 372 of the Act (1) <i>A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of</i>
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meeting practice.

Deferral of
Actioning
resolutions
pending
consideration of
Rescission
Motions

5.8.2 Section 372 of the Act

- (2) *If 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.*

5.8.3 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.

Negatived motion
not to be
considered
without due notice

5.8.4 Section 372 of the Act

- (3) *If a motion has been negatived by council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.*

Signature of 3
Councillors
required if less
than 3 months

5.8.5 Section 372 of the Act

- (4) *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 negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.*

Subsequent
negatived motions
and subsequent
negatived
rescission motions
not to be
considered again
within 3 months

5.8.6 Section 372 of the Act

- (5) *If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.*

Motions to alter or
rescind may be
moved on reports
of Committees

5.8.7 Section 372 of the Act

- (6) *A motion to which this section applies 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*

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the council.

Not applicable to motions of adjournment

5.8.8 Section 372 of the Act

(7) *The provisions of this section concerning negated motions do not apply to motions of adjournment.*

When motions to alter or rescind are considered

5.8.9 All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply.

5.9 Rules of Debate

Irrelevant Speech

5.9.1 In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.

Debate

5.9.2 Clause 250 of the Regulation

Right of Reply

(1) *A councillor who, during a debate at a meeting of a council, moves an original 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.*

Right to Speak

(2) *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.*

(3) *A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment, to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.*



Putting the amendment and motion

- (4) *Despite Subclause (1) and (2,) 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 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.*
- (5) *The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.*
- (6) *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 his or her right of reply under subclause (1).*
- (7) *If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.*

Order of Speech

- 5.9.3 The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.

Explanation of previous speech

- 5.9.4 With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.

Interruption of Speaker

- 5.9.5 A speaker will not be interrupted except on a point of order.
- 5.9.6 A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.



- Mode of Address
- 5.9.7 A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).
- 5.9.8 At Meetings of the Council, Councillors, may choose to:
- (a) sit or stand when speaking.
 - (b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

- Motions of Dissent
- 5.9.9 Clause 248 of the Regulation
- (1) *A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.*
 - (2) *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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.*
 - (3) *Despite clause 250 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.*
- 5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.
- 5.9.11 The wording for a motion of dissent will be in the form:-
- “I move dissent from the Chairperson's ruling in respect of “(insert matter of dissent and item number and heading or other detail as appropriate)”.

- Motions on Adjournment
- 5.9.12 A motion for adjournment of a Council or Committee

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meeting must be seconded.

- 5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.
- 5.9.14 If a motion to adjourn is negated the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the Chief Executive Officer, shall make a determination those matters.

5.10 Voting

Voting
Entitlements of
Councillors

5.10.1 Section 370 of the Act

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

5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.

Casting Vote

5.10.3 Section 370 of the Act

- (2) *However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.*

5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.

Voting at Council
or Committee
meetings

5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.

5.10.6 Clause 251 of the Regulations



- (1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) *If a councillor who has voted against a motion put at a council meeting so requests, the Chief Executive Officer must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, 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 respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note: *Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot.*

5.10.7 Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.

Voting on
Planning Decisions

5.10.8 Section 375 A of the Act

(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, 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.

(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

(4) 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, and is to include the information required by the regulations.

(5) This section extends to a meeting that is closed to the public.

Decisions of the Council

5.10.9 Section 371 of the Act

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.

5.10.10 Section 374 of the Act

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 disclose a pecuniary 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 section 451, or*
- (e) *a failure to comply with the code of meeting practice.*

Right to demand a division

5.10.11 Clause 251(3) of the Regulation

- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*

Motion to Recommit

5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in

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judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item.

5.10.13 If the motion to recommit is carried, the item shall be reconsidered.

Exception Method

5.10.14 Council may resolve to consider items of business via 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.

5.10.15 The method of adoption of reports by Exception will be as follows:

- (a) The Chairperson will call for a motion that indicates the manner in which Reports will be considered as follows:
 - *"That Council use the exception method to deal with the balance of the Agenda."*
- (b) Should Council resolve to consider the reports individually the meeting will proceed in accordance with adopted meeting practice.
- (c) Should Council resolve to consider the reports by nominated exception the Chairperson will:
 - Invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution and adopting the remainder of the reports and recommendations in total.



- Seek a mover and seconder for the following motion:

"That with the exception of report numbers ..., ..., and ... Council adopt the recommendations contained in the remaining reports."

- The Chairperson will then call the excluded items in order of how each were listed on the business paper and call the Councillor who nominated the item to move a motion in respect of the item.

Actioning the
Decisions of
Council

5.10.16 Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests and Special Disclosures

Pecuniary Interest

5.11.1 Section 442 of the Act

- (1) *For the purposes of this Chapter, a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.*
- (2) *A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.*

Councillor
responsibility to
disclose Pecuniary
Interest

5.11.2 Section 451 of the Act

- (1) *A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the*

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meeting as soon as practicable.

- (2) *The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*

Special Disclosures
– Planning
Instruments

- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*

- (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*

(a) the matter is a proposal relating to:

- (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*

(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*



- (a) be in the form prescribed by the regulations, and
- (b) contain the information required by the regulations.

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of Pecuniary Interest

5.11.3 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Disclosure by Advisor

5.11.4 Section 456 of the Act

- (1) *A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.*
- (2) *The person is not required to disclose the person's interest as an adviser.*

Non-Pecuniary Interest

5.11.5 A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable.

5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.

5.11.7 Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their public duty.

5.11.8 Council's Code of Conduct provides guidance to Councillors on how to manage their obligations with



regards to Pecuniary and Non-Pecuniary Interests.

Disclosures to be recorded

5.11.9 Section 453 of the Act

A disclosure made at a meeting of council or a council committee must be recorded in the minutes of the meeting.

5.12 Letters, Submissions or Petitions

Presentation of Letters, Submissions or Petitions

5.12.1 Letters, Submissions or Petitions must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.

5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.

5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

Provisions of Code also apply to Confidential session

5.13.1 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.

Making resolution of confidential session public

5.13.2 Clause 253 of the Regulation

If a 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 part of the meeting has ended.

How confidential session resolutions are reported

5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

5.13.4 Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, Council is not

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taken to have adopted the report until a motion for adoption has been made and passed.

- 5.13.5 The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting.

5.14 Questions

Questions to staff and employees

5.14.1 Clause 249 of the Regulation

- (1) *A councillor:*
 - (a) *may, through the chairperson, put a question to another councillor, and*
 - (b) *may, through the general manager, put a question to a council employee.*
- (2) *However, 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 documents.*
- (3) *The councillor must put every such question directly, succinctly and without argument.*
- (4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

Questions on Notice

- 5.14.2 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 the most senior member of staff present at the meeting.

Reasonable notice of Question on Notice

- 5.14.3 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.

Content of

- 5.14.4 An individual Councillor may not request a staff report.

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Question on Notice	Staff reports to Council may only be generated by way of a Council resolution.
Chairperson authority – Question on Notice	<p>5.14.5 A Councillor must put every such question directly, succinctly and without argument.</p> <p>5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.</p> <p>5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:</p> <ul style="list-style-type: none"> (a) normally require the presentation of a report after consideration by a Committee or by the Chief Executive Officer (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or (c) require the commitment or redirection of significant resources. <p>5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.</p> <p>5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.</p>
Responses to Questions on Notice	<p>5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.</p> <p>5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.</p> <p>5.14.12 Where a comprehensive report is provided as an answer to a Question on Notice it may be the subject of debate and</p>



a motion may be brought forward as long as it directly relates to the question and the report in response.

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month.

Questions on
Notice to be
recorded in
Minutes

5.14.14 Questions asked at meetings will be recorded in the minutes of that meeting.

5.15 Information Reports

Information
Reports

5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

Invited Speakers

5.15.2 Any person may address the Council in accordance with procedures that the Council may determine.

5.15.3 Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.

5.15.4 An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.

5.15.5 The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.



6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

Chairperson keeps order

6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.

