

	COUNCIL POLICY	
	Standing Orders (Meetings) 2019	
POLICY NO	102	
DEPARTMENT	Office of the Mayor and Chief Executive Officer	
PROGRAM	Office of the Mayor and Chief Executive Officer	
ENDORSED BY COUNCIL	10 April 2019 - Folio 61752	

1.0 Scope

- 1.1 These Standing Orders apply to all Ordinary and Standing Committee meetings of Council.
- 1.2 Any provision of these Standing Orders may be suspended by resolution of any Ordinary or Standing Committee meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 1.3 Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

2.0 Purpose

These standing orders supplement the statutory requirements by providing standing processes to be observed at such meetings. In accordance with this policy, these standing orders may be suspended at any time by resolution.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Act shall mean the Local Government Act 2009.

Chief Executive Officer shall mean the Chief Executive Officer of the local government.

Committee shall mean a committee of the local government appointed under section 264 of the *Local Government Regulation 2012*.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

MRC shall mean Mackay Regional Council.

5.0 Background

Chapter 8 part 2 of the *Local Government Regulation 2012* provides core requirements for the conduct of meetings of the local government and the committees of the local government.

6.0 Policy Statement

6.1 Procedures for Meetings

6.1.1 **Time of Meetings**

- (a) The local government may, by resolution, fix dates and times for its ordinary and committee meetings¹.

Note: The local government must meet at least once in each month and a post-election meeting must be held within 14 days after the conclusion of the quadrennial elections.

- (b) If there is no resolution fixing the date and time for its ordinary and committee meetings, the Chief Executive Officer must fix the date and time for the meeting in consultation with the Mayor.

6.1.2 **Special Meetings**

- (a) The Chief Executive Officer must call a special meeting of the local government if—
 - (i) the special meeting is required by a resolution of the local government; or
 - (ii) a written request for the special meeting is lodged with the Chief Executive Officer under section 6.1.2(b).
- (b) A written request for a special meeting² of the local government must:
 - (i) be signed by the Mayor or three (3) or more Councillors; and
 - (ii) specify the business to be conducted at the special meeting; and
 - (iii) propose a day and time for the holding of the special meeting.
- (c) The Chief Executive Officer calls a special meeting by giving written notice of the day and time of the meeting, and the business to be conducted at the meeting, to each Councillor,

¹ See section 175(1) of the *Local Government Act 2009* and section 257 (Frequency and place of meetings) of the *Local Government Regulation 2012*.

² See section 258 (Notice of meetings) of the *Local Government Regulation 2012*.

at least two (2) days before the day of the meeting unless it is impracticable to give the notice. The only business that may be conducted at a special meeting is the business stated in the notice of meeting.

6.2 Agenda for Meetings of the Local Government

6.2.1 **Agenda for Meeting**

- (a) The Chief Executive Officer must ensure that a list of the items to be discussed at a meeting of the local government must be available for inspection at the time the agenda for the meeting is made available to Councillors.
- (b) The agenda must include—
 - (i) items required under the Act to be included on the agenda; and
 - (ii) items that are by resolution of the local government to be included on the agenda; and
 - (iii) items whose inclusion on the agenda is requested by a Councillor.
- (c) A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least five (5) days before the notice of meeting is usually given.

6.3 Conduct of Meetings

6.3.1 **Presiding Officer**

- (a) The person who presides at a meeting of the local government is the Chairperson of the meeting
- (b) The Mayor must preside at an ordinary meeting of the local government.
- (c) If the Mayor is absent or unavailable to preside at an ordinary meeting, the deputy Mayor must preside.
- (d) If both the Mayor and the deputy Mayor are absent or unavailable to preside at an ordinary meeting, a Councillor chosen by the Councillors present at the meeting must preside at the meeting.
- (e) A Councillor will be appointed as Chairperson for each committee at an ordinary meeting.
- (f) If a deputy Chairperson is appointed, they will preside at a committee meeting if the Chairperson is absent.
- (g) If both the Chairperson and the deputy Chairperson are absent or unavailable to preside at a committee meeting, a

Councillor chosen by the Councillors present at the meeting must preside at the meeting.

