

Code of Meeting Practice

Council Policy

Policy Name: Code of Meeting Practice	Policy Number: POL-0017-V23
Date Adopted: 26 September 2017	Review Date: 26 September 2019
Policy Owner: Executive Manager/Public Officer	

1. Policy Statement/Objective(s)

This policy outlines Council's meeting procedures and policy for conduct in Council and Committee Meetings.

2. Scope

This policy applies to the Mayor and Councillors, or, where appointed, Administrator of Shellharbour City Council, committee members and delegates.

3. References

Local Government Act 1993
 Local Government (General) Regulation 2005
 Division of Local Government. Circular No 08/2007 "Closed Council Meetings"
 Division of Local Government. Circular No 13-19 "Guidelines on the Closure of Council and Committee Meetings"
 Division of Local Government. "Practice Note No. 16 - Meetings Practice Note"
 Council & Corporate Meetings – Minutes Policy

4. Definitions

See definitions in attached Policy document

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

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6. Policy

See attached document

7. Related Forms

Nil

8. Attachments:

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Schedule 1: Notice of Rescission Motion or Notice of Alternative Motion

Policy Authorised by:

Name: Council Resolution Number 242

Date: 26 September 2017

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1. POLICY TITLE

The title of this Policy is the "*Shellharbour City Council Code of Meeting Practice* (the "Code").

2. INTRODUCTION

- 2.1 Meetings of the Council are the primary means by which it makes its decisions. Councillors, the public and council staff are entitled to expect that council meetings will enhance the decision making process and that legislative provisions and policy decisions (regarding meetings) will not unnecessarily restrict that process.
- 2.2 This Code combines the relevant provisions of the Local Government Act, 1993 with the Local Government (General) Regulation 2005, relevant DLG Circulars and Council policy as adopted from time to time. References to the Local Government Act, Regulation or policy are made in the margin adjacent to each respective item where appropriate.
- 2.3 The public is welcome at and entitled/encouraged to attend all meetings other than any part of a meeting that the Council or Committee has resolved to close to the public.
- 2.4 Policy contained in this Code supersedes any previous policy relating to the conduct of meetings.
- 2.5 Webcasting
- The Council may webcast its meetings live to enhance the accessibility of council meetings to the broader Shellharbour City Community.
 - If meetings are webcast they can be viewed live via webcast, downloaded from Council's website for later viewing, or purchased from Council for viewing on a computer.
 - Council accepts no responsibility for any defamatory or offensive statements.

3. OBJECTIVES

- 3.1. The objectives of this Code are to:
- (a) facilitate good meeting practice which in turn will promote sound decision making and enhance the Council's public image; and
 - (b) assist in ensuring that Council and committee meetings are conducted in a manner which is orderly, efficient and earns the respect of the Shellharbour community.
 - (c) ensure that Council and committee meetings display open and

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transparent processes and maximise appropriate access and participation by the community.

- (d) provide in a single comprehensive and understandable document the more commonly used legislative provisions, Council policy decisions and other requirements as an aid to the conduct of all Council meetings, Committee meetings and the decision making process.

4. AUTHORISING PROVISION AND APPLICATION

- 4.1. This Code of Meeting Practice is made under section 360 of the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation). *LGA 360(2)*
- 4.2. Council meetings and Committee meetings, where all the members of the Committee are Councillors, must be conducted in accordance with this Code. *LGA 360(3)*
- 4.3. Any alleged breach of this Code may be formally referred to the General Manager in accordance with Council's Code of Conduct. If the General Manager so refers the matter to a Conduct Reviewer, they are to consider the alleged breach of the Code of Conduct. If the allegation is subsequently substantiated by the Conduct Reviewer it may recommend to a subsequent meeting of the Council that the person be sanctioned or may make some other appropriate recommendation as provided for by the Code of Conduct. *Policy*

5. AMENDMENT OF THE CODE

- 5.1. This Code may only be amended by means of a new Code so adopted. *LGA 363*

6. LEGISLATIVE ASSEMBLY RULES

- 6.1. Where at a Council or Committee meeting matters arise which are not provided for in this Code, resort shall 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 they are applicable to the proceedings of the Council or Committee. *Policy*

7. ABBREVIATIONS, DEFINITIONS AND INTERPRETATION

- 7.1. In this Code the Dictionary to the Act and clause 3 of the Regulation have effect. *Policy*
- 7.2. In the event of any inconsistency between the Code and the Act or the Regulation, the Act or Regulation (as the case may be) prevails to the extent of the inconsistency. *Policy*
- 7.3. The following words and abbreviations have the following meanings for the purposes of this Code.

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Act/the Act	the Local Government Act 1993 (as amended).
Amendment	In relation to an original motion, means a motion moving an alteration to that motion.
Chairperson	In relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act; and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 11.4.
Code/the Code/this Code	Shellharbour City Council Code of Meeting Practice.
Committee	Committee of the Council established under clause 260 of the Regulation or when the Council has resolved itself into a Committee of the Whole.
Consent of the Council/Meeting	the consent of a majority of those Councillors present at a meeting.
Council/the Council	the Council of the Shellharbour City Council.
Councillor	a person elected or appointed to Civic Office as a member of the governing body and includes the Mayor.
Council Official	has the same meaning as in the Code of Conduct and includes Councillors, Administrators, Council staff, Council committee members and delegates of the Council.
Foreshadowed Motion	a motion foreshadowed by a Councillor under clause 9.14 of this Code during debate on an original motion.
General Manager	the General Manager of the Shellharbour City Council.
LGA	the Local Government Act 1993 (as amended). Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act.
Meeting	a meeting of the Council or a Committee and includes Ordinary, Extraordinary and Committee meetings.
OLG	a reference to the Office of Local Government, Department of Premier and Cabinet.
Open Voting	voting by show of hands.
Practice Note	a practice note sent under the authority of the Deputy Director General.
Quorum	the minimum number Councillor/members necessary to conduct a meeting.
Regulation (the Reg)	the Local Government (General) Regulation 2005 (as amended).
Tape Recorder	includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
Year	the period beginning 1 July and ending the following 30 June as defined in the Dictionary to the Act.

8. CONVENING/ATTENDING COUNCIL MEETINGS

8.1 Public Notice of Meetings

- 8.1.1 The Council will give notice to the public of the time, date and place of each of its meetings and meetings of those of its Committees of which all the members are Councillors. *LGA 9(1)*
- 8.1.2 The Council and each of its Committees must have available for the public at its offices, libraries, on its website and at each meeting copies (for inspection or taking away by any person) of the Agenda and associated Business Papers (such as correspondence and reports) for the meeting. *LGA 9(2)*
- 8.1.3 The copies of the Agenda are to be available free of charge to the public as nearly as possible to the time they are available to Councillors. *LGA (3)(4)*
- 8.1.4 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 clause 8.1.2 with respect to the availability of business papers do not apply to the Business Papers for that item of business. *LGA 9(2A)*
- 8.1.5 A notice given under this clause or a copy of an Agenda or of a Business Paper made available under this clause may in addition be given or made available in electronic form. *LGA 9(5)*
- 8.1.6 A notice of a meeting of the Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place and must specify the time and place of the meeting. *REG 232(2) &(3)*
- 8.1.7 Notice of more than one meeting may be given in the same notice. *REG 232(4)*
- 8.1.8 Clauses 8.1.6 and 8.1.7 do not apply to an Extraordinary meeting of the Council or a Committee. *REG 232(5)*
- 8.1.9 An advertisement is to be placed in a local newspaper following each September Extraordinary meeting which fixes the meeting cycle, notifying the public of the meeting cycle and times, dates and venues of meetings. *Policy*
- 8.1.10 A sign is to be placed outside the Council meeting venue on the day of each Council meeting notifying the public of that evening's Council meeting. *Policy*
- #### **8.2 Frequency of Meetings of the Council**
- 8.2.1 The Council will meet at least 10 times each year, each time in a different month, unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A of the Act. *LGA 365A*

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8.2.2 The meeting cycle and times of meetings are to be:

Ordinary Meeting

Every third Tuesday commencing at 6.30 pm or at some other time resolved by the Council as a result of a motion on notice.

