

ADOPTED BY COUNCIL: 27 MAY 2019

BACKGROUND

This Code of Meeting Practice is based on the Model Code of Meeting Practice (the Model Meeting Code) made under section 360 of the *Local Government Act 1993* (the Act) and clause 232 of the *Local Government (General) Regulation 2005* (the Regulation).

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

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

OBJECTIVE

The objectives of this Code of Meeting Practice are:

- to ensure that all meetings of Council and its Committees are conducted in an orderly and proper manner;
- to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
- to assist with the conduct of discussion and debate during Council and Committee meetings;
- to increase Council's professionalism, transparency and accountability to the community;
- to ensure that all Councillors understand their rights and obligations during Council and Committee meetings;
- to ensure that all Councillors have an equal opportunity to participate fully in the meeting;
- to ensure that Councillors participate in meetings that engender a positive meeting environment that is without malice and avoids insulting, improper or defamatory statements; and
- to be an effective aid to good governance.

POLICY STATEMENT

Council's Code of Meeting Practice may incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Council and Committees of the Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting Practice.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

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PART 1 – INTRODUCTION

Conduct of meetings of Council and Committees

- 1.1. The regulations may make provisions with respect to the conduct of meetings of Council and Committees of Council of which all members are Councillors.
- 1.2. Council must adopt a Code of Meeting Practice which incorporates the regulations made for the purpose of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.3. Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

LGA 360

Preparation, public notice, and exhibition of draft Code

- 1.4. Before adopting a Code of Meeting Practice, Council will prepare a draft Code.
- 1.5. Council will give public notice of the draft Code after it is prepared, with a period of public exhibition not *less than 42 days* during which time submissions may be made by the public.
- 1.6. Council will publicly exhibit the draft Code in accordance with its notice.
- 1.7. After considering all submissions received concerning the draft Code, Council may decide to:
 - a amend those provisions of its draft Code that supplement the Regulations made for the purposes of this section of the Code; or
 - b adopt the draft Code as its Code of Meeting Practice.
- 1.8. If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this section of the Code or, if the Council is of the opinion that the amendments (arising from the public submissions only) are not substantial, it may adopt the amended draft Code, without public exhibition, as its Code of Meeting Practice.

LGA 361

LGA 362

- 1.9. The Code of Meeting Practice adopted under this section by a Council must be available for public inspection free of charge at the office of the Council during ordinary office hours.

LGA 364

NOTE – The Code is published on Council’s website.

PART 2 – MEETING PRINCIPLES

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

Model Meeting Code

PART 3 – BEFORE THE MEETING

Timing of ordinary Council meetings

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

LGA 365

3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Model Meeting Code

Extraordinary meetings

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

LGA 366

3.4 The General Manager, in consultation with the Lord Mayor, may call an extraordinary meeting of Council if considered necessary and appropriate.

[Council protocol]

Notice to the public of Council meetings

3.5 Council must give notice to the public of the times and places of meetings of Council, including extraordinary meetings, and committees of which all members are Councillors.

LGA 9(1)

3.6 For the purposes of clause 3.5, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.7 For the purposes of clause 3.6, notice of more than one meeting may be given in the same notice.

Model Meeting Code

Notice to Councillors of ordinary Council meetings

3.8 The General Manager must send to each Councillor, at least seven¹ days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

LGA 367(1)

3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

LGA 367(3)

Notice to Councillors of extraordinary meetings

3.10 Notice of less than seven² days may be given of an extraordinary meeting called in an emergency.

LGA 367(2)

Notices of motion for ordinary meetings

3.11 A Councillor may give notice of any business they wish to be considered by Council at its next ordinary meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5pm 13 calendar days³ before the meeting is to be held.

¹ LGA provides for 3 days' notice

² LGA provides for 3 days' notice

³ Period determined by Council

Model Meeting Code

- 3.12 The Notice of Motion must be signed by at least one Councillor. A Councillor submitting a Notice of Motion may include in it the names of other Councillors who have indicated support for the Notice of Motion. This will serve to indicate that an item has broader approval and support to allow debate to occur. It does not bind any Councillor to voting in favour of the motion.
- 3.13 If requested by the Councillor who has lodged a Notice of Motion, the General Manager may provide factual information on the Notice of Motion to assist in discussion of the motion.