6.3.2 **Order of Business**

- (a) The local government must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- (b) However, the local government may, by resolution, alter the order in which it proceeds with the business for a particular meeting.
- (c) The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed, and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

6.3.3 **Procedure at Meetings**

- (a) The procedure for dealing with business must be in accordance with the standing orders or, in the absence of a standing order governing a particular matter, as decided by the Chairperson of the meeting in accordance with the Model Meeting Procedures.
- (b) However, the local government may, by resolution:
 - (a) suspend a standing order; or
 - (b) over-rule a decision on a procedural question made by the Chairperson.

6.3.4 **Admission of non-members to debate etc**

- (a) The local government may, at its sole discretion, allow a non-member to participate in the discussion of a particular item of business before the local government, on conditions decided by the local government.
- (b) The local government may, as a mark of distinction, admit a non-member to a part of the local government chamber normally reserved for Councillors during the conduct of local government business.

6.4 Maintenance of Good Order

6.4.1 **Acts of Disorder by Members of the Local Government**

- (a) A Councillor of the local government at a meeting of the local government must not:
 - (i) obstruct or interrupt the proper conduct of the meeting; or

- (ii) use indecent or offensive language; or
 - (iii) make a statement reflecting adversely on the reputation of the local government; or
 - (iv) make an intemperate statement reflecting adversely on the character or motives of another Councillor or an officer of the local government; or
 - (v) refuse or wilfully fail to comply with a lawful direction given by the chairperson of the meeting.
- (b) For the purposes of section 176(4)(a) of the *Local Government Act 2009*, a Councillor fails to comply with the local government's procedures if the Councillor fails to comply with a requirement of section 6.4.1(a).
- (c) If inappropriate conduct happens in a meeting of the local government or its committees, the chairperson of the meeting may make any 1 or more of the following orders that the chairperson considers appropriate in the circumstances:
- (i) an order that the Councillor's inappropriate conduct be noted in the minutes of the meeting;
 - (ii) an order that the Councillor leave the place where the meeting is being held (including any area set aside for the public), and stay out of the place for the rest of the meeting;
 - (iii) if the Councillor fails to comply with an order made under paragraph 6.4.1(c)(ii) to leave a place—an order that the Councillor be removed from the place.³

6.4.2 ***Maintenance of Good Order at Meeting***

The maintenance of the good order of a person who is not a member of the local government is regulated by section 34 of Local Law No. 1 (Administration) 2011.

6.5 Recording of Meetings

6.5.1 ***Minutes of Meetings***

The Chief Executive Officer must ensure minutes of each meeting of the local government are taken under the supervision of the person presiding at the meeting.⁴

6.5.2 ***Recording of Meetings***

- (a) MRC will record, in both audio and video, its ordinary, special and committee meetings for the periods that they are open to

³ See section 181(5) of the *Local Government Act 2009*.

⁴ See section 272 (Minutes) of the *Local Government Regulation 2012*.

the public. The recordings will be made available to the public live during the meeting and online at the earliest opportunity after the meeting has concluded. The recordings will also be used to assist in the accurate preparations of the official minute documents.

- (b) All participants at the meetings are reminded that parliamentary privileges do not apply to local government. Individuals must take responsibility for their own words and actions. MRC may, at the discretion of the CEO, remove any part of a recording for publication only where there is real concern that not to do so would expose Council to risk of an action for publishing defamatory material or releasing personal information contrary to legislation.
- (c) Right to Information (RTI) procedures should not be used to release copies of recordings of meetings as these will be freely available on MRC's Council's website. RTI or Information Privacy procedures may be used to seek material withheld from public release in accordance with paragraph 6.5.2. (b).
- (d) All participants will be made aware by way of signage that the meeting will be recorded and that anyone attending a public meeting of council will consent to their image, voice and comments being recorded and published.
- (e) No other audio or video recording of a meeting of the local government may be made without the express and prior permission of the Chairperson of the meeting. Any person publishing part or all of a recording of a meeting assumes full responsibility for the release of the information, including the risks associated with the publication of potentially defamatory material or personal information.
- (f) If a person fails to comply with section 6.5.1(e) the person may be directed by the Chairperson of the meeting to immediately withdraw from the meeting.
- (g) A person who fails to comply with a direction given under section 6.5.1(f) at a meeting may be removed from the meeting.
- (h) Recordings will be retained for a period no shorter than the statutory minimum for the retention of official records.