6.1.2 The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.

6.1.3 Clause 255 of the Regulation

- (1) *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.*
- (2) *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.*
- (3) *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.*
- (4) *The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.*

6.2 Points or Questions of Order

Examples of Points or Questions of Order

6.2.1 Some examples of points of order are:

- (a) personal remarks about other Councillors
- (b) departing from procedures contained within Council's Code of Meeting Practice
- (c) breaching Councils Code of Conduct
- (d) referring to irrelevant subject matter during the course of debate
- (e) improper decorum such as offensive language or behaviour
- (f) discussing matters not before the Council



- (g) factual errors

6.2.2 Examples which are NOT points of order are:

- (a) disagree with the opinion of another Councillor
- (b) disagreeing with a ruling by the Chair

6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

- (1) *A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*
 - (a) *contravenes the Act or any regulation in force under the Act, 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 committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or*
 - (d) *insults or makes personal reflections on or imputes improper motives to any other councillor, or*
 - (e) *says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a councillor commits an act of disorder if the councillor, at a meeting of council or a committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

- 1 *Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances*



- 2 *Conduct that is detrimental to the pursuit of the charter of a council*
- 3 *Improper or unethical conduct*
- 4 *Abuse of power and other misconduct*
- 5 *Action causing, comprising or involving any of the following:*
 - (a) *intimidation, harassment or verbal abuse*
 - (b) *discrimination, disadvantage or adverse treatment in relation to employment*
 - (c) *prejudice in the provision of a service to the community*
- 6 *Conduct of a councillor causing, comprising or involving any of the following:*
 - (a) *directing or influencing, or attempting to direct or influence, a member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate*
 - (b) *an act of disorder committed by the councillor at a meeting of the council or a committee of the council*

Examples of Acts of Disorder – this Code

6.3.4 Further examples of Acts of Disorder are:

- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.

Acts of Disorder at Committee meetings

6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with 270 of the Regulation.



6.4 Dealing with Disorder

How Chairperson may deal with disorder

6.4.1 Clause 256 of the Regulation

- (2) *The chairperson may require a councillor:*
- (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
 - (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or*
 - (c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*

6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.

How the Council may deal with disorder

6.4.3 Clause 256 of the Regulation

- (3) *A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). 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.*

6.4.4 No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled.

Adjournment as a result of Disorder

6.4.5 Clause 257 of the Regulation

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



Council may expel a member of the Public for disorderly conduct

6.4.6 Clause 257 of the Regulation

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

Provisions regarding disorder are also applicable at Committee meetings

6.4.7 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder

6.5.1 The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

Examples of public disorder

6.5.2 Behaviour likely to prejudice orderly conduct includes:

- the person being dressed to a standard that is inappropriate for the meeting
- the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter
- the use of any electronic device including mobile phones, computers and recording devices
- attempting to address the meeting without permission
- verbal or physical action disrupting the conduct of the meeting.



6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove
Councillor or other
person as a result of
Council Resolution

6.6.1 Clause 258 of the Regulation

If a councillor or a member of the public fails to leave the place where a meeting of council is being held:

- (a) *immediately after the council has passed a resolution expelling the councillor or member from the meeting, or*
- (b) *where the council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,*

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.



7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

- (1) *The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.*
- (2) *The minutes must, when they have been confirmed at a subsequent meeting of the council be signed by the person presiding at that subsequent meeting.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Matters to be recorded in Minutes

7.1.4 The Chief Executive Officer must ensure that the minutes of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation
Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.	Section 453 of the Act



A special disclosure of interest made at a meeting of council or committee including the individual schedule, in full as completed by the Councillor.	Sec 451 of the Act and Clause 195A and schedule 3A of the Regulation
The circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.	Clause 233(3) of the Regulation
When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the Chief Executive Officer on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions 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.	375A of the Act



Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code
Questions on Notice	This Code
Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code

Minutes of Committees

7.1.5 The Chief Executive Officer must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes

7.1.6 Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

Format and Signature of Minutes

7.1.7 On each sheet of the Council or Committee minute book there will be placed a heading setting out:

- (a) the nature of the meeting;



- (b) the date of the meeting; and
- (c) the page number.

7.1.8 Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:

"This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on

.....
(This signature must be an original signature). Chairperson"

7.1.9 At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the Chief Executive Officer or his/her delegate if they are in attendance at the meeting when the minutes are confirmed, in/or to the following effect:

"This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on

.....
Chairperson"

This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

Inspection of Original Minutes

7.1.10 Clause 272 of the Regulation

- (1) *An inspection of the minutes of a council or committee of a council is to be carried out under*



the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.

- (2) *The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.*

7.1.11 Copies of Minutes of the Council and Committees will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes

- 7.2.1 Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.

8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees

- 8.1.1 Clause 260 of the Regulation

- (1) *A council may, by resolution, establish such committees as it considers necessary.*
- (2) *A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) *The quorum for a meeting of a committee 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

8.1.2 Clause 261 of the Regulation

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

8.1.3 A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.

8.1.4 If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)

Absence from Committee Meetings

- 8.1.5
- (1) A member (other than the Mayor) ceases to be a member of a committee if the member:
 - (a) has been absent from 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.
 - (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act

8.1.6 For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's



quorum.

Procedure in
Committees

8.1.7 Clause 265 of the Regulation

- (1) *Subject to subclause (3), each committee of a council may regulate its own procedure.*
- (2) *Without limiting subclause (1), a committee of a council may decide that, 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.*
- (3) *Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).*

8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.

Committees Reporting
to Council

8.1.9

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a 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:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the council.



9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*
- (4) *In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*



9.3 Official Audio Recording of Council and Committee Meetings

Recording of Meetings by Council secretariat staff	<p>9.3.1 Meetings of Council and Committees <u>meetings</u>, may be audio recorded by the Council. <u>Any such recordings, may also be broadcasted over the internet, either live (i.e. at the time of, or close to the time of a meeting) or after any such meeting, at the discretion of the Council. 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.</u></p>
Purpose of recordings of meetings	<p>9.3.2 The purpose of Aaudio recording meetings of Council and Committees <u>meetings</u> is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes.</p> <p><u>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.</u></p>
Participants not protected by privilege	<p>9.3.3 Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would leave itself open to a charge of defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993.</p> <p><u>–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 are not</u></p>

Exhibition Document - draft amended Code of Meeting Practice



<p>Notice to speakers and meeting attendees regarding official recordings of meetings</p>	<p><u>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.</u></p>
	<p>9.3.29.3.4 At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being <u>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</u>. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making <u>personal imputations comments which are defamatory</u>. The speaker is to be made aware that the audio recording is generally may be <u>broadcasted over the internet and that applications for access to such recordings can be made under the Government Information (Public Access Act) 2009.</u> available to the public under section 12 of the Local Government Act 1993.</p> <p>Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded.</p>
<p>Access to Official Recordings of Council and Committee meetings</p>	<p>9.3.39.3.5 Access to audio recordings (or requests for transcripts) by Councillors and members of the pPublic will be determined by the Public Officer in accordance with section 12 of the Local Government Act 1993 and Central Coast Council's WSC policy for <u>Access to Audio Recordings of Council and Committee meetings the Government Information (Public Access) Act, 2009.</u></p>
<p>Destruction of recordings</p>	<p>9.3.49.3.6 An audio recording will be destroyed at the expiration of seven years. The seven years will commence from day the original recording was made.</p>

9.4 Council Seal



Use of Council seal

9.4.1 Clause 400 of the Regulation

- (4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*
- (5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

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11 AMENDMENTS

11.1 Schedule 1

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Adoption	Pages Amended	Date
Adopted Code	NA	May 2016
Subsequent Amendment		

11.2 Schedule 2

Matter – Section 10A		Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(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 council, or		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

Code of Meeting Practice

Matter – Section 10A		Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.		(3) must not include any consideration of the matter or information to be discussed