Closed Committee of the Whole Council

When it is proposed that the Council consider confidential business in a closed Committee of the Whole meeting in conjunction with a scheduled Ordinary meeting that confidential business will be considered after all business listed for consideration at the Ordinary meeting has been concluded.

Council Committees

Meetings called as and when required at a mutually convenient time.

The General Manager may vary the meeting times in exceptional circumstances (for example where a meeting is scheduled to be held on a public holiday) and give appropriate and required public notice.

Policy

In consultation with the Mayor, the General Manager may vary the time for a meeting to suit a particular individual or group when the Council is scheduled to determine a significant matter and give appropriate and required public notice. In the alternative, an Extraordinary meeting may be arranged.

8.3 Extraordinary Meetings

8.3.1 If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an Extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after the receipt of the request.

LGA 366

8.3.2 The Mayor may be one signatory of the two Councillors required to sign a request for an Extraordinary meeting.

Practice Note

8.3.3 The Mayor and/or the General Manager may call an Extraordinary meeting without the need to obtain the signature of two Councillors to consider urgent business.

8.3.4 For the purposes of clause 8.3.3, urgent business includes any matter that requires a decision by the Council before the next scheduled ordinary meeting of the Council.

8.3.5 The General Manager will, if time permits, advertise in a local newspaper the date, time and business of an Extraordinary meeting. A sign is to be placed outside the meeting venue on the day of an Extraordinary meeting, notifying the public of the meeting.

Policy

8.4 Notice of Meetings

- 8.4.1 The General Manager must send to each Councillor, at least three days before each meeting of the Council, a notice specifying the time, date and venue at which the meeting is to be held and the business proposed to be transacted at the meeting. *LGA 367(1)*
- 8.4.2 Notice of less than three days may be given of an Extraordinary meeting called in cases of an emergency. *LGA 367(2)*
- 8.4.3 The notice 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. *LGA 367(3)*
- 8.4.4 Notice for Ordinary, Extraordinary, Committee of the Whole and Committee meetings of the Council are to be given as follows:
- (a) No later than Wednesday for meetings to be held the following Monday
 - (b) No later than Thursday for meetings to be held the following Tuesday
 - (c) No later than Friday for meetings to be held the following Wednesday
 - (d) No later than Monday for meetings to be held the following Thursday or Friday *Policy*

8.5 Agenda and Business Papers for Council Meetings

- 8.5.1 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. *REG 240(3)*
- 8.5.2 The General Manager must ensure that the Agenda for an ordinary meeting 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 clause 8.5.3, any business of which due notice has been given. *REG 240(1)*
- 8.5.3 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 Council. *REG 240(2)*

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8.5.4 Where the Agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to public, the General Manager must ensure that the Agenda of the meeting:

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

REG 240(4)

8.5.5 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in the business paper for the meeting concerned.

8.5.6 Nothing in this clause limits the powers of the Chairperson under clause 9.10 of this Code (Mayoral Minutes).

REG 240(5)

8.6 Agenda and Business Papers for Extraordinary Meetings

8.6.1 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.

REG 242(1)

8.6.2 Despite clause 8.6.1, business may be considered at an Extraordinary meeting of the Council even though due notice of the business has not been given. However, this can happen only if:

- (a) a motion is passed to have the business considered at the meeting; and
- (b) the business to be considered is ruled by the Chairperson to be of great urgency. A motion moved under the clause can be moved without notice but only after the business notified in the agenda for the Extraordinary meeting has been dealt with.

REG 242(2)

8.6.3 Despite clause 9.6, only the mover of a motion referred to in clause 8.6.2 can speak to the motion before it is put.

REG 242(3)

8.6.4 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 8.6.2 on whether a matter is of great urgency.

8.7 Attendance at Meetings

8.7.1 All Councillors must make all reasonable endeavours to attend meetings of the Council and committees of the Council of which they are a member.

8.7.2 A Councillor cannot participate in a meeting of the Council or committee of the Council unless personally present at the meeting.

8.7.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor is to request a leave of absence from the meetings.

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- 8.7.4 A Councillor's application must be submitted by a Councillor to the General Manager in writing and should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent. The leave is to be granted by resolution of the Council and cannot be granted retrospectively.
- 8.7.5 A Councillor's civic office will become vacant if the Councillor is absence from three (3) consecutive ordinary meetings of the Council without;
- (a) prior leave of the Council, or
 - (b) leave granted by the Council at any of the meetings concerned.
- 8.7.6 Except as provided by Part 1 of Chapter 4 of the Act -
- (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) the Council must ensure that all meetings of the Council and of such Committees are open to the public. *LGA 10(1)*
- 8.7.7 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.
- 8.7.8 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.
- 8.7.9 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. *LGA 376*
- 8.7.10 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. *LGA 10(2)*
- 8.7.11 A person may be expelled from the meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulation. *LGA 10(3)*
- 8.7.12 By virtue of the operation of this clause of this Code, the Council is taken to have resolved to authorise any Councillor presiding at a meeting to exercise the power of expulsion to be applied to any person including a Councillor as provided by section 10(2) of the Act. *LGA 10(2)*
- 8.8 Closure of Meetings to the Public**
- 8.8.1 The 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 clause 8.8.2, or
 - (b) the receipt or discussion of any of the information so listed. *LGA 10A(1)*

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8.8.2 The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements under section 440.

LGA 10A(2)

8.8.3 The Council, or a Committee of the Council of which all 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.

LGA 10A(3)

8.8.4 The 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. The Chairperson is to determine whether or not any member of the public wishes to address the meeting in relation to this clause.

LGA 10A(4)

8.8.5 Where the Council by resolution agrees to hear a member or members of the public regarding a proposal to close a part of the meeting to the public under clause 8.8.4 the rules applying to addresses to the Council under this Code with any necessary amendments and/or adaptations are to apply.

*REG 252(2)/
Policy*

8.8.6 A motion to hear from a member of the public as provided for under clause 8.8.4 and 8.8.5 may be moved by any Councillor immediately after a motion to close a part of the meeting has been moved and seconded. The motion is subject to debate in the normal way.

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8.8.7 A meeting is not to remain closed during the discussion of anything referred to in clause 8.8.2:

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(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

LGA 10B(1)

8.8.8 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 8.8.2(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.

LGA 10B(2)

8.8.9 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 8.8.3), 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 clause 8.8.2).

LGA 10B(3)

8.8.10 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.

LGA 10B(4)

8.8.11 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 Director-General.

LGA 10B(5)

8.8.12 Part of a meeting of the 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 clause 8.8.2; and

(b) the Council or Committee, after considering any representations made under clause 8.8.4, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

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- (ii) should take place in a part of the meeting that is closed to the public.

LGA 10C

8.8.13 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.