6.6 Standing Orders

6.6.1 **Application**

- (a) The standing orders in clause 6.6 provide rules for the conduct of:
 - (i) meetings of the local government (other than a post-election meeting); and
 - (ii) where applicable, committee meetings of the local

government.

- (b) The standing orders shall apply to a post-election meeting of the local government as far as practicable.
- (c) Any provision of the standing orders may be suspended by resolution of a meeting of the local government.
- (d) A separate resolution is required for a suspension of a standing order.
- (e) A resolution to suspend a standing order must specify the application and duration of the suspension.
- (f) Where a matter arises at a meeting of the local government which is not provided for in the standing orders, the matter may be determined by resolution upon an urgent motion which may be put without notice, but otherwise in conformity with the standing orders.
- (g) For the purposes of section 6.6.1(f), a matter may only be determined by resolution upon an urgent motion if the matter is so critical that a decision is required immediately, and the matter cannot wait to be dealt with by means of a notice or report at the next meeting.

6.7 Procedures for Meetings of the Local Government

6.7.1 **Order of Business**

- (a) The order of business must be determined by resolution of the local government from time to time.
- (b) The order of business may be altered for a particular meeting where the Councillors at the meeting pass a motion to that effect.
- (c) A motion to alter the order of business may be moved without notice.
- (d) Unless otherwise altered pursuant to section 6.7.1(b), the order of business for the ordinary meeting will be:
 - Attendance
 - Opening Prayer Acknowledgement of Country
 - Absent on Council business
 - Apologies
 - Condolences
 - Confirmation of minutes
 - Business arising from the minutes of the previous meeting
 - Mayoral minutes
 - Receipt of Standing Committee Minutes
 - Consideration of committee reports and recommendations

- Correspondence and officers' reports
 - Receipt of petitions
 - Tenders
 - Consideration of notified motions
 - Public participation
 - Late Business
 - Confidential reports
 - Meeting Closure
 - For information only
- (e) Unless otherwise altered pursuant to section 6.7.1(b), the order of business for the committee meeting will be:
- Attendance
 - Absent on Council business
 - Apologies
 - Condolences
 - Confirmation of minutes
 - Business arising from the minutes of the previous meetings
 - Correspondence and officers' reports
 - Receipt of petitions
 - Tenders
 - Consideration of notified motions
 - Public participation
 - Late Business
 - Confidential reports
 - Meeting Closure
 - For information only
- (f) The minutes⁵ of a preceding meeting (***previous minutes***) not previously confirmed may be taken into consideration as the first business of a meeting, in order that the previous minutes may be confirmed, and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.
- (g) Admission of deputations, invitees and visitors with regard to ordinary meetings shall be at the discretion of either:
- (a) the Chairperson; or
 - (b) the local government.
- (h) Admission of deputations, invitees and visitors with regard to committee meetings shall be at the discretion of either:
- (a) the Chairperson; or
 - (b) the local government.
- (i) The time for receipt of petitions shall be at the discretion of the local government.

⁵ See section 272 (Minutes) of the *Local Government Regulation 2012*.

- (j) Late business is an opportunity for a Councillor to bring to the attention of the local government items such as past or future events or occurrences, a request for a leave of absence of a Councillor or a motion to move a vote of thanks. No substantive motion may be moved as an item raised in late business. Each matter requiring a substantive motion must be listed on the agenda as a report or a notified motion or dealt with in accordance with section 6.6.1(f).

6.7.2 **Meeting Agenda**

- (a) The Chief Executive Officer must prepare or have prepared a meeting agenda for each meeting.
- (b) The agenda must, where practicable, be made available to Councillors two (2) days prior to the meeting.
- (c) A meeting agenda shall include, but not be limited to:
 - (i) matters requiring attention from a previous meeting;
 - (ii) officers' reports;
 - (iii) matters or recommendations referred to the local government by a committee;
 - (iv) any other business the local government or committee determines should be included in the meeting agenda.