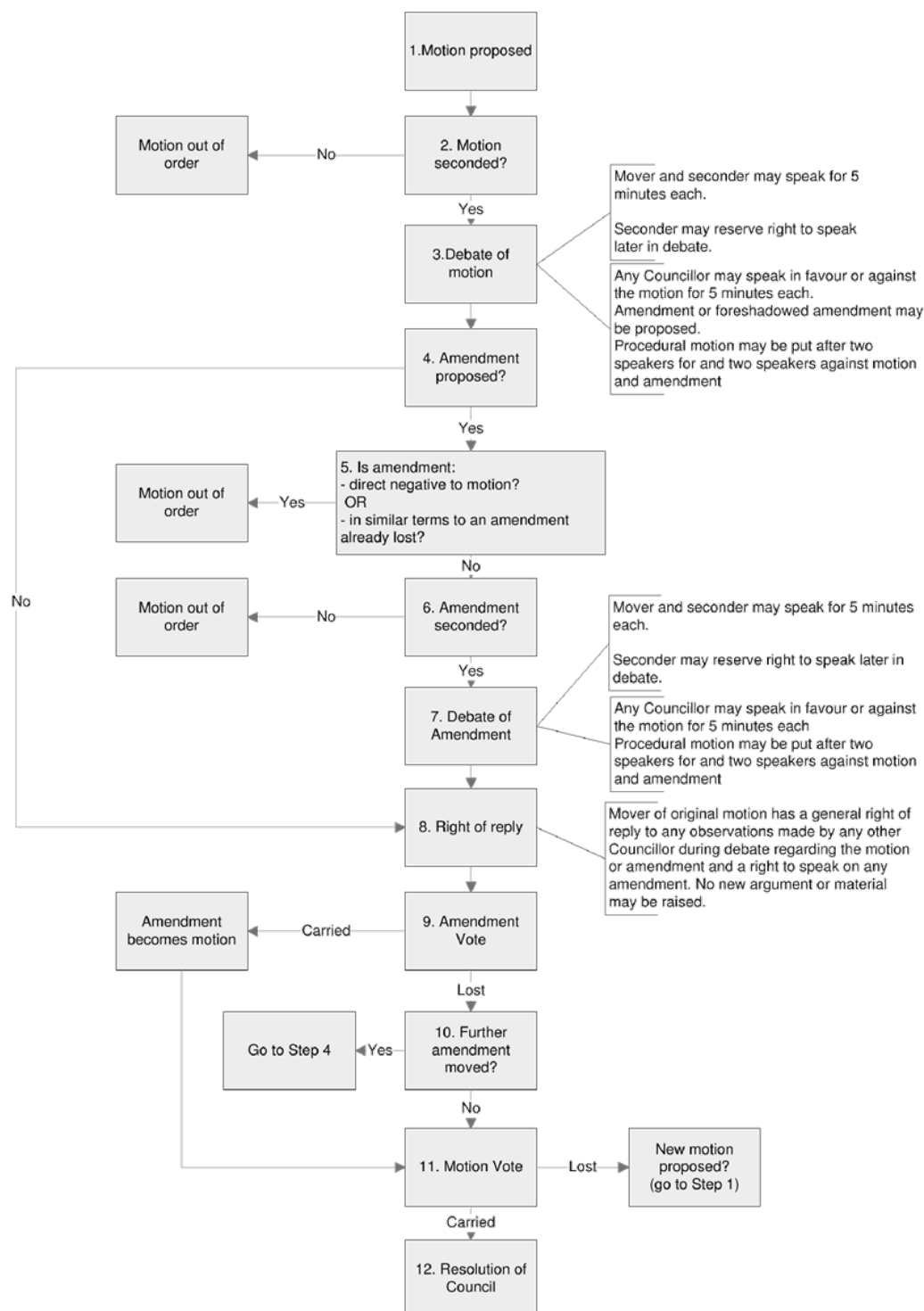
* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion,
- (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.

11.3 Schedule 3

Motions and Amendments





POLICY No: CCC001

CODE OF MEETING PRACTICE

SEPTEMBER ~~MAY~~ 2016

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AUTHORITY	NAME & TITLE
CHIEF EXECUTIVE OFFICER	<i>Rob Noble</i>

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	25 MAY 28 SEPTEMBER 2016 FOR THE PURPOSES OF EXHIBITION ADOPTION

History of Revisions

:

Version	Date	TRIM Doc. #	ECM Doc. #
1	25 May 2016	XXXXXXXX	XXXXXXXX
2	27 July 28 SEPTEMBER 2016	XXXXXXXX	XXXXXXXX



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1 GENERAL

1.1 Making of this Code

This Code is made under the Local Government Act 1993 and in accordance with the Local Government (General) Regulation 2005 and subsequent amendments.

1.2 Citation

This Code may be cited as the "Code of Meeting Practice".

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act 1993).
- 1.3.3 The provisions of this Code are substantially based on the provisions of the Local Government Act 1993 and Part 10 (Meetings) of the Local Government (General) Regulation 2005, subsequent amendments and Council policy decisions.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the ratepayers, residents and visitors of the Central Coast.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support the basic organisation principle of Councillors not involving themselves in the day-to-day administration



of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

1.4 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

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 means a motion moved as an alternative to the original 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 a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Central Coast Council

Committee means a Committee established by Council in accordance with



clause 260 of the Local Government (General) Regulation 2005.

confidential session is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10A of the Local Government Act 1993.

council chamber includes the public gallery, the foyer areas on the relevant floor and the surrounds.

Councillor means a councillor of the Central Coast Council and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Central Coast Council.

due notice means:

- (a) a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting;
- (b) provided to the members of the Council or Committee 5 days prior to the meeting.

EP&A Act means the Environmental Planning and Assessment Act 1979

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;
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

Chief Executive Officer is the Chief Executive Officer of Central Coast Council which undertakes the functions of the General Manager under the Act, or in the absence of that person, the employee designated to act for the Chief Executive Officer.

Mayor means the Mayor of the Central Coast Council.



meeting room means:

- Civic Centre Wyong (2 Hely Street Wyong) - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- Committee Rooms Wyong (Civic Centre 2 Hely Street Wyong) First Floor - Inside the doors of the Committee Room being used for the meeting.
- Council Chambers Gosford (49 Mann Street, Gosford) First Floor - Inside the doors of the Council Chambers being used for the meeting.
- Any Other Location - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media representatives or guests.

misbehaviour for the purposes of this Code means, any of the following:

- (a) a contravention by the Councillor of the Local Government Act 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.

original Motion means the motion before the meeting at the time.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* :

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

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negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office (s. 368(1) of the LG Act)

A 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 (s.260 of the LG Act).

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 or of a Committee of Council.

the Regulation means the Local Government (General) Regulation, 2005.

the Act or this Act means the Local Government Act, 1993 unless specified.

this Code means the Central Coast Council Code of Meeting Practice.

Urgency in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

1.6 Other Definitions

Except as otherwise provided, expressions used in this code which are defined in the dictionary at the end of the Act have meanings set out in the dictionary of the Act.

1.7 Legislation

References to Act
and Regulation

1.7.1 This code is made pursuant to section 360(2) of the Act.

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



and in accordance with section 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.

2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

Notice of meeting
to Councillors

2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.

2.1.2 Section 367 of the Act

- (2) *Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.*
- (3) *A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.*

Notice of Meetings
to the Public

2.1.3 Section 232 of the Regulation

- (1) *This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.*
- (2) *A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (3) *The notice must specify the time and place of the meeting.*
- (4) *Notice of more than one meeting may be given in the same notice.*



- (5) *This clause does not apply to an extraordinary meeting of a council or committee.*

Frequency of
Ordinary Meetings
of Council and
Committees

2.1.4 Section 365 of the Act

The council is required to meet at least 10 times each year, each time in a different month.

2.1.5 Ordinary meetings of Council will be held as follows:

- on the ~~second and fourth~~ Wednesday of the months ~~February~~ January to November inclusive.
- ~~on the fourth Wednesday in January~~
- ~~on the second Wednesday of December.~~

2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.

2.1.7 Ordinary meetings will commence at 5:00pm.

2.1.8 Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.

2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers of the Wyong and Gosford Office alternatively ~~as follows~~ unless the Council or a Committee by resolution decides to meet in another location.:

- ~~Where an ordinary meeting is held on the second week of any month in accordance with clause 2.1.5, in the Council Chambers of the former Gosford City Council, at 49 Mann Street, Gosford; and~~
- ~~Where an ordinary meeting is held on the fourth week of any month in accordance with clause 2.1.5, in the Council Chambers of the former Wyong Shire Council, at 2 Hely Street, Wyong.~~

Nothing in this clause 2.1.9 requires any meeting of Council to be held at times other than those set out in clause 2.1.5



above, and specifically nothing in this clause 2.19 requires any meeting of the Council to be held ~~on the fourth Wednesday in December. or the second Wednesday of January.~~

Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.

2.1.10 Ordinary Meetings of Council will conclude at 9.00pm.

2.1.11 Council can suspend standing orders to allow the meeting to continue.

2.1.12 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of
Extraordinary
Meetings

2.2.1 Section 366 of the Act

"If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of council to be held as soon as practicable but in any event within 14 days after receipt of the request."

2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.

2.2.3 The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.

2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.

2.2.5 The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of a council deals only with the matters stated in the notice of the Meeting. Other



business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the business in the agenda is finished.

Convening of
Extraordinary
Meetings for the
Election of Mayor

2.2.6 Section 290 of the Act

(1) "The election of the mayor by councillors is to be held:

(a) if it is the first election after an ordinary election of councillors - within 3 weeks after the ordinary election, or

(b) if it is not that first election or an election to fill a casual vacancy - during the month of September, or

(c) if it is the first election after the constitution of an area – within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or

(d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors – within 14 days after the appointment or election of the councillors.

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on a Wednesday in September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy will be held on a Wednesday, commencing at 5.00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in

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accordance with Schedule 7 of the Regulation.