LGA 10D(1)

8.8.14 The grounds must specify the following:

- (a) the relevant provision of clause 8.8.2;
- (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.

LGA 10D(2)

8.8.15 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended and the resolution must be recorded in the publicly available minutes of the meeting.

9. CONDUCT OF MEETINGS

9.1 Chairperson of Meetings

9.1.1 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.

LGA 369(1)

9.1.2 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.

LGA 369(2)

9.1.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

REG 236(1)

9.1.4 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.

REG 236(2)

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9.1.5 If, at an election of a Chairperson, two 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. *REG 236(3)*

9.1.6 The Chairperson of a Committee must be:

- the Mayor; or
- a member of the Committee elected by the Council (if the Mayor does not wish to be the Chairperson); or
- a member of the Committee elected by the Committee, (if the Council does not elect a Chairperson).

REG 267(1)

9.2 Chairperson to Have Precedence

When the Chairperson rises during a meeting of the Council:

- any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
- every Councillor present must be silent to enable the Chairperson to be heard without interruption.

REG 237

9.3 Motions – Chairperson’s Duty

9.3.1 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting. *REG 238(1)*

9.3.2 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful. *REG 238(2)*

9.3.3 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected. *REG 238(3)*

9.4 Quorums

9.4.1 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. *LGA 368*

9.4.2 A meeting of the 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. *REG 233(1)*

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

- (a) by the Chairperson; or

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(b) in his or her absence - by the majority of the Councillors present; or

(c) failing that, by the General Manager.

REG 233(2)

9.4.3 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.

REG 233(3)

9.4.4 No business can be considered at a meeting unless a quorum is present.

Policy

9.5 General

9.5.1 Councillors, during Ordinary or Extraordinary meetings, will address each other by their official designation of Mayor, Chairperson or Councillor.

Policy

9.5.2 The Mayor, Chairperson and Councillors are not required to stand when addressing the Council during discussion and debate or when seconding a motion or amendment.

Policy

9.5.3 The Chairperson will not establish or keep a listing of the order in which Councillors have indicated a desire to speak to a motion or amendment. The order of speakers is to be determined under this clause of this Code and the Regulation.

Policy

9.5.4 If two or more Councillors indicate their intention to speak at the same time, the Chairperson will decide who is entitled to priority.

Policy

9.5.5 A Councillor will not be interrupted while speaking unless called to order when he or she will sit down, if standing, and/or cease speaking until the Councillor calling to order has been heard and the question of order disposed of when the Councillor may proceed.

Policy

9.5.6 The Chairperson may allow a Councillor to put a question to another Councillor or the General Manager or through the General Manager to another member of staff during debate. A Councillor is not to interrupt another Councillor who is speaking to seek permission to put a question under this clause.

Policy

9.5.7 A Council may resolve itself into a Committee to consider any matter before the Council.

LGA 373

9.6 Number of Speeches

9.6.1 A Councillor who, during a debate at a meeting of the 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.

REG 250(1)

9.6.2 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.

REG 250(2)

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- 9.6.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five 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 five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. *REG 250(3)*

9.7 Order of Business

- 9.7.1 At a meeting of the Council (other than an Extraordinary meeting), the general order of business is (except as provided by the Regulation) as fixed by this Code or as fixed by resolution of the Council. *REG 239(1)*

- 9.7.2 The order of business fixed under clause 9.7.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice. *REG 239(2)*

- 9.7.3 Despite clause 9.6, only the mover of a motion referred to in clause 9.7.2 may speak to the motion before it is put. *REG 239(3)*

- 9.7.4 The order of business at Shellharbour City Council meetings (other than Extraordinary meetings) shall be:

1. Acknowledgement to Country
2. Apologies
3. Leave of Absence
4. Confirmation of Minutes
 - o Previous Ordinary Meeting
 - o Previous Committee of the whole
 - o Extraordinary Meeting
5. Disclosures of Interest
6. Confidential Business (Committee of the Whole)
7. Condolences
8. Mayoral Statements/Reports/Presentations
9. Mayoral Minutes
10. Councillors Statements/Reports
11. Reports
 - 11.1 General Manager
 - 11.2 Council Sustainability Directorate
 - 11.3 Community and Customers Directorate
 - 11.4 Amenity and Assets Directorate
12. Committee Recommendations
13. Items for Information
14. Notices of Rescission/Alteration Motions
15. Notices of Motion
16. Questions on Notice
17. Urgent Business
18. Committee of the Whole in Closed Session: Adjournment
19. Committee of the Whole: Consideration of Adoption of Decisions Reached in Closed Session
20. Consideration of Motions to Declassify Reports Considered in Closed Session

Policy

Note: Addresses to Council will be held prior to the Council Meeting from 4:30pm to 5:30pm

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9.8 Notice of Business

9.8.1 The 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 this Code; and
- (b) unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.

REG 241(1)

9.8.2 Clause 9.8.1 does not apply to the consideration of business at a meeting if the business:

- (a) is already before, or directly relates to a matter that is already before, the Council; or
- (b) is the election of a Chairperson to preside at the meeting as decided by clause 9.2.3 of this Code; or
- (c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 9.10 of this Code; or
- (d) is a motion for the adoption of recommendations of a Committee of the Council.

REG 241(2)

9.9 Urgent Business

9.9.1 Despite clause 9.8.1, business may be considered at a meeting of a Council even though due notice of the business has not been given to Councillors, however, this can happen only if:

- (a) a motion is passed to have the business considered 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.

REG 241(3)

9.9.2 Despite clause 9.8.1 of this Code, only the mover of a motion referred to in clause 9.8.3 can speak to the motion before it is put.

REG 241(4)

9.9.3 If, in the opinion of the General Manager, a motion proposed under this clause has legal, strategic, financial or policy implications or ramifications which should be taken to account by the meeting, the General Manager is to be given the opportunity to make his or her opinion known to the meeting. In these circumstances, the General Manager is entitled to put forward a recommendation, including a recommendation to defer the matter for further report.

Policy

9.9.4 Following an Address to Council, if the General Manager forms the view that further information is required before a matter is determined by the Council, that the General Manager request Council to defer by Procedural Motion consideration of that matter to a future Council meeting. This request should not be unreasonably denied. Further, that the General

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Manager set out the grounds for requesting the deferral as part of his or her request.

Policy

- 9.9.5 Members of Federal and State Parliament or their representatives may speak during presentations in the Ordinary Council Meeting Agenda by prior agreement with the Mayor.

Policy

9.10 Adjournments During Meetings

- 9.10.1 In the event that it has previously been resolved to consider business in a closed Committee of the Whole meeting a motion to adjourn the Ordinary meeting for that purpose is to be adopted by the Council immediately after the item of Urgent Business has been dealt with.

Policy

- 9.10.2 The Council may resolve to adjourn a meeting whenever deemed necessary for a period of time specified in a resolution. For a recess relating to Acts of Disorder, clause 10.1.2 of this Code applies.

Policy

- 9.10.3 The Councillors present at any meeting may from time to time by resolution adjourn the meeting.

Policy

- 9.10.4 Except where all Councillors are present, or where a meeting is adjourned to a subsequent hour on the same day, the General Manager will email, deliver or send by post a written notice detailing the adjournment of the meeting. In these circumstances the provisions of clause 8.4 of this Code relating to the length of notice will not apply.