6.7.3 **Petitions**

- (a) Any petition presented for consideration at a meeting of the local government must be in legible writing or typewritten and contain a minimum of twenty-five (25) signatures.
- (b) For a petition to be considered at a meeting it must be delivered to the Chief Executive Officer at least two (2) days prior to the closure of the agenda for the meeting. A petition must:
 - (i) state the nature of the petition; and
 - (ii) detail the issue at point; and
 - (iii) preferably indicate the outcome sought.
- (c) Where a petition is put to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that:
 - (i) the petition be received, and consideration stand as

an order of the day for:

- the meeting; or
 - a future meeting; or
- (ii) the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government; or
- (iii) the petition not be received.
- (d) The Chief Executive Officer will respond to the Principal Petitioner in relation to all petitions deemed valid.

6.7.4 ***Deputations***

- (a) A deputation wishing to attend and address a meeting must do so by applying in writing on the prescribed form to the Chief Executive Officer at least two (2) days prior to the closure of the agenda for the meeting.
- (b) The Chief Executive Officer must notify the Chairperson who must determine whether the deputation may be heard.
- (c) The Chief Executive Officer must inform the deputation of the determination.
- (d) Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed.
- (f) For deputations comprising three (3) or more persons, only two (2) persons may be heard unless the Chairperson, local government, or committee determines otherwise.
- (g) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- (f) The Chairperson of a meeting may terminate an address by a person in a deputation at any time if:
- (i) the Chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
 - (ii) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - (iii) the person uses insulting or offensive language.

6.8 **Motions**

6.8.1 **Motions**

- (a) A motion brought before a meeting in accordance with the Act or the standing orders may be received and put to the meeting by the Chairperson.
- (b) The Chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- (c) The Chairperson may call the notices of motion in the order in which they appear on the meeting agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- (d) An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- (f) When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.
- (g) Moving and seconding motions may be done by raising a hand while seated.

6.8.2 **Absence of Mover of Motion**

Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be moved by another Councillor at the meeting or deferred to the next meeting.

6.8.3 **Motion to be Seconded**

- (a) A motion or an amendment to a motion must not be debated at a meeting unless or until the motion or the amendment is seconded, with the exception of a procedural motion.
- (b) A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- (c) Notwithstanding section 6.8.3(a), a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.

6.8.4 **Amendment of Motion**

- (a) An amendment to a motion must:
 - (i) be in terms which retain the identity of the motion;
and
 - (ii) not negate the motion.
- (b) Not more than 1 motion or 1 proposed amendment to a motion may be put before a meeting at any one time.
- (c) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- (d) Where a motion (the **original motion**) is amended by another motion (the **other motion**), the original motion must not be put as a subsequent motion to amend the other motion.
- (e) A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

6.8.5 **Speaking to Motions and Amendments**

- (a) Subject to section 6.8.5(b), the mover of an amendment to a motion must read the amendment and state that the amendment is so moved but must not speak to the amendment until it is seconded.
- (b) A Councillor may request further information from the Chairperson before or after the motion or the amendment to the motion is seconded.
- (c) Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment and each subsequent speaker alternatively against and in favour of the motion or amendment, unless the Chairperson in his or her discretion rules otherwise.
- (d) The mover of a motion has the right of reply.
- (e) The mover of an amendment to a motion has no right of reply.
- (f) Each Councillor must speak not more than twice to the same motion or the same amendment (noting the ability to speak initially, and then again during the item to address matters as raised by other speakers) except as a right of reply unless the Chairperson in his or her discretion rules otherwise.
- (g) Each speaker is restricted to not more than five (5) minutes unless the Chairperson in his or her discretion rules

otherwise.

- (h) Where two (2) or more Councillors attempt to speak at the same time, the Chairperson is to determine who is entitled to priority.
- (i) A Councillor must not speak to a motion unless the Councillor is:
 - (i) recognised by the Chairperson; and
 - (ii) standing when speaking to the motion.

6.8.6 **Method of Taking Vote**

- (a) Before any matter is put to the vote⁶, the Chairperson may direct that the motion or amendment be read again by the Chief Executive Officer.
- (b) The Chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (c) The local government must vote by a show of hands or as otherwise directed by the Chairperson.
- (d) Any Councillor may call for a division in relation to the taking of a vote provided the call for a division is made prior to the Chairperson calling for the vote.
- (e) If a division is called for in accordance with section 6.8.6(d), the Chairperson shall first request those in favour of the motion to stand and then ask those against the motion to stand.
- (f) If a division is taken, the Chief Executive Officer must record:
 - (i) the names of the Councillors voting in the affirmative; and
 - (ii) the names of the Councillors voting in the negative.
- (g) The Chairperson must declare the result of a vote or a division as soon as it has been determined.
- (h) Regardless of whether a division is called or not, for each decision taken whether it is not a unanimous decision, the Chief Executive Officer must record the names of the Councillors voting in the negative.