[Council protocol]

Withdrawal of a Notice of Motion

- 3.14 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Model Meeting Code

NOTE – For the purposes of Clause 3.14, written requests to withdraw a notice of motion must be received at least 8 days before a Council meeting to ensure it is removed from the public business paper.

[Council protocol]

Questions with notice

- 3.15 A Councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the General Manager about the performance or operations of Council.
- 3.16 A Councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.
- 3.17 The General Manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.18 The General Manager must cause the agenda for a meeting of Council or a committee of Council to be prepared as soon as practicable before the meeting.
- 3.19 The General Manager must ensure that the agenda for an ordinary meeting of Council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the Lord Mayor to put a Lord Mayoral minute to a meeting under clause 9.7.
- 3.21 The General Manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

Model Meeting Code

Agenda and business paper for closed session of Council

- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- a identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b states the grounds under section 10A(2) of the Act relevant to the item of business, which must be one of the following –
 - i personal matters concerning particular individuals (other than Councillors);
 - ii the personal hardship of any resident or ratepayer;
 - iii information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
 - iv commercial information of a confidential nature that would, if disclosed –
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
 - v information that would, if disclosed, prejudice the maintenance of law;
 - vi matters affecting the security of the Council, Councillors, Council staff or Council property;
 - vii advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
 - viii information concerning the nature and location of a place or an item of Aboriginal significance on community land;
 - ix alleged contraventions of any Code of Conduct requirements applicable under section 440.

LGA 9(2A) and 10A(2)

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

Model Meeting Code

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- 3.25 Clause 3.24 does not apply to the business papers for items of business that the General Manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.
- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

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

LGA 9 (2)-(5)

3.28 Four copies of the agenda and business paper will be provided at Council and Committee meetings.

3.29 Council's agenda and business paper or individual reports may be obtained from Council's Customer Service Centre or the Libraries free of charge.

3.30 Councillors will receive Agendas and Business Papers ten calendar days prior to an ordinary Council meeting.

3.31 Council will publish agendas and business papers to its website seven calendar days prior to an ordinary Council meeting, except where that day is a public holiday. In such cases, Council will publish the agenda and business papers on the next working day.

[Council protocol]

Agenda and business papers for extraordinary meetings

3.32 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.33 Despite clause 3.32, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

- a a motion is passed to have the business considered at the meeting, and
- b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

3.34 A motion moved under clause 3.33(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.35 Despite clauses 10.26-10.37, only the mover of a motion moved under clause 3.34(a) can speak to the motion before it is put.

3.36 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.33(b) on whether a matter is of great urgency.

Model Meeting Code

PART 4 – PUBLIC ACCESS FORUM

Public access forum – members of the public addressing Council

- 4.1 Members of the public will be permitted to address Council or a Committee of Council on matters falling within the jurisdiction and Charter of Council as outlined in the *Local Government Act 1993*. There will be a limit of six speakers / 30 minutes in total for such addresses.
- 4.2 Notwithstanding clause 4.1, applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper.
- 4.3 All addresses must be conducted in accordance with the requirements of this Code relating to the conduct of Council and Committee meetings.
- 4.4 Public forums are to be chaired by the Lord Mayor or the Acting Chairperson.
- 4.5 To speak at a public forum, a person must first make an application to the Council in the approved form, available on Council's website. Applications to speak at the public forum must be received by 12 noon on the working day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The General Manager or their delegate may refuse an application to speak at a public forum.
- 4.8 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.9 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
- 4.10 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.11 Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.12 Speakers at public forums must not digress from the matter they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.13 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument to clarify points raised by the speaker.
- 4.14 Speakers are under no obligation to answer a question put under clause 4.13.
- 4.15 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.16 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.17 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.18 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly

conduct, publicly alleging breaches of the Council's Codes of Conduct or making other potentially defamatory statements.

- 4.19 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.20 Clause 4.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.21 Where a speaker engages in conduct of the type referred to in clause 4.18, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.22 Councillors (including the Lord Mayor) must disclose and manage any conflict of interests they may have in relation to any item of business that is the subject of an address at a public forum.