Policy

- 9.10.5 Ordinary meetings of the Council are scheduled to commence at 6.30 pm on the nominated meeting day. Ordinary meetings and meetings of Council Committees, of which all the members are Councillors and Committee of the Whole meetings conducted in closed session, which are held in conjunction with an Ordinary meeting are to conclude after 3.5 hours of meeting time. One extension of 30 minutes may be put in place by resolution of the Council. If these meetings do not complete their scheduled business they are, to the extent of that unfinished business, to be adjourned to a nominated time on a subsequent day.

Policy

- 9.10.6 The Chairperson of a meeting is for the purposes of this clause responsible as far as is reasonable in the circumstances, for the time management of the meeting. In this context, the Chairperson is to have regard to the time allocated to hear addresses to the Council under this Code.

Policy

9.11 Mayoral Minutes

- 9.11.1 If the Mayor is the Chairperson at a meeting of the 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.

REG 243(1)

- 9.11.2 A Mayoral 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.

REG 243(2)

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- 9.11.3 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. *REG 243(3)*

9.12 Motions

- 9.12.1 A motion or amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 9.8.4, 9.10 and any other clause which stipulates that a seconder is not required. *REG 246/
Policy*
- 9.12.2 The Chairperson is to rule out of order any motion or amendment which is not within the powers of the Council, not relevant to an item of business and not worded so that the meaning is clear and unambiguous. *Policy*
- 9.12.3 A motion or amendment need not be in writing unless the Chairperson directs. *Policy*
- 9.12.4 The Councillor seconding a motion or amendment is deemed not to have spoken on the motion unless the Councillor actually speaks on the issues raised by the motion. *Policy*
- 9.12.5 A Councillor moving a motion or amendment will be given the opportunity to exercise his or her right to speak to it immediately after it is seconded. If the opportunity to speak to the motion or amendment is not taken by its mover immediately after it is seconded the mover cannot reserve his or her right to speak to it in addition to any right of reply. *Policy*
- 9.12.6 A motion or amendment may be put to the vote by the Chairperson without discussion or debate provided there is no objection from any Councillor present. *Policy*
- 9.12.7 The Chairperson may propose a motion or amendment or speak to a motion from the chair. A motion from the chair requires a seconder and is debatable in the normal way. The Chairperson will not leave the Chair on those occasions. *Policy*
- 9.12.8 In circumstances where the Council has adopted a motion in relation to an item of business listed in the Agenda and Business Paper the Chairperson may accept a further or supplementary/consequential motion provided that it relates to the item of business or clarifies the intent of the motion and is in the public interest. *Policy*

9.13 Amendments

- 9.13.1 An amendment is a proposition to alter a substantive (original) motion that is under consideration by the meeting. Prior to an amendment being put, the Chairperson must ensure that Councillors present clearly understand the terms of both the proposed motion and the amendment to it. *Policy*
- 9.13.2 An amendment to a motion must be moved and seconded before it can be debated.
- 9.13.3 An amendment to a motion must clearly relate to the matter being dealt with in the original motion before the council and must also be proposed before

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debate on the substantive motion has concluded.

Policy

9.13.4 A motion which does not relate to the matter being dealt with in the original motion or is a direct negative of the original motion must be ruled out of order by the Chairperson.

Policy

9.13.5 It is permissible during debate on an amendment for a further amendment to be foreshadowed. Any foreshadowed amendment will not be considered until the amendment before the meeting is dealt with.

Policy

9.13.6 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

REG 247

9.14 Motions and Amendments – Withdrawal

9.14.1 Motions and amendments may be withdrawn by the mover only with the consent of the meeting.

Policy

9.15 Foreshadowed Motions

9.15.1 A Councillor may propose a foreshadowed motion without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

9.15.2 Where an amendment has been moved and seconded, a Councillor may without a seconder foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

9.15.3 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

9.16 Notices of Motions

9.16.1 A Councillor may submit a notice of motion for placing on the Agenda and Business Paper for consideration at a meeting.

Policy

9.16.2 The General Manager is only to accept a notice of motion if it is received in sufficient time for it to be included in the Agenda and Business Paper and sent to Councillors as provided for in clauses 8.4.1 and 8.4.4 of this Code.

Policy

9.16.3 In the absence of the Councillor who has placed a notice of motion on the Agenda for a meeting of the Council:

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- any other Councillor may move the motion at the meeting; or
- the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

REG 245

9.16.4 If a notice of motion submitted by a Councillor is, in the opinion of the General Manager, unlawful or would be unlawful if implemented or outside the power of the Council and not capable of being considered by the Council as a result, the General Manager is to advise the Councillor submitting it accordingly. If the notice of motion is not altered or withdrawn by the Councillor submitting it clause 8.5.2 of this Code is to have effect and the notice of motion is to be excluded from the Agenda and Business Paper for the meeting.

Policy

9.16.5 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an Ordinary meeting of the Council has legal, strategic, financial or policy implications and/or ramifications which should be taken to account by the meeting, the General Manager may, by a memorandum sent to all Councillors with the Agenda and Business Paper put forward a recommendation for consideration by the meeting, including a recommendation to defer the matter for further report.

Policy

9.16.6 Notes supporting a notice of motion provided by the Councillor intending to move it are not to be included or form part of the Agenda or Business Paper.

Policy

9.16.7 That any such memorandum referred to in 9.16.5 be included with the Business Paper when published on Council's website and be included with the Business Paper provided for the public at the time the meeting is held except for confidential matters.

Policy

9.17 Closure Motion

9.17.1 A Councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
- (b) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

REG 250(4)

A seconder is not required for such a motion.

9.17.2 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 9.16.1. A seconder is not required for such a motion.

REG 250(5)

9.17.3 A Councillor who has previously participated in the debate on the question before the Council, is not entitled to move this motion.

Policy

9.17.4 If a procedural 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 clause 9.6.1.

REG 250(6)

9.17.5 If a motion that the original motion or an amendment be now put is

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rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

*REG 250(7)/
Policy*

9.18 Matter Left on Table

9.18.1 The motion that the matter be left on the table is a procedural motion, does not require a seconder, acceptance may be declined by the Chairperson and debate or amendments cannot be permitted/accepted.

Policy

9.18.2 The motion may be moved by a Councillor who has not exercised his or her right to speak to the substantive motion before the meeting.

Policy

9.18.3 If carried, the effect of the motion is that debate on the substantive motion in addition to any proposed amendments must cease for an indefinite period. The substantive motion in addition to any proposed amendments cannot be further considered until a Councillor gives notice for the matter to be placed back on the Agenda.

Policy

9.19 Committee Referral

9.19.1 A motion to refer a matter to a Committee is a procedural motion. The motion requires a seconder and must be put to the meeting without debate.

Policy

9.19.2 A motion to refer a matter to a Committee may be amended to specify the composition, terms of reference and reporting and operating arrangements.

Policy

9.20 Motion of Dissent

9.20.1 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.

REG 248(1)

9.20.2 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.

REG 248(2)

9.20.3 Despite clause 9.6 of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

REG 248(3)

9.20.4 A motion of dissent is sufficiently moved by stating 'that the Chairperson's ruling be dissented from' or in the alternative 'that the Chairperson's ruling be upheld'.

Policy

9.21 Decisions of the Council

9.21.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

LGA 371

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9.21.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting.