6.8.7 **Repealing or Amending Resolutions**

⁶ See section 270 (Procedure at meetings) of the *Local Government Regulation 2012*.

- (a) A resolution of the local government or committee must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act⁷(requiring five (5) days notice before the meeting).
- (b) Where a motion (a **relevant motion**) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.
- (c) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than three (3) months.
- (d) Where a resolution (a **later resolution**) of the local government or committee relates to a matter the subject of a previously passed resolution (a **previous resolution**), the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

6.8.8 **Procedural Motions**

- (a) At a meeting, a Councillor may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a **procedural motion**):
 - (i) that the question/motion be now put to the vote; or
 - (ii) that the motion and amendment now before the meeting be adjourned; or
 - (iii) that the meeting proceeds to the next item of business; or
 - (iv) that the question/motion lie on the table; or
 - (v) a point of order; or
 - (vi) a motion of dissent against a ruling on a point of order; or
 - (vii) that a report or document be tabled; or
 - (viii) to suspend the rule requiring that ...; or
 - (ix) that the meeting stands adjourned.

6.8.9 **Motion that the Quest "Be Put"**

⁷ See section 262 (Repeal or amendment of resolutions) of the *Local Government Regulation 2012*.

A procedural motion that the question be put, may be moved without notice and without comment, at any time after a motion has been moved and seconded. The Chairperson shall, without debate, put the procedural motion and should it be carried the Chairperson shall, without further debate, put the motion before the meeting to the vote. Where the procedural motion is lost, debate on the motion shall continue and a procedural motion that the question be put may not be moved again for a period of fifteen (15) minutes.

6.8.10 *Motion that Debate be Adjourned*

- (a) A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- (b) A motion under section 6.8.10(a) must not adjourn debate on a matter the subject of a motion for more than two (2) months after the date of the procedural motion.

6.8.11 *Motion to Proceed to next item of Business*

- (a) Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter the subject of the motion must cease.
- (b) However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders.

6.8.12 *Motion that the "Motion Lie on the Table"*

- (a) A procedural motion that a motion or question lie on the table can only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- (b) Where a motion under section 6.8.12(a) is passed, the local government must proceed with the next matter on the agenda.
- (c) Where a motion under section 6.8.12(a) is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

6.8.13 *Points of Order*

- (a) A Councillor may ask the Chairperson to decide a point of order where it is believed that another Councillor:
 - (i) has failed to comply with proper procedures; or
 - (ii) is in contravention of these standing orders or the Act; or
 - (iii) is beyond the jurisdictional power of the local government.
- (b) A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- (c) Where a point of order is raised, consideration of the matter about which the Councillor was speaking is suspended.
- (d) The Chairperson must determine whether the point of order is upheld or not.
- (e) Upon a point of order arising during the process of a debate, the Councillor raising the point of order may speak to the point of order.
- (f) Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

6.8.14 *Motion of Dissent*

- (a) A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order.
- (b) Where a motion is moved under section 6.8.14(a), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (c) Where a motion of dissent is carried:
 - (i) the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
 - (ii) where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

6.8.15 *Motion to Suspend Requirements of a Rule*

- (a) A procedural motion to suspend the requirements of a rule may be made by a Councillor in order to permit some action that otherwise would be prevented by the standing orders.
- (b) A motion under section 6.8.15(a) must specify the duration of the suspension.

6.8.16 ***Motion that Meeting Stands Adjourned***

- (a) A procedural motion that a meeting stands adjourned⁸ may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter and must be put without debate.
- (b) A motion under section 6.8.16(a) must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.
- (c) Where a motion under section 6.8.16(a) is lost, the Chairperson must not accept a similar motion until the expiration of fifteen (15) minutes after the time the motion was lost.