Eligibility criteria

- 4.23 Applicants seeking to address Council meetings must meet one of the following criteria:
- a a resident or owner of land within the City of Wollongong Local Government Area
 - b a person or entity entitled to vote in the City of Wollongong under the *Local Government Act 1993*, or where that voter is not a natural person, the nominee of the entity with its written authority
 - c the nominee of an entity owning land, conducting a business or providing a service in the City of Wollongong Local Government Area
 - d a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council (written authority must be provided)
 - e legal representatives acting on behalf of others must identify their status as a legal representative when applying to speak at the public forum.
 - f a person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute/six speaker provision outlined in clause 4.1 of this Code.
 - g a representative of a State or Federal Government Agency with a matter before Council.

Exclusions

- 4.24 Applications will not be accepted from nominated candidates at federal, state or local government elections and serving councillors.
- 4.25 Addresses will not be permitted on:
- a Issues relating to development applications.
 - b Matters where there have been opportunities through Council-run engagement activities for community members to publicly address a formal Council or Agency hearing and have views recorded for public record. These opportunities would include but not be limited to public meetings, public hearings and meetings of the Independent Hearing and Assessment Panel
 - c Any matter where the applicant has previously addressed Council on the same subject, as part of a Public Access Forum
 - d Notices of Rescission
 - e Business paper items which have been 'laid on the table'

- f Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.
- g Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served:
 - i. a Statement of Claim
 - ii. a Summons
 - iii. a Subpoena to attend Court or produce documents
- h Staff related matters.

[Council protocol]

PART 5 – COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

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

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

Leave of absence

- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A Councillor's application for leave of absence from Council meetings should, where practicable, be made in writing, including by electronic means, and identify (by date) the meetings from which the Councillor intends to be absent and the reason the absence is sought. This application is to be lodged with the General Manager and submitted to the next meeting of Council for determination.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

Model Meeting Code

Vacancy of civic office

- 5.6 A councillor's civic office will become vacant if the Councillor is absent from three consecutive ordinary meetings of the Council without the prior leave of the Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

LGA 234 (1) (d)

Meeting attendance whilst on leave of absence

- 5.7 If the holder of a civic office attends a Council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards to any future Council meeting.
- 5.8 Clause 5.7 does not prevent Council from granting further leave of absence in respect of any future Council meeting.

LGA 234 (3)-(4)

- 5.9 A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days' notice of his or her intention to attend.

Model Meeting Code

Quorum for a Meeting

- 5.10 The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.

LGA Sec 368(1)

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

LGA 368(2)

5.12 A meeting of the Council must be adjourned if a quorum is not present:

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

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

- a by the chairperson; or
- b in his or her absence – by the majority of the Councillors present; or
- c failing that, by the General Manager.

5.14 The General Manager must record in the Council 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 Council, together with the names of the Councillors present.

Model Meeting Code

5.15 Where a quorum is not present Councillors are able to discuss the agenda and make notes on the discussion however it is not able to make binding decisions.

[Council protocol]

5.16 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.17 Where a meeting is cancelled under clause 5.16, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3 or 3.4.

Model Meeting Code – non-mandatory provision

Entitlement of the public to attend Council meetings

5.18 Except as provided elsewhere in this Code:

- a everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors; and
- b a Council must ensure that all meetings of the Council and of such Committees are open to the public.

5.19 Clause 5.18 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.20 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a Committee if expelled from the meeting:

- a by a resolution of the meeting; or
- b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

- 5.21 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulations – refer Part 15 of this Code.

LGA Sec 10

Public attendance at closed Council meetings

- 5.22 Council is able to invite members of the public to address Closed Council meetings on specific matters where it is necessary for the provision of advice. Invited members would be required to leave the meeting prior to voting being undertaken on the matter.
- 5.23 In undertaking such action Council needs to be mindful that invitations may affect its appearance of impartiality and improper conduct in a matter.
- 5.24 All persons invited to a Closed Council meeting in accordance with this Clause are subject to the non-disclosure provisions of section 664 of the Act.