9.22 Rescinding or Altering Resolutions

9.22.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code. *LGA 372(1)*

9.22.2 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. *LGA 372(2)*

9.22.3 If notice of motion to rescind a resolution is given at any time after the meeting at which the resolution is carried no further action to carry the resolution into effect may be taken after receipt of the notice of rescission until it has been dealt with. *Policy*

9.22.4 If a motion has been rejected by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code. *LGA 372(3)*

9.22.5 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 negated by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was rejected, as the case may be. *LGA 372(4)*

9.22.6 If a motion to alter or rescind a resolution has been rejected, or if a motion which has the same effect as a previously rejected motion, is rejected, no similar motion may be brought forward within three months. This clause may not be evaded by substituting a motion differently worded, but in principle the same. *LGA 372(5)*

9.22.7 A motion alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes. *LGA 372(6)*

9.22.8 The provisions of clause 9.21 of this Code concerning rejected motions do not apply to motions of adjournment. *LGA 372(7)*

9.22.9 Any motion to rescind a resolution relating to a development application must be submitted in writing to the General Manager by 2.00 pm on the first working day following the Meeting of the Council. *Policy*

9.22.10 The first schedule to this Code sets out the form which rescission motions and, if desired, an alternative motion is/are to take. *Policy*

9.23 Points of Order

9.23.1 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order wherever, in the opinion of the Chairperson, it is necessary to do so. *REG 255(1)*

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- 9.23.2 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. *REG 255(2)*
- 9.23.3 Any Councillor may rise to a point of order when:
- (a) the procedures of the meeting have been infringed;
 - (b) the subject matter of the motion is beyond power;
 - (c) the speaker has digressed to irrelevant matter. *Policy*
- 9.23.4 A point of order will be taken by stating:
- (a) the matter complained of; and
 - (b) the basis of the point of order. *Policy*
- 9.23.5 A point of order must be taken or raised at the time the irregularity occurs or the matter complained of is presented. A Councillor who is speaking when a point of order is taken will immediately resume his or her seat and/or stop speaking until the question of order has been disposed of when the Councillor may proceed. *Policy*
- 9.23.6 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council. *REG 255(3)*
- 9.23.7 Rising to express a difference of opinion, to contradict a speaker or to make a personal explanation is not to be treated as taking a point of order. *Policy*
- 9.23.8 A point of order takes precedence over all other business before the meeting including procedural motions. *Policy*
- 9.23.9 More than one point of order may be discussed at any one time and should be ruled on at the same time. *Policy*
- 9.23.10 Time limits are affected by the time taken to discuss points of order and are to be adjusted accordingly. *Policy*
- 9.23.11 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. *REG 255(4)*
- 9.23.12 Without in any way limiting the generality of this clause relating to points of order, examples of irregularities are:
- (a) The time limit has been exceeded.
 - (b) A quorum is not present.
 - (c) The speaker is being repetitive.
 - (d) New material is being introduced to the debate when the speaker is

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exercising his or her right of reply.

- (e) Councillors speaking or whispering while another Councillor is addressing the meeting.
- (f) Unwarranted verbal interjections.
- (g) Discourtesy to Councillors during a meeting.
- (h) Addressing the meeting without the permission of the Chairperson.
- (i) Any action or comment that could be considered to be a breach of the Council's Code of Conduct.

Policy

9.24 Voting

9.24.1 Each Councillor is entitled to one vote.

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

*LGA 370(1)
&(2)*

9.24.3 Where the Chairperson declines or fails to exercise their second or casting vote, in the event of an equality of votes, the motion on being voted on is lost.

9.24.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

REG 251(1)

9.24.5 When putting any motion, including procedural motions and motions to adjourn the meeting, the Chairperson shall:

- (a) firstly, ask Councillors voting in favour of the motion to raise their hands and to keep them raised until named by the Chairperson.
- (b) Secondly, ask Councillors voting against the motion to raise their hands and to keep them raised until named by the Chairperson.

Policy

9.24.6 After the process set out in clause 9.21.3 has been undertaken the Chairperson is to declare the result of the vote.

Policy

9.24.7 The General Manager must ensure that the names of each Councillor voting in favour and each Councillor voting against each motion is recorded in the minutes of the meeting together with the name of any Councillor not voting as being either for or against a motion.

Policy

9.24.8 No Councillor present at a meeting of the Council is able to abstain from voting or to seek to have his or her name recorded in the Minutes of the meeting as abstaining from voting.

Policy

9.24.9 Voting at a Council meeting, including in an election at such a meeting, is to be an open 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.

*REG 251(5)/
Policy*

Note: Part 11 of the Local Government (Elections) Regulation 1998 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.

*Footnote to
REG 251*

9.25 Mayoral Statements/Reports/Presentations

The Mayor may at each Ordinary meeting make such statements or present such reports relating to his or her activities, representations on behalf of the Council or such other matters as he or she deems appropriate provided that they relate to the business of the Council. No discussion on statements and/or reports is permitted.

Policy

9.26 Councillor Statements/Reports

At each Ordinary meeting Councillors may report on conference attendances and advise the meeting of circumstances where he or she has represented the Council at a meeting, function, seminar/conference or training session. No discussion on statements and/or reports is permitted.

Policy

9.27 Questions to Councillors and Officers

9.27.1 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.

REG 249(1)

9.27.2 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.

REG 249(2)

9.27.3 The Councillor must put every such question directly, succinctly and without argument.

REG 249(3)

9.27.4 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.

REG 249(4)

9.27.5 During debate a Councillor may ask a relevant question or questions of another Councillor or a Council officer.

Policy

9.28 Questions on Notice

9.28.1 A Councillor may submit to an Ordinary meeting of the Council a question in writing in relation to any bona-fide business of the Council. Questions are to be directed to another Councillor, the General Manager or through the General Manager, a Departmental Director or other Council employee. In the case of minor or operational matters the General Manager will have the discretion to determine whether a particular question requires the response to be published in the Business Paper of an Ordinary Meeting of

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the Council or whether the response may be distributed to Councillors in another manner (eg via email).

Policy

9.28.2 All questions are to be delivered to the General Manager and subject to clause 9.26.1 are to form part of the Agenda and Business Paper for the next scheduled Ordinary meeting of the Council for which an Agenda and Business Paper has not been completed.

Policy

9.28.3 Every question on notice is to be signed by the Councillor putting it and is to be direct and succinct in its terms. Questions are not to include argument or statements of opinion and to the extent that they do they will be modified by the Mayor or General Manager as appropriate.

Policy

9.28.4 Questions designed only to criticise or embarrass another Councillor or member of staff are to be rejected by either the Mayor or General Manager (as appropriate) at the meeting or when received if the question was in writing.

Policy

9.28.5 Approved questions are to be answered by the Councillor or member of staff to whom they asked. Answers may be given verbally or in writing. Written answers are to be read and tabled where appropriate.

Policy

9.29 Items for Information

9.29.1 Items for information will include answers to Questions on Notice or other information as deemed appropriate by the General Manager.

9.30 Personal Explanations

9.30.1 A Councillor may make a brief personal explanation at any Council meeting when he or she believes that he or she has been misrepresented or misunderstood at that meeting.

Policy

9.30.2 A personal explanation under this clause will be made immediately after the speaker making the statement concludes. The speaker is not to be interrupted to enable a personal explanation to be made.

Policy

9.30.3 A personal explanation under this clause cannot be raised as a point of order.

Policy

9.30.4 A Councillor must not, without consent of the meeting, speak for longer than two minutes in making a personal explanation under this clause.

Policy

9.31 Tabling Documents

9.31.1 Any Councillor referring to or quoting from a document during debate or at any other time during a meeting of the Council will, at the request of any other Councillor, table the document when requested to do so.