Convening of
Extraordinary
Meetings of the
Election of Deputy
Mayor

- 2.2.12 The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be conducted immediately after the conclusion of the election of the Mayor.
- 2.2.13 The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers, method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.
- 2.2.14 Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the notice calling the meeting.
- 2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content

3.1.1 Clause 240 of the Regulation

- (1) *The general manager must ensure that the agenda for a meeting of the council states:*
 - (a) *all matters to be dealt with arising out of the proceedings of former 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) *subject to subclause (2), any business of which due notice has been given.*

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- (2) *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) *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.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

- | | |
|---|--|
| Chief Executive Officer's authority for staff reports and recommendations | <p>3.2.1 All staff reports are to be made to the Chief Executive Officer who will exercise discretion on their presentation to Council or Committee.</p> <p>3.2.2 Where two or more feasible alternatives arise from a staff report, the Chief Executive Officer may decide the alternative to be recommended to Council or a Committee for consideration.</p> <p>3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.</p> <p>3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.</p> |
| Recommendations for staff reports | <p>3.2.5 Staff reports should include a single recommendation:</p> <ul style="list-style-type: none"> (a) where clearly defined policy exists; or |



- (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.

Identification and numbering of staff reports

- 3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.
- 3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.
- 3.2.8 Questions on Notice will be numbered consecutively for each calendar year.

3.3 Confidential Matters

Confidential matters circulated separately

- 3.3.1 If, in the opinion of the Chief Executive Officer, business to be transacted at a meeting of Council or of a Committee is a kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately.

Confidential matters referred to in business paper

- 3.3.2 If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act.

3.4 Confidential information not to be disclosed

Disclosure and misuse of information

- 3.4.1 Section 664 of the Act
 - (1) *A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:*
 - (a) *with the consent of the person from whom the information was obtained, or*
 - (b) *in connection with the administration or execution of this Act, or*
 - (c) *for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or*
 - (d) *in accordance with a requirement imposed under the Ombudsman Act 1974 or the*



Government Information (Public Access) Act
2009, or

(e) with other lawful excuse.

(1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

(1B) Subsection (1A) does not apply to:

- (a) the report of a committee of a council after it has been presented to the council, or*
- (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or*
- (c) disclosure made in circumstances prescribed by the regulations, or*
- (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.*

3.5 Councillor Requests for reports

Councillor request
for EP&A Act Part
4 Application

3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the Chief Executive Officer, and signed by a minimum of two Councillors.

3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the Chief Executive Officer not to exercise his standard delegation to determine a Part 4 application under the EP&A Act.

3.6 Availability of Items on Agenda

Removal of items
from the agenda

3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting.

Items unavailable
to certain

3.6.2 Where a councillor is, or in the opinion of the Chief Executive Officer is likely to be, the subject of proceedings



Councillors by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10A of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person.

Late Reports 3.6.3 As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The Chief Executive Officer is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the item is to be considered.

3.6.4 For matters not listed on the agenda of meetings and where less than (5) days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.

3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting.

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

(1) *The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.*

(2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*

(a) *a motion is passed to have the business transacted at the meeting, and*



- (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) *Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion
not permitted on
Agendas and
Business Papers
for Extraordinary
Meetings

- 3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas
and Business
Papers

- 3.8.1 Section 9 of the Act

- (2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

- (2A) *In the case of a meeting whose 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:*

- (a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
(b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*

- (4) *The copies are to be available free of charge.*



- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

Web Access to Agendas and Business Papers	3.8.2	Agendas and Business Papers will be posted on the Central Coast Council's website as soon as possible after electronic distribution to the Councillors.
Media access to Agendas and Business Papers	3.8.3	Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors.
Commercial or other access to Agendas and Business Papers	3.8.4	Other persons or organisations may access copies of business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the Central Coast Council's website.
Community groups access to Agendas and Business Papers	3.8.5	Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows: <ul style="list-style-type: none"> (a) The community group must formally register its interest in writing on an annual basis. (b) Each group being restricted to one copy of the business paper for each meeting. (c) The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting. (d) Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group received prior advice of that item.

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.



4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

Absence of a quorum

4.1.1 Clause 233 of the Regulation

- (1) *A meeting of council must be adjourned if a quorum is not present:*
 - (a) *within half an hour after the time designated for the holding of the meeting, or*
 - (b) *at any time during the meeting.*
- (2) *In either case, the meeting must be adjourned to a time, date and place fixed:*
 - (a) *by the chairperson, or*
 - (b) *in his or her absence - by the majority of the councillors present, or*
 - (c) *failing that, by the general manager.*
- (3) *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.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence

4.2.1 Clause 235A of the Regulation

- (1) *A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.*
- (2) *A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.*



Presence at
meetings

4.2.2 Clause 235 of the Regulation

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

Departure from
meetings

4.2.3 Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.

4.2.4 Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion and voting on that matter the Councillor will be excluded from being present in the area defined in this Code as the Council Chamber.

4.3 Seating in the Chamber

Seating in the
Chamber

4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4-the remaining Councillors on each side of the Deputy Mayor. The other 8-remaining Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.

4.4 Entitlement to Attend Committee Meetings

Mayor member of
each Committee

4.4.1 The Mayor is a member of each Committee and entitled to attend all meetings of Committees.

Non member
Councillor
attendance at
Committee
meeting

4.4.2 Clause 263 of the Regulation

(1) *A councillor who is not a member of a committee of a council is entitled to attend, and speak at, a meeting of the committee.*

(2) *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.*



4.5 Attendance of the General Manager

Attendance and
Participation of
General Manager
at Council or
Committee
Meetings

4.5.1 Section 376 of the Act

- (1) *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 the members are councillors.*
- (2) *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.*
- (3) *However, 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 the employment of the general manager.*

4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the
Public

4.6.1 Section 10 of the Act

- (1) *Except as provided by this Part:*
 - (a) *everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and*
 - (b) *a council must ensure that all meetings of the council and of such committees are open to the public.*
- (2) *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:*
 - (a) *by a resolution of the meeting; or*
 - (b) *by the person presiding at the meeting of the council has, by resolution, authorised the person presiding to exercise the power of expulsion.*
- (3) *A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.*

Exclusion of the
Public

4.6.2 Section 10A of the Act

(1) *A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:*

- (a) the discussion of any of the matters listed in sub-clause (2), or*
- (b) the receipt or discussion of any of the information so listed.*

(2) *The matters and information are the following:*

- (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.

- (3) *A council, or a committee of the council of which all the members are councillors, 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.*
- (4) *A council, or a committee of a 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.*

4.6.3 It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position.

Representations
by members of the
Public – Closure of
part of meeting

4.6.4 Clause 252 of the Regulation

- (1) *A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*
- (2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.

Closure of Parts of
Meetings – Further
Limitations

4.6.6 Section 10B of the Act

- (1) *A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):*

(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 public interest.*
- (2) *A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(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, and*
 - (c) *are fully discussed in that advice.*
- (3) *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 section 10A(3)), 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 section 10A(2)).*
- (4) *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.*
- (5) *In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the*



Department Chief Executive.

Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 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 section 10A(2), and*
- (b) *the council or committee, after considering any representations made under section 10A(4) 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.*

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (1) *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.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A(2),*
 - (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.*



Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

- (1) *A council and a committee of which all the 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.*
- (2) *This section does not apply if the correspondence or reports:*
 - (a) *relate to a matter that was received or discussed, or*
 - (b) *were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.*
- (3) *This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.*

5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees

Chair of Meetings
of Council

5.1.1 Section 369 of the Act

- (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.*
- (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.*

Chair of Meetings
of Committees

5.1.2 The Chairperson of each Committee meeting must be:

- (a) the Mayor; or
- (b) if the Mayor does not wish to be the Chairperson



of that Committee - a member of the Committee elected by Council; or

- (c) if Council does not elect such a member - a member of the Committee elected by the Committee.

5.1.3 Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.

5.1.4 If neither the Mayor nor the Deputy Chairperson of a Committee 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.

Election of
Temporary
Chairperson at
Council and
Committee
Meetings

5.1.5 Clause 236 of the Regulation

- (1) *If no chairperson is present at a meeting of a 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.*

Note: Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the mayor and deputy mayor are absent.