[Council protocol]

Webcasting of meetings

- 5.25 Video and audio of open Council meetings will be streamed live through Council's website.
- 5.26 Clause 5.25 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.27 At the start of each meeting the chairperson or their delegate⁴ is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.28 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for two years⁵. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Model Meeting Code

- 5.29 Recordings older than two years may be archived and accessed by an informal access application under the Government Information (Public Access) Act 2009.

[Council protocol]

Attendance of the General Manager and other staff at meetings

- 5.30 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.
- 5.31 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.
- 5.32 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

LGA 376

- 5.33 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

Model Meeting Code

⁴ Inclusion of the words 'or their delegate' [Council protocol].

⁵ Period determined by Council.

PART 6 – THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Lord Mayor or, at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor presides at meetings of the Council.
- 6.2 If the Lord Mayor or Deputy Lord Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

LGA 369

Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election must be conducted:
 - a by the General Manager or, in their absence, the Public Officer to conduct the election; or
 - b if neither of them is present at the meeting or there is no General Manager or Public Officer – by the person who called the meeting or a person acting on their behalf.
- 6.5 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.
- 6.6 For the purposes of 6.5, the person conducting the election must:
 - a arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises during a meeting of the Council:
 - a any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and;
 - b every Councillor present must be silent to enable the chairperson to be heard without interruption.

Model Meeting Code

PART 7 – MODE OF ADDRESS

- 7.1 To facilitate debate, Councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of Council, unless prevented from doing so by disability or injury. This procedure does not need to be followed at Committee meetings or in circumstances where the chairperson rules that standing is not required.
- 7.2 In addressing Council, Councillors and other persons addressing the Council will use the appropriate modes of address, being:
- a 'My Lord Mayor' to the Lord Mayor
 - b 'Deputy Lord Mayor' to the Deputy Lord Mayor
 - c 'Mr or Madam Chair' (where the chairperson is not the Lord Mayor or Deputy Lord Mayor)
 - d 'Councillor [surname]' to fellow Councillors, and
 - e Council officers are to be addressed by their official designation or as Mr/Ms [surname].
- 7.3 Councillors will at all times conduct themselves in accordance with the general conduct obligations contained within Council's adopted Code of Conduct. Councillors will respect the right of their fellow Councillors to speak without interruption, will only speak when called upon by the chairperson and should speak through the chairperson, or the General Manager when addressing a question to staff.

PART 8 – ORDER OF BUSINESS AT COUNCIL MEETINGS

Order of business at ordinary meetings

8.1 The order of business at ordinary meetings of Council, other than extraordinary meetings, will be:

1. Opening meeting
2. Acknowledgement of traditional owners
3. Civic prayer
4. Apologies and applications for leave of absence by Councillors
5. Confirmation of minutes of ordinary Council meeting
6. Confirmation of minutes of extraordinary Council meeting
7. Disclosures of interests
8. Petitions and presentations
9. Confirmation of minutes of Council committee meeting
10. Public access forum
11. Call of the agenda
12. Lord Mayoral minute
13. Urgent items
14. Reports to Council
15. Reports of committees
16. Items laid on the table
17. Notices of motion(s)/Questions with notice
18. Notice of Rescission motion
19. Confidential Business
20. Conclusion of meeting

8.2 The order of business fixed under 8.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice, and requires a seconder.

8.3 Despite Clauses 10.26-10.37 only the mover of a motion referred to in 8.2 may speak to the motion before it is put.

Order of business at extraordinary meetings

8.4 The order of business at extraordinary meetings of Council, where required will be:

1. Opening meeting
2. Acknowledgement of Traditional Owners
3. Civic Prayer
4. Apologies
5. Disclosures of interests
6. Public Access Forum⁶
7. Call of the Agenda
8. Lord Mayoral Minute
9. Reports to Council
10. Notices of Motion(s)
11. Notice of Rescission motion
12. Urgent Items
13. Confidential Business
14. Conclusion of meeting

[Model Meeting Code and Council protocol]

⁶ Refer to clause 4.2 of this Code which states that applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper

PART 9 – CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

- 9.1 Council must not transact business at a meeting of the Council:
- a unless a Councillor has given notice of the business in writing no later than 5.00 pm 13 calendar days prior to the ordinary Council meeting in accordance with the Council meeting schedule or five business days in the case of extraordinary Council meetings; and
 - b unless notice of the business has been sent to the Councillors in accordance with Clause 3.8 of this Code.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting if the business:
- a is already before, or directly relates to a matter that is already before the Council, or
 - b is the election of a chairperson to preside at the meeting,
 - c subject to clause 9.10, is a matter or topic put to the meeting by way of a Lord Mayoral minute, or
 - d is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

Dealing with urgent matters without notice at an ordinary meeting

- 9.3 Despite Clause 9.1 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors if:
- a a motion is passed to have the business transacted at the meeting (such a motion requires a mover and seconder), and
 - b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.26-10.37, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Model Meeting Code

- 9.6 If, after the Councillor has addressed the Council, Council has resolved the business may be transacted, and the chairperson has ruled the matter is of great urgency, then the motion is moved, seconded, debated and voted on.

[Council protocol]

Lord Mayoral Minutes

- 9.7 Subject to clause 9.10, if the Lord Mayor⁷ is the chairperson at a meeting of the Council, the Lord Mayor may, by minute signed by the Lord Mayor, 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.
- 9.8 A Lord Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a Lord Mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a Lord Mayoral minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.10 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the

⁷ No other Councillor when chairing a meeting of the Council, except the Deputy Lord Mayor when acting in the official capacity as acting Lord Mayor during a period of the Lord Mayor's absence, may put forward a Lord Mayoral minute without notice.

purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

Staff reports

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

Reports of Committees of Council

9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

9.13 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions to Councillors and employees

9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 (notice of motion) and 3.16 (questions with notice).

9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.16 Councillor may, through the general manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the general manager.

9.17 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. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

Model Meeting Code

Laying an item 'on the table'

9.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.

9.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.

9.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.

Splitting Motions for Debate

9.23 Where Council is considering a report of a complex nature or contains multiple recommendations a Councillor may move a Procedural Motion that the motions before the meeting be split and determined either in groups or individually. In this instance Council will record the names of the

Councillors supporting and those opposing each of the split motions however only one Minute number for the report will be included in the Council Minutes.

[Council protocol]

PART 10 – RULES OF DEBATE

Motions to be seconded

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

Notice of motion

10.2 A Councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a Councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

Notice of Motion – absence of mover

10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of Council:

- a any other Councillor may move the motion at the meeting; or
- b the chairperson may defer the motion until the next Council meeting at which such motion can be considered.

Chairperson’s duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Model Meeting Code

10.9 The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

[Council protocol]

Amendments to motions

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

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

Model Meeting Code

Subsequent amendments to motions

- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillors who moved and seconded the original motion, i.e. the amendment becomes a variation to the original motion.

Model Meeting Code and [Council protocol]

- 10.17 The amendment must be moved before debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 10.18 It is not in order to propose an amendment which is, in effect, the same as one already rejected or which reserves the intention of one already adopted.
- 10.19 Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

[Council protocol]

Foreshadowed motions and amendments

- 10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, 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.
- 10.21 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.
- 10.22 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.

Model Meeting Code

- 10.23 Foreshadowed motions and foreshadowed amendments are required to be moved and seconded before debate can commence.

[Council protocol]

Right to speak and right of reply – mover of original motion

- 10.24 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

Model Meeting Code

- 10.25 Remarks in reply must be limited to discussion of issues raised in debate and no new material may be introduced.

[Council protocol]

Limitations on the number and duration of speeches

- 10.26 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.27 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.
- 10.28 Despite clause 10.26, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Model Meeting Code

- 10.29 Such statements or explanations will be limited to no longer than three minutes unless Council's consent is given for a specified extension of time.

[Council protocol]⁸

- 10.30 Despite clause 10.26, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

Model Meeting Code

- 10.31 The Chair may accept a motion that an additional time of up to five minutes be given to the speaker to continue debate, with the number of minutes specified by the Councillor moving the motion. The Chair may accept a further Motion for an additional extension of time, limited to one minute only, to permit the Councillor to conclude their debate on an item.

[Council protocol]

- 10.32 Despite clauses 10.26 and 10.27, 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.

- 10.33 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.32. A seconder is not required for such a motion.

- 10.34 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.24.

- 10.35 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

- 10.36 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.