Policy

9.32 Decisions Not Invalidated

9.32.1 Proceedings at a meeting of the 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 Council's Code of Conduct; or
- (e) a failure to comply with this Code.

LGA 374

10 DECLARATIONS OF INTEREST AND PARTICIPATION IN MEETINGS

10.1 Disclosures of Interest

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

LGA 451(1)

10.1.2 The Councillor or the 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 or any questioning relation to the matter.

LGA 451(2)

10.1.3 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.

LGA 451(3)

10.1.4 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

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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.

LGA 451(4)

10.1.5 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.

LGA 451(5)

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.

10.2 Planning Decision

10.2.1 In this clause, "planning decision" means a decision made in the exercise of a function of the 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.

LGA 375A(1)

10.2.2 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.

LGA 375A(2)

10.2.3 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.

LGA 375A(3)

10.2.4 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.

LGA 375A(4)

10.2.5 This clause extends to a meeting that is closed to the public.

10.3 General

10.3.1 The General Manager is required to keep a register of copies of current declarations of disclosures of political donations lodged with the Election Funding Authority by or on behalf of Councillors of the Council concerned (including in their capacity as candidates for election as Councillors).

LGA 328A(1)

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- 10.3.2 For the purposes of clause 14, current declarations of disclosures of political donations are declarations lodged under Part 6 of the Election Funding and Disclosures Act 1981 in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods. LGA 328A(2)
- 10.3.3 If the General Manager reasonably suspects that a Councillor has not complied with the provisions of the Code of Conduct under section 440 of the Act relating to the disclosure of political donations, the General Manager is to refer the matter to the Departmental Chief Executive. LGA 328B(1)
- 10.3.4 Where a Councillor or a designated person has a non-pecuniary interest in an item of business before a meeting of the Council or a Council Committee all the members of which are Councillors, the Councillor or designated person will declare the nature of the non-pecuniary conflict of interest to the meeting as soon as practicable. The Councillor is also to declare his or her intention to:
- remain in the room and debate and vote on the matter; or
 - absent himself or herself from the meeting during discussion but vote on the matter; or
 - remain in the room during discussion on the matter but absent himself or herself from the meeting during voting; or
 - absent himself or herself from the meeting during discussion and voting on the matter.

11 DISORDER AT COUNCIL MEETINGS

11.1 Acts of and Dealing with Disorder

- 11.1.1 A Councillor commits an act of disorder at a meeting if the Councillor at a meeting of the Council does any of the things set out in schedule 6A (Code of Conduct) of the *Local Government Act 1993* or any of the things in the following sub-paragraphs. The Chairperson may require the Councillor to do any of the things set out in the second part of each following sub-paragraph if the Chairperson finds the Councillor has committed an act of disorder: LGA 490A
- Contravenes the Act or Regulation in force under the Act, in which case the Chairperson may require the Councillor to apologise without reservation. REG 256(1)
&(2)
 - Assaults or threatens to assault another Councillor or person present at the meeting in which case the Chairperson may require the Councillor to apologise without reservation. REG 256(1)
&(2)
 - 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

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address the Council or Committee on such a motion, amendment or matter in which case the Chairperson may require the Councillor to withdraw the motion or amendment and where appropriate to apologise without reservation.

*REG 256(1)
&(2)*

- Insults or makes personal reflections on or imputes improper motives to any other Councillor in which case the Chairperson may require the Councillor to retract and apologise without reservation.

*REG 256(1)
&(2)*

- Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt in which case the Chairperson may require the Councillor to retract and apologise without reservation.

*REG 256(1)
&(2)*

11.1.2 If disorder occurs at a meeting of the 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 clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

REG 257(1)

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

REG 257(2)

11.1.4 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 clause 10.1.1. 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.

REG 256(3)

11.1.5 By virtue of the operation of this clause of this Code, the Council is taken to have resolved to authorise any Councillor presiding at a meeting to exercise the power of expulsion to be applied to any person including a Councillor as provided by section 10(2) of the Act.

LGA 10(2)

11.1.6 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after being directed by the Chairperson to leave the meeting, a police officer, or any person authorised for the purpose by the Council or Chairperson, may, by using only such force as necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

*REG 258/
Policy*

11.1.7 If a Councillor is speaking to a motion or amendment when the Chairperson adjourns the meeting under clause 10.1.2 because of disorder the Councillor speaking has the right to be the first speaker heard when the meeting is resumed.

12 COUNCIL COMMITTEES

12.1 Committee of the Whole – Closed Meeting

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- 12.1.1 The council may resolve itself into a committee to consider any matter before the council.
- 12.1.2 All the provisions of this Code and the Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches. *REG 259(1)*
- 12.1.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported. *REG 259(2)*
- 12.1.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until the motion has been made and passed. *REG 259(3)*
- 12.1.5 The Council may resolve to declassify a report considered in closed session after determination of the matter. Declassified material will be subject to privacy and commercial in confidence provisions. *Policy*
- 12.1.6 No recordings of confidential meetings (Committee of the Whole) will be declassified or made public as a matter of policy (resolution of Council 2 September 2014). *Policy*
- 12.2 Committee Establishment and Functions**
- 12.2.1 The Council may, by resolution establish such Committees, as it considers necessary. *REG 260(1)*
- 12.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council. *REG 260(2)*
- 12.2.3 The quorum for a meeting of a Committee is to be a majority of the members of the Committee. *REG 260(3)/
Policy*
- 12.2.4 The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions. *REG 261*
- 12.3 Notice of Committee Meetings and Attendance**
- 12.3.1 The General Manager must send to each Councillor, at least three days before each meeting of the Committee, a notice specifying:
- (a) the time and place at which and the date on which the meeting is to be held; and
- (b) the business proposed to be transacted at the meeting. *REG 262(1)*
- 12.3.2 Clause 8.4.4 of this Code applies to the giving of notice of a meeting of a Council Committee.

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- 12.3.3 Notice of less than three days may be given of a Committee Meeting called in an emergency. *REG 262(2)*
- 12.3.4 A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at a meeting of the Committee. However the Councillor is not entitled:
- (a) to give notice of business for the inclusion in the Agenda for the meeting or;
 - (b) to move or second a motion at the meeting; or
 - (c) to vote at a meeting. *REG 263(1&2)*
- 12.3.5 The Agenda for and minutes of a Council Committee meeting are to be made available to the public at Council's Administrative Centre at any time free of charge. *Policy*
- 12.4 Committee Procedure, Minutes and Chairperson**
- 12.4.1 Subject to clause 11.4.3 each Committee of the Council may regulate its own procedure. *REG 265(1)*
- 12.4.2 Without limiting clause 11.4.1 the Chairperson of each Committee of the Council is to have a casting vote as well as an original vote. *REG 265(2)/
Policy*
- 12.4.3 Voting at a Committee meeting is to be by an open show of hands. *REG 265(3)/
Policy*
- 12.4.4 Each Committee of the Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each motion moved at a meeting and of any amendment to it;
 - (b) the names of the mover and seconder of the motion or amendment;
 - (c) whether the motion or amendment is passed or lost. *REG 266(1)*
- 12.4.5 The provisions of clause 9.21 of this Code 'Voting at Council Meetings' shall with any necessary adaptations apply to meetings of a Council Committee. *Policy*
- 12.4.6 As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting. *REG 266(2)*
- 12.4.7 The Chairperson of each Committee of the Council must be the Mayor, or if the Mayor does not wish to be the Chairperson of a Committee – a member of the Committee elected by the Council, or if the Council does not elect such a member – a member of the Committee elected by the Committee. *REG 267(1)*
- 12.4.8 The Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson. *REG 267(2)*