- (2) *The election must be conducted;*

- (a) *by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or*
- (b) *if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.*

- (3) *If, at an election of a chairperson, 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.*

- (4) *For the purposes of subclause (3), 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.*

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

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to
have precedence

5.2.1 Clause 237 of the Regulation

When the chairperson rises during a meeting of a council

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

Chairperson's Duty
With Respect to
Motions

5.2.2 Clause 238 of the Regulation

- (1) *It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*
- (2) *The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) *Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees

Requirements for
the Order of

5.3.1 Clause 239 of the Regulation



Business at
Ordinary,
Extraordinary and
Committee
Meetings

- (1) *At a meeting of a council (other than an extraordinary meeting) the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.*
- (2) *The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.*
- (3) *Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.*

Order of Business
for Ordinary
Meetings-

- 5.3.2 The general order of business for Ordinary Meetings of Council will be:
- (a) Opening Prayer
 - (b) Acknowledgement of Country
 - (c) Apologies/Requests for leave of absence
 - (d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests
 - (e) Report on Proposed Inspections
 - (f) Report on Proposed Briefings
 - (g) Report of Address by Invited Speakers
 - (h) Notice of Intention to Deal with Matters in Confidential Session
 - (i) Confirmation of Ordinary Meeting Minutes
 - (j) Confirmation of Extraordinary Meeting Minutes
 - (k) Confirmation of Confidential Meeting Minutes
 - (l) Business Arising out of the Minutes
 - (m) Minutes of the Mayor
 - (n) Consider Motion of Urgency for Late Items
 - (o) Consider Motion for Exception Method
 - (p) Reports of Directors and Chief Executive Officer
 - (q) Reports of Delegates
 - (r) Information Reports
 - (s) Question of which due notice has been given
 - (t) Answers to Questions without on Notice
 - (u) Notices of Motion
 - (v) Notices of Rescission
 - (w) Motions of Urgency



- (x) Questions on Notice
- (y) Correspondence
- (z) Confidential Items

5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss ~~Shire~~ council wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.

Order of Business
of Extraordinary
Meetings - after a
Local Government
Election - fixed by
this Code

5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country
- (c) Apologies
- (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
- (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor
- (h) Determine Committees for the term of the Council
- (i) Election of Committee members for the term of
- (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
- (k) Determine delegation of Authorities to Committees for the term of Council
- (l) Election of Delegates and Representatives for the term of the Council.
- (m) Determination of Times and Dates of meetings for the term of the Council.
- (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
- (o) Setting venue and date for the briefing of Councillors.

Order of Business
of Extraordinary
Meetings –
Election of Mayor
– other than the
year of a Local
Government

5.3.5 The General Order of Business at the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country



- | | |
|----------|--|
| Election | <ul style="list-style-type: none"> (c) Apologies (d) Mayoral Report for past term (e) Determine the method of voting to be used for the election of Mayor and Deputy Mayor (f) Election of Mayor (g) Election of Deputy Mayor |
|----------|--|

5.4 Transaction of Business at Meetings of Council and Committees

Giving notice of
business

5.4.1 Clause 241 of the Regulation

- (1) *A council must not transact business at a meeting of the council:*
 - (a) *unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and*
 - (b) *unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.*
- (2) *Subclause (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 as provided by clause 236(1), or;*
 - (c) *is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or*
 - (d) *is a motion for the adoption of recommendations of a committee of the council.*
- (3) *Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
 - (a) *a motion is passed to have the business transacted at the meeting, and*



- (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

Such a motion can be moved without notice

- (4) *Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.*

Business not to be transacted for reports on Inspections and Briefings

- 5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.

5.5 Motions and Resolutions of Council

Motions and Resolutions

- 5.5.1 A Council must resolve transactions by resolution of a vote by the majority.
- 5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.
- 5.5.3 A motion must be seconded by another Councillor before debate can proceed.
- 5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.

Motions to be Moved/Seconded

- 5.5.5 Clause 246 of the Regulation
- A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).*
- 5.5.6 Despite the clause above, the chairperson may allow the mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion.

Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.



Seconder may reserve the right to speak.	5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate.
Debate of motion and amendment	5.5.8 It is permissible to debate the motion and an amendment concurrently.
Content of Amendment	5.5.9 An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion.
	5.5.10 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Withdrawal of Amendment	5.5.11 An amendment may be withdrawn or modified by the mover with the consent of the seconder.
Recording of Motions and Amendments	5.5.12 Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	5.5.13 Clause 247 of the Regulation <i>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 council at any one time.</i>
	5.5.14 If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting.
Foreshadowed amendments	5.5.15 Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content.
	5.5.16 Foreshadowed amendments are not recorded in the minutes.

5.6 Mayoral Minutes



Mayoral Minute entitlement	<p>5.6.1 Clause 243 of the Regulation</p> <p>(1) <i>If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.</i></p> <p>(2) <i>Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.</i></p> <p>(3) <i>A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.</i></p>
Content of Mayoral Minutes	<p>5.6.2 It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.</p>
Mayoral Minute amendment by Councillors	<p>5.6.3 Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.</p> <p>5.6.4 Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.</p>

5.7 Notices of Motion and Notices of Motion to Rescind

Form of lodgement and content of notice of motion	<p>5.7.1 Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.</p>
Chief Executive Officer may amend notice of motion	<p>5.7.2 The Chief Executive Officer may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In such event the Chief Executive Officer will, as soon as is practicable, inform the author of the notice of motion of the action which the Chief</p>



Executive Officer has taken and the reasons for that action.

Limitation on number of notices of motion	5.7.3	A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4	All notices of motion will be dated and numbered as received and will be entered by the Chief Executive Officer upon the business paper in the order in which they are received.
Absence of mover - notice of motion	5.7.5	<p>Clause 245 of the Regulation</p> <p><i>In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:</i></p> <p>(a) <i>any other councillor may move the motion at the meeting; or</i></p> <p>(b) <i>the chairperson may defer the motion until the next meeting of council at which the motion can be considered.</i></p>
Adoption of unopposed notices of motion	5.7.6	The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.
Speakers on Notices of Motion and Notices of Rescission are permitted	5.7.7	A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council.
	5.7.8	The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.

5.8 Rescinding or Altering Resolutions

Notice of Motion to Rescind	5.8.1	<p>Section 372 of the Act</p> <p>(1) <i>A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice</i></p>
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has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.

Deferral of
Actioning
resolutions
pending
consideration of
Rescission
Motions

5.8.2 Section 372 of the Act

- (2) *If 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.*

5.8.3 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.

Negatived motion
not to be
considered
without due notice

5.8.4 Section 372 of the Act

- (3) *If a motion has been negatived by council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.*

Signature of 3
Councillors
required if less
than 3 months

5.8.5 Section 372 of the Act

- (4) *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 negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.*

Subsequent
negatived motions
and subsequent
negatived
rescission motions
not to be
considered again
within 3 months

5.8.6 Section 372 of the Act

- (5) *If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.*

Motions to alter or
rescind may be

5.8.7 Section 372 of the Act

- (6) *A motion to which this section applies may be moved on*

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moved on reports of Committees *the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.*

Not applicable to motions of adjournment 5.8.8 Section 372 of the Act
(7) *The provisions of this section concerning negated motions do not apply to motions of adjournment.*

When motions to alter or rescind are considered 5.8.9 All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply.

5.9 Rules of Debate

Irrelevant Speech 5.9.1 In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.

Debate 5.9.2 Clause 250 of the Regulation

Right of Reply (1) *A councillor who, during a debate at a meeting of a council, moves an original 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.*

Right to Speak (2) *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.*

(3) *A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment, to enable the councillor to make a statement limited to explaining*



the misrepresentation or misunderstanding.

Putting the amendment and motion

- (4) *Despite Subclause (1) and (2,) 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 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.*
- (5) *The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.*
- (6) *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 his or her right of reply under subclause (1).*
- (7) *If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.*

Order of Speech

- 5.9.3 The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.

Explanation of previous speech

- 5.9.4 With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.

Interruption of Speaker

- 5.9.5 A speaker will not be interrupted except on a point of order.
- 5.9.6 A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the



debate.

Mode of Address

- 5.9.7 A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).
- 5.9.8 At Meetings of the Council, Councillors, may choose to:
- (a) sit or stand when speaking.
 - (b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

Motions of Dissent

- 5.9.9 Clause 248 of the Regulation
- (1) *A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.*
 - (2) *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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.*
 - (3) *Despite clause 250 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.*
- 5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.
- 5.9.11 The wording for a motion of dissent will be in the form:-
- "I move dissent from the Chairperson's ruling in respect of
"(insert matter of dissent and item number and heading
or other detail as appropriate)".



Motions on Adjournment

- 5.9.12 A motion for adjournment of a Council or Committee meeting must be seconded.
- 5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.
- 5.9.14 If a motion to adjourn is negated the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the Chief Executive Officer, shall make a determination those matters.

5.10 Voting

Voting Entitlements of Councillors

- 5.10.1 Section 370 of the Act
 - (1) *Each councillor is entitled to one vote.*
- 5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.

Casting Vote

- 5.10.3 Section 370 of the Act
 - (2) *However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.*
- 5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.

Voting at Council or Committee meetings

- 5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.



5.10.6 Clause 251 of the Regulations

- (1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) *If a councillor who has voted against a motion put at a council meeting so requests, the Chief Executive Officer must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, 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 respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note: *Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot.*

5.10.7 Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.