- 10.37 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Model Meeting Code

⁸ Council resolution – Minute No 8 of 28 January 2014

PART 11 - VOTING

Voting entitlements of chairperson and Councillors

- 11.1 Each Councillor is entitled to one vote.
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
- LGA 370*
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion,
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

Record of voting

- 11.6 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- Model Meeting Code*
- 11.7 Council will record all voting in a voting register available on its website at www.wollongong.nsw.gov.au.

[Council protocol] and LGA 375A

Voting on planning decisions

- 11.7 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.10 Clauses 11.8–11.10 apply also to meetings that are closed to the public.

LGA 375A.

PART 12 – COMMITTEE OF THE WHOLE

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

LGA 373

NOTE: This refers to a 'Committee of the Whole' which is a Committee of Council comprised of all Councillors.

12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.26-10.37 limit the number and duration of speeches.

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

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

Model Meeting Code

PART 13 – CALL OF THE AGENDA

13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interests they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Codes of Conduct.

Model Meeting Code

PART 14 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

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

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

LGA10A(1) and (2)

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

LGA 10A(3)

Matters to be considered when closing meetings to the public

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

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

LGA 10B(1).

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

- a are substantial issues relating to a matter in which the Council or committee is involved, and
- b are clearly identified in the advice, and
- c are fully discussed in that advice.

LGA 10B(2)

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.3), 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 14.1.

LGA 10B(3).

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a a person may misinterpret or misunderstand the discussion, or
 - b the discussion of the matter may:
 - i cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - ii cause a loss of confidence in the Council or committee.

LGA 10B(4)

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

LGA 10B(5)

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
- a it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - b the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - i should not be deferred (because of the urgency of the matter), and
 - ii should take place in a part of the meeting that is closed to the public.

LGA 10C

Representations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon on the working day before the meeting at which the matter is to be considered in accordance with Part 4 of this Code.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.

LGA 10A(4)

- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

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

Model Meeting Code

Information to be disclosed in resolutions closing meetings to the public

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

LGA 10D

Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.
- 14.23 For the purposes of 14.22, at the conclusion of business in Closed Council, Council must resolve that the meeting be open to the public.

[Model Meeting Code and Council Protocol]

PART 15 – KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- a contravenes the Act or any regulation in force under the Act or this code, or
 - b assaults or threatens to assault another Councillor or person present at the meeting, or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - d insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
 - e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- 15.12 The chairperson may require a Councillor:
- a to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or

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

How disorder at a meeting may be dealt with

15.13 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 chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code

Order in the public gallery

15.24 Members of the public gallery are:

- a not permitted to interrupt meeting procedures or to engage in any disorderly conduct;
- b not permitted to address or approach Councillors during the meeting, unless addressing Council via the Public Access Forum;
- c not permitted to bring any items which are deemed to potentially cause discomfort or a safety risk to Councillors, Council staff or other members of the gallery;
- d required to switch all mobile phones to 'off' or 'silent' during the course of the meeting;
- e not permitted to take any food or drink into the Council Chambers.

Security at Council and Committee Meetings

- 15.25 Attendance in the Public Gallery will be limited to the number of seats available (90 seats, plus area for three wheelchairs). Council will provide arrangements for the attendance of disabled persons at Council meetings.
- 15.26 People attending meetings will not be permitted to stand in the Gallery area, or in or near any doorways and adjacent areas.
- 15.27 On occasions when public meetings are held, public access to the Council Chamber will be available until 9.00pm. Lifts in the Administration Building will be accessible only via security card after 9.00 pm on Council meeting nights.
- 15.29 If the Council Chamber has reached its seating capacity, the attendant on duty will liaise with the Security Officer stationed in the ground floor foyer, who will prevent further public access to Level 10.
- 15.30 If a situation arises where the General Manager, Lord Mayor or Civic Attendant feels it is required, the Police will be called to assist in accordance with the Code of Meeting Practice. *[Council protocol]*

PART 16 – CONFLICTS OF INTERESTS

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Model Meeting Code

PART 17 – DECISIONS OF COUNCIL

Council decisions

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

LGA 371

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

Rescinding or altering Council decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

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

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.

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

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

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

LGA 372

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.