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12.4.9 If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee. *REG 267(3)*

12.4.10 The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting. *REG 267(4)*

12.5 Absence from Committee Meetings

12.5.1 A member (other than the Mayor) ceases to be a member of a Committee if the member:

- (a) has been absent from three 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. *REG 268(1)*

12.5.2 Clause 11.5.1 does not apply if all of the members of the Council are members of the Committee. *REG 268(2)*

12.6 Committee Reports

12.6.1 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. *REG 269(1)*

12.6.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council. *REG 269(2)*

12.6.3 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:

- (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. *REG 269(3)*

12.6.4 When the Council at an Ordinary meeting is considering a recommendation or recommendations of a Council Committee it is the responsibility of any Councillor who has a pecuniary or non pecuniary interest in the item or items, to seek to have the recommendation or recommendations in which they have a pecuniary interest, dealt with separately to enable the Councillor to declare his or her pecuniary or non pecuniary interest. *Policy*

Code of Meeting Practice

12.6.5 Copies of minutes from Council Committee meetings being presented to the Council will be attached to and form part of the Business Paper Agenda for that meeting. *Policy*

12.6.6 In addition to the action required under clause 11.6.5 a copy of the minutes of the Committee will be forwarded to the media together with the Business Paper for the Ordinary Council meeting. *Policy*

12.7 Disorder in Committee Meetings

12.7.1 The provisions of the Act and of the Regulation relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council. *REG 270*

12.7.2 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from meetings as provided by section 10(2)(a) or (b) of the Act. *REG 271(1)*

12.7.3 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, Committee 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. *REG 271(2)*

13 RECORDING PROCEEDINGS AND ACCESS TO MINUTES

13.1 Minutes

13.1.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council. *LGA 375(1)*

13.1.2 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. *LGA 375(2)*

13.1.3 The minutes of a meeting are to be recorded in accordance with the relevant provisions of the Local Government Act and the Minutes Policy. *Policy*

13.1.4 Without limiting clause 12.1.1, the minutes will record:

- the date, place, time and nature of the meeting;
- the names of Councillors present;
- the grounds on which part of a meeting is closed to the public;
- the name of a person addressing the Council together with a reference to the item and its heading as listed in the Business Paper (only);
- arrivals and departures of Councillors (including temporary departures) during the course of the meeting;

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- details of all motions and amendments moved and seconded (including motions and amendments which lapse for want of a seconder) together with the names of the mover and seconder and whether they were carried or lost; *REG 254*
- in keeping with clause 9.21 of this Code, the names of Councillors voting for and the names of Councillors voting against any motion are to be recorded following the resolution of a motion together with the name of any Councillor failing to vote (who are to be taken as voting against the motion in keeping with clause 9.21.2). *Policy*
- disclosures of pecuniary interests by Councillors or members of Council Committees; *LGA 453*
- 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; *REG 233(3)*
- Questions on Notice and any written responses are to be reproduced in full. Where a verbal response is made a summary of that verbal response is to be recorded. The circumstances where a question on notice has been rejected by the Chairperson or General Manager must also be recorded.
- Narrative minutes are not to be compiled or form part of the minutes of meetings of the Council including a Council Committee meeting of which all the members are Councillors.

13.1.5 The General Manager will arrange for a copy of the minutes of a meeting to be given to each Councillor in advance of the meeting at which they are to be considered for confirmation. *Policy*

13.1.6 At the meeting at which minutes of a previous meeting are to be confirmed they will be taken as read and no discussion will be permitted except as to their accuracy as a record of the proceedings of the meeting to which they relate. *Policy*

13.1.7 When the minutes of a meeting are confirmed at a subsequent meeting of Council or the Committee they are to be signed by the Chairperson of the subsequent meeting as an accurate record of the proceedings of the meeting to which they relate. *Policy*

13.1.8 Where the minutes contain an inaccurate record of proceedings of the preceding meeting they may be amended to the extent of the inaccuracy. Any amendment to the minutes of the preceding meeting can only occur if a resolution to that effect is adopted by the Council at the time of the confirmation of the minutes. Where an amendment to the minutes of the preceding meeting is resolved by the Council the official copy is to be amended by hand and initialled by the Chairperson of the subsequent meeting and General Manager. *Policy*

13.1.9 The archived minute books, except the minute books of closed parts of

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meetings, will be open for inspection by any person free of charge during normal office hours by appointment.

LGA 12

13.1.10 An inspection of the minutes of the Council or Committee of the 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.

REG 272(1)

13.1.11 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.

REG 272(2)

Note: Section 12 of the Act confers a right (restricted in the cases of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

13.2 Recording of voting on planning matters

13.2.1 "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.

13.2.2 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.

13.2.3 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.

13.2.4 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.

13.2.5 This section extends to a meeting that is closed to the public.

13.3 Public Access to Correspondence and Reports and Decisions

13.3.1 The 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.

LGA 11(1)

13.3.2 Clause 13.3.1 does not apply if the correspondence or reports:

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- (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.

LGA 11(2)

13.3.3 Clauses 13.3.1 and 13.3.2 do 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) of the Act, are to be treated as confidential.

LGA 11(3)

13.3.4 The Council is to publicise the availability of the Agendas, Business Papers and minutes of meetings, together with a telephone number for enquiries, in the regular monthly Council community page in a local newspaper and on Council's website.

Policy

13.4 Recording Meetings

13.4.1 Personal recording of the proceedings of a meeting of the Council or a Committee of the Council is prohibited. Recording includes a video camera, mobile phone and any other electronic device capable of recording image and/or sound.

Policy

13.4.2 A person may, as provided by section 10(2)(a) or (b) of the Act be expelled from the meeting of a Council or Committee of a Council for using or having used a recording device in contravention of clause 12.3.1.

REG 273(2)

13.4.3 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.

REG 273(3)

13.4.4 Photography is not permitted at a meeting of the Council or a Committee of the Council without the express permission of the General Manager.

13.4.5 Council records all Ordinary and Extraordinary meetings held in the Council Chamber including those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public. Council webcasts all Ordinary and Extraordinary meetings held in the Council Chamber excluding those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public.

Policy

13.4.6 Council produced recordings of meetings under this clause are to be kept for a minimum period of two years after the date of the last action arising from the recording.

Policy

13.4.7 With such adaptations, modifications or amendments as may reasonably be necessary this clause applies to meetings conducted by the Council in rooms or buildings other than the Council Chambers.

Policy

13.4.8 No recordings of confidential meetings (Committee of the Whole) will be

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declassified as a matter of policy (resolution of Council 2 September 2014).

Policy

14 ADDRESSES TO COUNCIL

14.1 General

14.1.1 Addresses to the Council is one way in which the Council is able to hear the views of members of the public regarding an item of business scheduled to be considered at the Council meeting. Whilst addresses to the Council fulfil, in part, Council's objective of making communication between it and the public effective, the time devoted to the forum must be balanced against the need for the Council to properly conduct the business before it in an effective and timely manner. The Council encourages the public to participate in this forum.

Policy

14.1.2 A person may only register to speak to an officer's report which is listed in Agenda Item 11 on the Business Paper for the meeting for which the address is being made. There is no Public Address on any other items listed on the Agenda.