Voting on
Planning Decisions

5.10.8 Section 375 A of the Act

- (2) *The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a*



council committee, 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.

(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

(4) 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, and is to include the information required by the regulations.

(5) This section extends to a meeting that is closed to the public.

Decisions of the Council

5.10.9 Section 371 of the Act

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.

5.10.10 Section 374 of the Act

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 disclose a pecuniary 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 section 451, or*
- (e) a failure to comply with the code of meeting practice.*

Right to demand a division

5.10.11 Clause 251(3) of the Regulation

- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*



Motion to Recommit 5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item.

5.10.13 If the motion to recommit is carried, the item shall be reconsidered.

Exception Method 5.10.14 Council may resolve to consider items of business via 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.

5.10.15 The method of adoption of reports by Exception will be as follows:

- (a) The Chairperson will call for a motion that indicates the manner in which Reports will be considered as follows:
 - *"That Council use the exception method to deal with the balance of the Agenda."*
- (b) Should Council resolve to consider the reports individually the meeting will proceed in accordance with adopted meeting practice.
- (c) Should Council resolve to consider the reports by nominated exception the Chairperson will:
 - Invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution and adopting the remainder of



the reports and recommendations in total.

- Seek a mover and seconder for the following motion:

"That with the exception of report numbers ..., ..., and ... Council adopt the recommendations contained in the remaining reports."

- The Chairperson will then call the excluded items in order of how each were listed on the business paper and call the Councillor who nominated the item to move a motion in respect of the item.

Actioning the
Decisions of
Council

5.10.16 Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests and Special Disclosures

Pecuniary Interest

5.11.1 Section 442 of the Act

- (1) For the purposes of this Chapter, a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

Councillor
responsibility to
disclose Pecuniary
Interest

5.11.2 Section 451 of the Act

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the

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council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*

- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*

- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*

(a) the matter is a proposal relating to:

- (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*

(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid*



on the table at a meeting of the council and must:

- (a) be in the form prescribed by the regulations, and
- (b) contain the information required by the regulations.

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of
Pecuniary Interest

5.11.3 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Disclosure by
Advisor

5.11.4 Section 456 of the Act

- (1) *A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.*
- (2) *The person is not required to disclose the person's interest as an adviser.*

Non-Pecuniary
Interest

5.11.5 A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable.

5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.

5.11.7 Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their public duty.

5.11.8 Council's Code of Conduct provides guidance to



Councillors on how to manage their obligations with regards to Pecuniary and Non-Pecuniary Interests.

Disclosures to be recorded

5.11.9 Section 453 of the Act

A disclosure made at a meeting of council or a council committee must be recorded in the minutes of the meeting.

5.12 Letters, Submissions or Petitions

Presentation of Letters, Submissions or Petitions

5.12.1 Letters, Submissions or Petitions must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.

5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.

5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

Provisions of Code also apply to Confidential session

5.13.1 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.

Making resolution of confidential session public

5.13.2 Clause 253 of the Regulation

If a 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 part of the meeting has ended.

How confidential session resolutions are reported

5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

5.13.4 Council must ensure that a report of the proceedings is



recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

- 5.13.5 The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting.

5.14 Questions

Questions to staff
and employees

5.14.1 Clause 249 of the Regulation

- (1) *A councillor:*
 - (a) *may, through the chairperson, put a question to another councillor, and*
 - (b) *may, through the general manager, put a question to a council employee.*
- (2) *However, 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 documents.*
- (3) *The councillor must put every such question directly, succinctly and without argument.*
- (4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

Questions on
Notice

- 5.14.2 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 the most senior member of staff present at the meeting.

Reasonable notice
of Question on
Notice

- 5.14.3 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.



Content of Question on Notice	5.14.4 An individual Councillor may not request a staff report. Staff reports to Council may only be generated by way of a Council resolution.
Chairperson authority – Question on Notice	<p>5.14.5 A Councillor must put every such question directly, succinctly and without argument.</p> <p>5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.</p> <p>5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:</p> <ul style="list-style-type: none"> (a) normally require the presentation of a report after consideration by a Committee or by the Chief Executive Officer (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or (c) require the commitment or redirection of significant resources. <p>5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.</p> <p>5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.</p>
Responses to Questions on Notice	<p>5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.</p> <p>5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.</p> <p>5.14.12 Where a comprehensive report is provided as an answer to</p>



a Question on Notice it may be the subject of debate and a motion may be brought forward as long as it directly relates to the question and the report in response.

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council. ~~held on the second or fourth Wednesday of the month.~~

Questions on
Notice to be
recorded in
Minutes

5.14.14 Questions asked at meetings will be recorded in the minutes of that meeting.

5.15 Information Reports

Information
Reports

5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

5.16 Invited Speakers

Invited Speakers

~~5.15.25.16.1~~ Any person may address the Council in accordance with procedures that the Council may determine.

~~5.15.35.16.2~~ Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.

~~5.15.45.16.3~~ An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.

~~5.15.5~~ The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.



6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

- | | |
|-------------------------|---|
| Chairperson keeps order | <p>6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.</p> <p>6.1.2 The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.</p> <p>6.1.3 Clause 255 of the Regulation</p> <ol style="list-style-type: none"> (1) <i>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.</i> (2) <i>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.</i> (3) <i>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.</i> (4) <i>The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.</i> |
|-------------------------|---|

6.2 Points or Questions of Order

- | | |
|--|--|
| Examples of Points or Questions of Order | <p>6.2.1 Some examples of points of order are:</p> <ol style="list-style-type: none"> (a) personal remarks about other Councillors (b) departing from procedures contained within Council's Code of Meeting Practice (c) breaching Council's Code of Conduct (d) referring to irrelevant subject matter during the course of debate (e) improper decorum such as offensive language or behaviour (f) discussing matters not before the Council |
|--|--|



- (g) factual errors

6.2.2 Examples which are NOT points of order are:

- (a) disagree with the opinion of another Councillor
- (b) disagreeing with a ruling by the Chair

6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

- (1) *A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*
 - (a) *contravenes the Act or any regulation in force under the Act, 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 committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or*
 - (d) *insults or makes personal reflections on or imputes improper motives to any other councillor, or*
 - (e) *says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a councillor commits an act of disorder if the councillor, at a meeting of council or a committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

- 1 *Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances*



- 2 *Conduct that is detrimental to the pursuit of the charter of a council*
- 3 *Improper or unethical conduct*
- 4 *Abuse of power and other misconduct*
- 5 *Action causing, comprising or involving any of the following:*
 - (a) *intimidation, harassment or verbal abuse*
 - (b) *discrimination, disadvantage or adverse treatment in relation to employment*
 - (c) *prejudice in the provision of a service to the community*
- 6 *Conduct of a councillor causing, comprising or involving any of the following:*
 - (a) *directing or influencing, or attempting to direct or influence, a member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate*
 - (b) *an act of disorder committed by the councillor at a meeting of the council or a committee of the council*

Examples of Acts of Disorder – this Code

6.3.4 Further examples of Acts of Disorder are:

- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.

Acts of Disorder at Committee meetings

6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with 270 of the Regulation.



6.4 Dealing with Disorder

How Chairperson may deal with disorder

6.4.1 Clause 256 of the Regulation

- (2) *The chairperson may require a councillor:*
- (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
 - (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or*
 - (c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*

6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.

How the Council may deal with disorder

6.4.3 Clause 256 of the Regulation

- (3) *A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). 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.*

6.4.4 No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled.

Adjournment as a result of Disorder

6.4.5 Clause 257 of the Regulation

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



Council may expel a member of the Public for disorderly conduct

6.4.6 Clause 257 of the Regulation

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

Provisions regarding disorder are also applicable at Committee meetings

6.4.7 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder

6.5.1 The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

Examples of public disorder

6.5.2 Behaviour likely to prejudice orderly conduct includes:

- the person being dressed to a standard that is inappropriate for the meeting
- the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter
- the use of any electronic device including mobile phones, computers and recording devices
- attempting to address the meeting without permission
- verbal or physical action disrupting the conduct of the meeting.



6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove
Councillor or other
person as a result of
Council Resolution

6.6.1 Clause 258 of the Regulation

If a councillor or a member of the public fails to leave the place where a meeting of council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or*
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,*

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.