Model Meeting Code

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

LGA 372(6)

17.11 Subject to clause 17.7 a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, if brought forward in accordance with clause 17.6.

17.12 The Chairperson shall as soon as practicable during the course of the meeting announce that such Notice of Motion has been received. In doing so, the Chairperson shall invite special attention to the resolution proposed to be rescinded and shall seek the leave of Council or the Committee, as the case may be, to have the full contents of the document read to the meeting by the General Manager.

17.13 The motion to alter or rescind a resolution shall only be considered by Council if a motion to have the motion considered at the meeting is passed.

17.14 If a motion moved in accordance with 17.13 is not passed the motion to alter or rescind will be dealt with at the next Council meeting.

17.15 A motion moved under clause 17.13 can be moved without notice. Despite clauses 10.21–10.31, only the mover of a motion referred to in clause 17.13 can speak to the motion before it is put.

[Council protocol]

Recommitting resolutions to correct an error

- 17.16 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- a to correct any error, ambiguity or imprecision in the Council's resolution, or
 - b to confirm the voting on the resolution.
- 17.17 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the Councillor is to propose alternative wording for the resolution.
- 17.18 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.19 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.21–10.31, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.20 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.21 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Model Meeting Code – non-mandatory provision

PART 18 – TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 10 pm⁹.
- 18.2 If the business of the meeting is unfinished at 10 pm, the Lord Mayor will move a Procedural Motion that the meeting be either extended or adjourned. Such a Procedural Motion does not require a seconder.
- 18.3 If the business of the meeting is unfinished at 10 pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- a defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - b adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- a individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - b publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Meeting Code

⁹ Council protocol

PART 19 – AFTER THE MEETING

Minutes of meetings

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

LGA 375(1)

19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

- a details of each motion moved at a Council meeting and of any amendments moved to it,
- b the names of the mover and seconder of the motion or amendment,
- c whether the motion or amendment was passed or lost, and
- d such other matters specifically required under this code.

Model Meeting Code

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

LGA 375(2)

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

Model Meeting Code

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

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

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

Model Meeting Code

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

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

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

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

LGA 11(1-3)

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

Model Meeting Code

Implementation of decisions of the Council

19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

LGA 335(b)

PART 20 – COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

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

20.3 A committee of the Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

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

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

Functions of committees

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

20.6 Committees of Council comprised of Councillors only may have specific functions delegated to them by Council. Council may also be supported by Liaison and Advisory Committees which comprise Councillor and external membership and act in an advisory capacity.

Notice of committee meetings

20.7 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:

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

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

Attendance at committee meetings

20.8 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee 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.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

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

Chairperson and deputy chairperson of Council committees

20.11 The chairperson of each committee of the Council must be:

- a the Lord Mayor, or

- b if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
 - c if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code 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.

Minutes of Council committee meetings

- 20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- a Details of each motion moved at a meeting and of any amendments moved to it,
 - b the names of the mover and seconder of the motion or amendment,
 - c whether the motion or amendment was passed or lost, including who voted in support of or against each motion and amendment,

- d such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

Model Meeting Code

PART 21 - IRREGULARITIES

- 21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:
- a a vacancy in a civic office, or
 - b a failure to give notice of the meeting to any Councillor or committee member, or
 - c any defect in the election or appointment of a Councillor or committee member, or
 - d a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
 - e a failure to comply with this code.

LGA 374

Attachment 1 – Definitions

Attachment 2 – Table of procedural motions

ATTACHMENT 1 - DEFINITIONS

| Term | Definition |
|--------------------------------|---|
| the Act | means the <i>Local Government Act 1993</i> |
| act of disorder | means an act of disorder as defined in clause 15.11 of this code |
| amendment | in relation to an original motion, means a motion moving an amendment to that motion. |
| audio recorder | any device capable of recording speech |
| business day | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales |
| chairperson | in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code |
| Code/the Code/this Code | means the Wollongong City Council Code of Meeting Practice |
| committee of the Council | means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1 |
| consent of the Council/meeting | means with the consent of a majority of those Councillors present at a meeting |
| Council official | has the same meaning it has in the Model Code of Conduct for Local Councils in NSW |
| day | means calendar day |
| division | means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion |
| extraordinary meetings | Extraordinary Meetings are additional meetings to those in the adopted Council meeting cycle and include those called in an emergency. |
| foreshadowed amendment | means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment |
| foreshadowed motion | means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion |
| General Manager | means the General Manager of Wollongong City Council |
| LGA | means the <i>Local Government Act 1993</i> . Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act. |
| motion | a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting. |
| open voting | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means. |
| planning decision | means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act. |
| performance improvement order | means an order issued under section 438A of the Act |