Policy

14.1.3 People can register to Address the Council on a maximum of three items listed for consideration at the meeting.

Policy

14.1.4 Solicitors/Lawyers acting on behalf of others in Addresses to the Council must identify their status when registering for Public Address otherwise they will not be permitted to speak at the meeting.

Policy

14.1.5 Nominated candidates for election to Federal, State or Local Government are prohibited from addressing the Council under this clause. Serving Shellharbour City Councillors are also prohibited from addressing the Council under this clause.

Policy

14.2 Registration Process

14.2.1 Addresses to Council will be held from 4:30pm – 5:30pm preceding the Council Meeting. People registering to address the Council must make contact with Council's Executive Services Department at the Administration Centre, Lamerton House, Shellharbour City Centre no later than 10.00 am on the day of the Council Meeting. Registration can either be by phone (4221 6111) or in person.

Policy

14.2.2 People who seek to register to address the Council by attending one of Council's libraries are to ask a library staff member who will put the necessary arrangements in place.

Policy

14.2.3 The General Manager is to arrange for a list to be prepared of all people registering to address the Council under this clause in chronological order of when each person sought to register and in the order of the business of the meeting. This list is to contain the name of the person registered to speak, the item the person wishes to speak to.

Policy

Code of Meeting Practice

- 14.2.4 The General Manager is to circulate that list to all Councillors prior to the commencement of the meeting. *Policy*
- 14.2.5 Late applications to be heard are to be refused. *Policy*
- 14.2.6 Those people who have been registered to be heard by a meeting are to be requested to provide supporting documentation, if any, by 10.00 am on the day of the Council Meeting and the General Manager is to arrange for it to be circulated to Councillors at the earliest convenient opportunity. *Policy*
- 14.2.7 People addressing the Council may also seek to support their address by using audio and/or visual aids but only in circumstances where arrangements have been made with staff at the time the person registers to address the meeting by 10.00am on the day of the Council Meeting and all subsequently approved by the Mayor and General Manager. Council equipment may be used for this purpose (if available) but this is also subject to arrangements being made with staff at the time of registration.
- 14.2.8 Any address to the Council by a person regarding an item that has been publicly exhibited under State Government legislation, Regulation or Council policy is not, and is not to be interpreted as, a late or further submission under the relevant State Government legislation, Regulation or Council policy. *Policy*
- 14.3 Conduct of Addresses**
- 14.3.1 The duration of individual public addresses be strictly limited to four minutes with no extensions permissible. *Policy*
- 14.3.2 Only the Chairperson is permitted to ask questions (raised either by the Chair or Councillors) of any person addressing the Council. Questions put to a speaker must be direct, succinct and without argument. *Policy*
- 14.3.3 The General Manager or his nominee may, with the concurrence of the Chairperson, address the meeting for up to three minutes after an address to the Council has been made and any subsequent questions and answers have been finalised. *Policy*
- 14.3.4 If a speaker addressing a meeting digresses to irrelevant matters the Chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the Chairperson the speaker will not be further heard. *Policy*
- 14.3.5 For the purposes of this clause, a speaker is deemed to have digressed to irrelevant matter if he or she is principally complaining about Councillors or members of staff. In these circumstances, the speaker is to be advised by the Chairperson that complaints against Councillors or members of staff must be submitted in writing in keeping with Council's complaints policy. If the person persists with complaints he or she is not to be further heard. The Chairperson is the sole arbiter of whether or not a person may continue to address a meeting in these circumstances. *Policy*
- 14.3.6 If a ruling under clause 13.3.5 is not obeyed the provisions of section 10(2)(a) or (b) of the Act are to have effect. *Policy*
- 14.3.7 If the Chairperson of a Council meeting considers that a member of the

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public is behaving inappropriately when addressing a Council meeting the Chairperson may request the person to refrain from the inappropriate behaviour. If the member of the public fails to refrain from the inappropriate behaviour whilst addressing the Council meeting the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and/or any future Council meeting for such period as the Chairperson thinks fit.

Policy

14.3.8 If the Chairperson of a Council meeting considers that a member of the public has made inappropriate comments when addressing a Council meeting the Chairperson may request the person to withdraw the inappropriate comments and unreservedly apologise for them. If the member of the public fails to withdraw the inappropriate comments and/or to unreservedly apologise for them the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and any future Council meeting until such time as the inappropriate comments are withdrawn and an unreserved apology is made for them in writing to the Council.

Policy

14.3.9 A Councillor may, without notice, move to dissent from the ruling of the Chairperson in relation to the period that a member of the public is prohibited from addressing any Council meeting. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. If a motion of dissent under this clause is carried a further motion proposing a different period of prohibition must be moved and seconded.

Policy

14.3.10 A Councillor is unable to move dissent from a ruling if the Chairperson has required a person making inappropriate comments to withdraw them and to unreservedly apologise for them prior to addressing the current or any future meeting

Policy

14.3.11 During the period that a person is prohibited by the Chairperson from addressing a Council meeting that person shall not be able to register under clause 13.2 to address a Council meeting.

Policy

14.3.12 Addresses to the Council on each particular item are to be heard in the order in which they are registered.

Policy

14.3.13 If an address to the Council is in relation to an item of business involving an application, the applicant is to be given an opportunity to address the Council after all addresses on the particular item have been completed and if the applicant so requests.

Policy

14.4 Consideration of Matters the Subject of an Address

14.4.1 If an address has been made in relation to a matter scheduled to be determined at the meeting, the matter is not to be determined if the Mayor and General Manager have formed the opinion that a further report is required to adequately consider those matters raised by a person addressing the Council.

Policy

14.4.2 In the circumstances set out in clause 13.4.1 the item of business is to be

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deferred to the next practicable meeting which will preferably be the next scheduled meeting with authority to determine the matter.

Policy

- 14.4.3 If, at the subsequent meeting, under clause 13.4.2, a further address is made, the Council may, notwithstanding the provisions of clause 13.4.1, proceed to determine the matter before it without further adjournment.

Policy

15 SUSPENSION OF THE CODE

- 15.1 Subject to the provisions of the Act and the Regulation the Council may resolve to suspend any one or more of the provisions of this Code for a special purpose.

Policy

- 15.2 Where a Code provision is suspended by the Council for a special purpose and that special purpose subsequently occurs, the provisions of the Code will be deemed to have been resumed.

Policy

- 15.3 Where a clause of this Code relates to the Act or Regulation then that clause cannot be suspended.

Policy

Schedule 1

SHELLHARBOUR CITY COUNCIL

Notice of Rescission Motion / Notice of Alternative Motion

I/We the undersigned give notice that at the Ordinary meeting of the Council to be held on//, the following rescission motion will be moved:

Rescission Motion:

“That Minute No. Or the decision in respect of Item No. of the Ordinary Meeting of the Council held on//be rescinded.”

The resolution proposed to be rescinded reads as follows:

.....
.....
.....

SIGNED BY: (minimum three Councillors if rescinded item less than 3 months old)
(Local Govt. Act S.372)

- 1) Signed Name Date /...../.....
- 2) Signed Name Date /...../.....
- 3) Signed Name Date /...../.....

NOTE:
*Notice to Rescind a Resolution and Notice of an Alternative Motion must be with the General Manager by 10:00am on the Monday of the week preceding the Council meeting.
(Code of Meeting Practice and General Regulation)*

NOTICE - OF ALTERNATIVE MOTION: Moved by Councillor:

That:
.....
.....
.....