7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

- (1) *The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.*
- (2) *The minutes must, when they have been confirmed at a subsequent meeting of the council be signed by the person presiding at that subsequent meeting.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Matters to be recorded in Minutes

7.1.4 The Chief Executive Officer must ensure that the minutes of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation
Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.	Section 453 of the Act



A special disclosure of interest made at a meeting of council or committee including the individual schedule, in full as completed by the Councillor.	Sec 451 of the Act and Clause 195A and schedule 3A of the Regulation
The circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.	Clause 233(3) of the Regulation
When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the Chief Executive Officer on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions 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.	375A of the Act



Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code
Questions on Notice	This Code
Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code

Minutes of Committees

7.1.5 The Chief Executive Officer must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes

7.1.6 Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

Format and Signature of Minutes

7.1.7 On each sheet of the Council or Committee minute book there will be placed a heading setting out:

- (a) the nature of the meeting;



- (b) the date of the meeting; and
- (c) the page number.

7.1.8 Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:

"This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on

.....
(This signature must be an original signature). Chairperson"

7.1.9 At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the Chief Executive Officer or his/her delegate if they are in attendance at the meeting when the minutes are confirmed, in/or to the following effect:

"This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on

.....
Chairperson"

This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

Inspection of Original
Minutes

7.1.10 Clause 272 of the Regulation

- (1) *An inspection of the minutes of a council or committee of a council is to be carried out under*



the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.

- (2) *The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.*

7.1.11 Copies of Minutes of the Council and Committees will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes

- 7.2.1 Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.

8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees

- 8.1.1 Clause 260 of the Regulation

- (1) *A council may, by resolution, establish such committees as it considers necessary.*
- (2) *A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) *The quorum for a meeting of a committee 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

8.1.2 Clause 261 of the Regulation

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

8.1.3 A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.

8.1.4 If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)

Absence from
Committee Meetings

8.1.5 (1) A member (other than the Mayor) ceases to be a member of a committee if the member:

- (a) has been absent from 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.

(2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act

8.1.6 For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's



quorum.

Procedure in Committees

8.1.7 Clause 265 of the Regulation

- (1) *Subject to subclause (3), each committee of a council may regulate its own procedure.*
- (2) *Without limiting subclause (1), a committee of a council may decide that, 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.*
- (3) *Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).*

8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.

Committees Reporting to Council

8.1.9

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a 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:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the council.



9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*
- (4) *In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*



9.3 Official ~~Audio~~-Recording of Council and Committee Meetings

Recording of Meetings by Council secretariat staff

9.3.1 ~~Meetings of Council and Committees~~ meetings, may be audio recorded by the Council. Any such recordings, may also be broadcasted over the internet, either live (i.e. at the time of, or close to the time of a meeting) or after any such meeting, at the discretion of the Council. 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.

Purpose of recordings of meetings

9.3.2 ~~The purpose of Aaudio recording meetings of Council and Committees~~ meetings is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes.

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.

Participants not protected by privilege

9.3.3 ~~Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would leave itself open to a charge of defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993.~~

—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 are not



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.

Notice to speakers and meeting attendees regarding official recordings of meetings

~~9.3.29.3.4~~ 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. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making ~~personal imputations~~ comments which are defamatory. The speaker is to be made aware that the audio recording ~~is generally~~ may be broadcasted over the internet and that applications for access to such recordings can be made under the *Government Information (Public Access Act) 2009*. ~~available to the public under section 12 of the Local Government Act 1993.~~

Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded.

Access to Official Recordings of Council and Committee meetings

~~9.3.39.3.5~~ Access to audio recordings (or requests for transcripts) by Councillors and members of the pPublic will be determined by the Public Officer in accordance with ~~section 12 of the Local Government Act 1993 and Central Coast Council's WSC policy for Access to Audio Recordings of Council and Committee meetings~~ the *Government Information (Public Access) Act, 2009*.

Destruction of recordings

~~9.3.49.3.6~~ An audio recording will be destroyed at the expiration of seven years. The seven years will commence from day the original recording was made.

9.4 Council Seal



Use of Council seal

9.4.1 Clause 400 of the Regulation

- (4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*
- (5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

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Code of Meeting Practice

11 AMENDMENTS**11.1 Schedule 1****CODE OF MEETING PRACTICE**

Adoption	Pages Amended	Date
Adopted Code	NA	May 2016
Subsequent Amendment		

11.2 Schedule 2

Matter – Section 10A		Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(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 council, or		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret		(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

Code of Meeting Practice

Matter – Section 10A		Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.		(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.		(3) must not include any consideration of the matter or information to be discussed

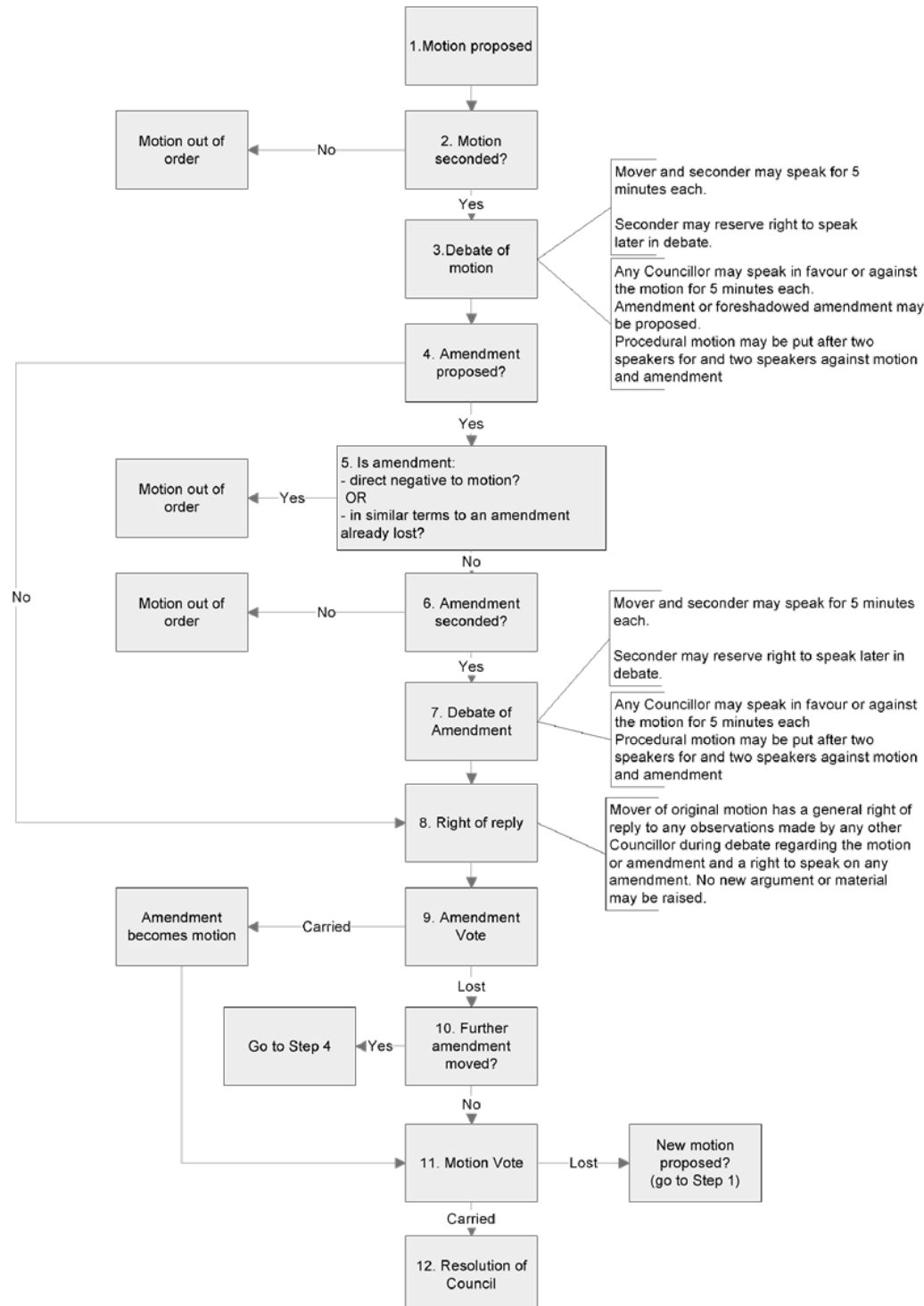
* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion,
- (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.

11.3 Schedule 3

Motions and Amendments



From: [REDACTED]

Date: 6 August 2016 at 9:30:14 PM AEST

To: Ian REYNOLDS <ian.reynolds@centralcoast.nsw.gov.au>, Rob Noble
<rob.noble@centralcoast.nsw.gov.au>

Cc: Brian Glendenning <brian.glendenning@centralcoast.nsw.gov.au>, [REDACTED]
[REDACTED]

Subject: Submission Reduction of number of Council meetings Item 3.1 of OM 27 July 2016

Reply: [REDACTED]

I am writing about Council's proposal at OM 27 July 2016 (ref Item 3.1) to amend the Code of Meeting Practice to reduce the number of Council meetings and introduce a trial of webcasting.