| Term | Definition |
|-----------------------|---|
| Petitions | <p>Petitions for the purposes of this Code means petitions to be tabled at a meeting. A Petition is a written request seeking some form of action from Council in relation to a matter on which Council has the power to act or advocate on, that includes the full name, address and signature of at least four people from four different households.</p> <p>NOTE: Petitions are not subject to discussion or debate.</p> |
| Presentations | <p>Presentations for the purposes of this Code means:</p> <p>(a) <i>Invited speakers</i> Opportunity for invited speakers, eg auditors, to address Council, and/or</p> <p>(b) <i>Notice of receipt of awards and similar</i> Opportunity for Councillors to advise Council of any presentations received by them on behalf of the Council since its last meeting, such as the receipt of awards.</p> <p>NOTE: Presentations are not subject to discussion or debate.</p> |
| quorum | means the minimum number of Councillors or committee members necessary to conduct a meeting. |
| the Regulation | means the <i>Local Government (General) Regulation 2005</i> . |
| Relative | <p>relative, in relation to a person, means any of the following;</p> <p>(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner;</p> <p>(b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).</p> |
| Variation to a motion | is where a Councillor seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion. |
| webcast | a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time |
| year | means the period beginning 1 July and ending the following 30 June |

ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

| Table of Procedural Motions and example motions | Seconder | Clause |
|--|----------|---------------|
| Adjourn a meeting <i>Moved/seconced that the Meeting be adjourned to [specify date and time]</i> | YES | Clause 18.3 |
| Call of the agenda <i>Moved/seconced that [list items numbers] be resolved as a block</i> | YES | Part 13 |
| Extend a speaker's speech time <i>Moved/seconced that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter</i> | YES | Clause 10.31 |
| Extension of meeting time <i>I Move to extend meeting time to [10.30 pm]</i> | NO | Clause 18.2 |
| Foreshadowed motion or amendment <i>I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment</i> | NO | Clause 10.21 |
| Lay an item on the table, take item off the table <i>Moved/Seconced that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.</i> <i>Moved/Seconced that item [number and title] be taken off the table and: debate resumes where it left off OR the list of speakers be recommenced</i> | YES | Clause 9.20 |
| Limit the number of speeches (motion or amendment be now put) <i>I Move the Motion be now Put</i> | NO | Clause 10.32 |
| Motion of dissent <i>I Move to dissent from the ruling of the Chair</i> | NO | Clause 15.8 |
| Motion to transact business without notice (urgency motion) <i>Moved/Seconced that the Council will consider the business without notice</i> | YES | Clause 9.3(a) |
| Point of order <i>I Move a point of Order that [specify point]</i> | NO | Clause 15.1 |
| Split motions for debate <i>Moved/seconced that recommendation for item [number] be voted on separately as follows [points 1 and 2 OR points 1 and 2 together and points 3-5 together]</i> | YES | Clause 9.23 |
| Suspend standing orders (changing order of business) <i>Moved/seconced that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].</i> | YES | Clause 8.2 |

| SUMMARY SHEET | |
|---|---|
| Responsible Division | Governance and Customer Service |
| Date adopted by Council | 27 May 2019 |
| Date of previous adoptions | 24/08/2015, 28/01/2014, 28/05/2012, 26/07/2011, 25/03/2008, 26/06/2006, 09/05/2006, 27/10/2003, 25/02/2002, 17/04/2000, 01/09/1999, 28/09/1998, 14/04/1998, 09/02/1998. |
| Date of next review | March 2021 |
| Legislative or other requirement for review | Preparation of draft Code, public notice and exhibition period: <i>Local Government Act 1993</i> section 361 |
| Responsible Manager | Manager Governance and Customer Service |
| Authorised by | Director Corporate Services |