Hi Ian and others

During the term of your administration, it has become apparent that significant streamlining has occurred -- Council meetings have many fewer items and are much briefer than previously - potentially leading to significant efficiencies and cost savings.

Per se, efficiencies and cost savings are desirable; however, there needs to be a balance with the equally desirable objectives of community engagement in decision-making and open, transparent governance engendering community confidence in both the process and the decisions made.

In various community groups, I have recently heard numerous expressions of concern that under the 'no councillors' regime, there appears no way for individuals or groups to be part of or influence forthcoming decisions and policies of Council. Many people are feeling somewhat disenfranchised - some disengaging: "they'll do whatever they want, no matter what we think" .. or becoming rather angry at what is perceived to be anti-democratic top-down control. These include many people who have been volunteers and made real contributions to our community over many years.

I alluded to examples of both of these expressions of community concern [REDACTED]
[REDACTED] I provided examples of at least 12-15 issues where the community is becoming frustrated and angry with what is seen as a lack of consultation and perceived out-of-touch Council decision-making process.

The following are relevant contributing factors:

- loss of councillors ... many residents and local groups having had effective contact over many years ...
- business papers no longer generally being printed / posted to community groups
- business papers are no longer available in libraries and printed copies are not available at Council meetings

- publication of large (full page) lists of DAs across both former LGAs is, for many, a little overwhelming
- reduction in the number of items being brought to Council and reduced discussion of issues in the public forum
- confusion between 'on exhibition' and "Have Your Say"

Added to these factors, the community now faces two proposals, resulting in a further reduction of community engagement in decision-making:

- to effectively halve the number of Council meetings, with a meeting in each of the former chambers only every second month
- to deal with all development matters with fewer than 100 objections by delegated authority (Item 1.6 Mayoral Minute July 27 2016 - see separate submission)

If Council wishes to halve the number of formal meetings, it needs, in my view, to explore an effective means of community engagement during the 'no councillor' period; be that via submissions directly to the Administrator or CEO or some other mechanism. If that is not done, Council will have to manage significant reputational risk, should such a decision exacerbate the growing perceptions of 'Council doesn't care about us' and "Council will doing whatever it wants - bugger us".

I am certainly not opposed to a trial of webcasting, but, with respect, that is akin to watching an execution without any knowledge of the process of a trial.

I applaud Council's desire to find the most efficient way of dealing with issues - but within the overall context of effectiveness which must include inclusiveness of our community in genuine consultation and a process of open, transparent decision-making.

I note also, with concern, that this matter does not appear in the relevant 'on exhibition' web pages of either the former GCC or WSC, nor has it been part of the "Have Your Say" forum.

Kind regards

[REDACTED]

[REDACTED]

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has. Margaret Mead

This e-mail transmission and any documents, files and previous e-mail messages attached to it are private and confidential. If you have received this transmission in error, or are not an authorised recipient, please immediately notify the sender by return email, delete this message and all copies from your e-mail system, and destroy any printed copies. [REDACTED]

17 September 2016

Mr. Ian Reynolds
Administrator
Central Coast Council

Dear Sir,

RE: SUBMISSION – CODE OF MEETING PRACTICE

Thank you for the opportunity to comment of the 'Code of Meeting Practice' for the Central Coast Council. My comments are as follow:-

1. Throughout the document it refers to Councillors and Council staff, as the Central Coast Council is under administration, it would be better if there was an attachment to this document setting out the meeting practice for the Administrator and leaving the main document to be revised when the new Council is elected.

This would make it much easier for the community to understand the process whilst under administration.

2. The Act states the functions of a General Manager not a Chief Executive Officer.

Comment:

Why the change of name to Chief Executive Officer? For years we have had General Managers and cannot see any reasons that benefit the community for this change in title.

The words 'General Manager' also appears throughout the document and should be changed if the title Chief Executive Officer is to be used.

Refer to sections:-

- 3.1.1. (1); (2); (3) and (4)
- 3.2 Side heading
- 3.7.1 (1)
- 4.1.1 (2) and (3)
- 4.5 Heading
- 4.5.1 Side heading ; (1); (2) and (3)
- 5.1.5 (2)(a) and (2)(b)
- 5.10.6 (4)
- 5.10.8 (2)
- 7.1.10 (1) and (2)

3. Section 2.1.5 - Ordinary meetings of Council will be held as follows:
on the fourth Wednesday of the months January to November inclusive.

Comment:

I disagree with this change.

The community has little input as it is now, with no councillors to speak to if they have a problem.

The Local Representative Committee also has limited input, by only being able to raise matters within their committees, but cannot debate the issues etc. at Council or with the community.

There are a number of community groups that have either been abolished by Council or have had a council representative with drawn from attending their meetings. This doesn't help consultation with community or help matters being addressed at grass roots level.

If there insufficient matters to be reported to Council, then use other Council meeting night for the community to be able to speak to the Administrator and / or CEO about matter that are affecting them. This would then allow genuine community feedback to Council.

It would at the least let the community think they are being involved with the restructuring of the new council.

As a resident of the old Gosford LGA for the last three and half years the rate payers and community groups have been to the most part ignored and questions they have raised with Council staff have gone unanswered.

4. Section 2.1.7 Ordinary meetings will commence at 5:00pm.

Comment:

I disagree with Council meetings starting at 5.00 pm it not giving residents the opportunity the address council.

The Central Coast Council area has a large commuting population and most businesses on the coast do not closed until 5.30pm. Should there be matter before council wish to speak too, it would be hard for them to get to a meeting in time, especially if you live on the Woy Woy peninsula or at most northern part of the area.

We are told council wants to involve the community in the decision making process. This starting for meetings doesn't allow for all areas of the community to be involved.

5. Section 2.1.9

Comment:

Should read as follows:

- 2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers of the Wyong and Gosford Office alternatively unless the Council or a Committee by resolution decides to meet in another location.

Nothing in this clause ~~2.19~~ 2.1.9 requires any meeting of Council to be held at times other than those set out in clause ~~2.15~~ 2.1.5 above, and

specifically nothing in this clause ~~2.19~~ 2.1.9 requires any meeting of the Council to be held on the fourth Wednesday in December or the second Wednesday of January.

6. Section 3.8.1 states - *Section 9 of the Act*

- (1) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

Comment:

Since the merger of the two councils business papers, late reports and the order of proceedings for the council meeting have not been available when council meets in Gosford.

They are available when council meets in Wyong.

Could you please ensure business papers etc., are available when council meets in Gosford.

7. Section 4.3.1 states

- 4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.*

Comment:

This section needs to be altered to address the change in the number of Councillors to 15.

8. Section 4.6.5 states

- 4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.*

Comment:

It states representation made be made by speakers, yet is limited to only one speaker allowed to speak. For a balanced debate a least one speaker for and speaker against should be allowed to speak.

Two minutes is far too short a time to be allocated to speak to a matter. Please consider an increase in time.

9. Section 5.3.3 states

- 5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.*

Comment:

The word 'Shire' should be changed to Council.

10. Section 5.11.2 (4) (a) should be altered as follows to read

(a) *the matter is a proposal relating to:*

- (i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
- (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- (iii) *(~~at~~) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*

11. Section 5.14.13 states

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on second or fourth Wednesday of the month.

Comment:

If the meeting days are to be changed, the words "second or" to be deleted from this section.

12. Section 9.3.1 states

9.3.1 Council and Committee meetings may be audio recorded by the Council. Any such recordings, may also be broadcasted over the internet, either live (i.e. at the time of, or close to the time of a meeting) or after any such meeting, at the discretion of the Council. 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.

Comment:

I do not see why the meetings should be recorded. Staff are on hand to taken down the motions, which are projected onto the screen for Councillors or the Administrator to see.

The Councillors or the Administrator have the opportunity to correct any minutes prior to confirmation of the same.

Everyone participating in the meeting does not have parliamentary privilege and therefore are open to defamation claims.

A responsible council would refrain from putting their personnel in such a position.

No explanation is given as why an audio recording will be edited or modified. An

explanation should be included in this document.

Reasons for editing could be:-

- a. Language used by the speaker;
- b. Not speaking to item at hand
- c. Speaker, councillors or staff unable to be heard
- d. Break in proceedings
- e. Emergency situation (someone collapse)
- f. Interjections from the gallery etc.

13. Quorum

Section 4.1 deals with a quorum, but this document does state what the quorum is for a meeting council or a committee meeting.

It only refers to clause 233 of the Regulation.

The inclusion of what clause 233 of the Regulation states would make it clear to everyone as to the quorum for a meeting council or a committee meeting.

Yours faithfully,

A large black rectangular redaction box covering the signature area.