6.9 Mayoral Minute

6.9.1 ***Mayoral Minute***

- (a) The Mayor may direct the attention of the local government at an ordinary meeting of the local government to a matter or subject not on the agenda by a Minute (a ***Mayoral Minute***) signed by the Mayor.
- (b) The Mayor must deliver a copy of the Mayoral Minute for an ordinary meeting of the local government to the Chief Executive Officer.
- (c) Despite section 6.9.1(d), the Mayoral Minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.
- (d) The motion comprising the Mayoral Minute may be put by the Mayor:
 - (i) to the ordinary meeting of the local government without being seconded; and

⁸ See section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.

- (ii) at any stage of the ordinary meeting of the local government considered appropriate by the Mayor.
- (e) If the motion comprising the Mayoral Minute is passed by the local government, the Mayoral Minute becomes a resolution of the local government.

6.10 Conduct During Meetings

6.10.1 **Conduct During Meetings**

- (a) Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behavior set out in the Code of Conduct and the Model Meeting Procedures. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- (b) A Councillor must address the Chairperson while:
 - (i) moving any motion or amendment; or
 - (ii) seconding any motion or amendment; or
 - (iii) taking part in any discussion; or
 - (iv) placing or replying to any question; or
 - (v) addressing the local government for any other purpose.
- (c) Councillors must address each other during a meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers must:
 - (i) designate them by their respective official or departmental title; and
 - (ii) confine their remarks to the matter then under consideration.
- (d) Councillors must remain seated and silent while a vote is being taken except when calling for a division or otherwise instructed.
- (e) A Councillor must not make personal reflections on or impute improper motives to another Councillor or any officer of the local government.
- (f) A Councillor must not interrupt another Councillor who is speaking except upon a point of order being raised either by the Chairperson or the Councillor.
- (g) If the Chairperson intervenes during the process of a debate, any Councillor then speaking or offering to speak, and each

Councillor present, must preserve strict silence so that the Chairperson may be heard without interruption.

6.11 Questions

6.11.1 **Questions**

- (a) At a meeting a Councillor may ask a question for reply by another Councillor or an officer of the local government regarding any matter under consideration at the meeting.
- (b) A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- (c) A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or a specified future meeting.
- (d) A Councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- (e) The Chairperson may disallow a question which he or she considers is:
 - (i) inconsistent with good order; or
 - (ii) not relevant to the debate or matter under consideration.
- (f) A Councillor may move a motion that a ruling of the Chairperson under section 6.11.1(e) be disagreed with, and if such motion is carried, the Chairperson must allow the question.

6.12 Disorder and Business

6.12.1 **Disorder**

- (a) Where disorder arises at a meeting, the meeting may be adjourned in accordance with section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.
- (b) On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (c) Where a motion under section 6.12.1(b) is lost, the Chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

6.12.2 ***Business of Objectionable Nature***

At a meeting, if the Chairperson or a Councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the Chairperson or the Councillor may declare on a point of order, that the matter not be considered further.

6.13 Attendance and Non-Attendance

6.13.1 ***Attendance of Public and Media at Meetings***

- (a) An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- (b) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (c) Each Councillor present at a meeting of the local government will have their names recorded by the Chief Executive Officer.
- (d) The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 Local Government Regulation 2012. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

6.13.2 ***Public Participation at Meetings***

- (a) Prior to the commencement of any meeting, any member of the public wishing to make a submission or comment about an agenda item for the meeting must provide advice to the Chairperson of their desire to address the meeting by way of written registration. The Chairperson may invite that person to take part in the meeting at the appropriate agenda item, prior to commencement of debate and consideration on the item by Council.
- (b) The Chairperson may also invite a member of the public to take part in the proceedings of a meeting under Public Participation in accordance with the order of business in

sections 6.7.1(d) and 6.7.1(e).

- (c) Except when invited to do so by the Chairperson pursuant to sections 6.13.2(a) and 6.13.2(b), a member of the public must not take or attempt to take part in the proceedings of a meeting.
- (d) If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the Chairperson may require the member of the public to cease making the submission or comment.
- (e) For any matter arising from a submission or comment from a member of the public, the local government may:
 - (i) refer the matter to a committee; or
 - (ii) deal with the matter immediately; or
 - (iii) place the matter on notice for discussion at a future meeting; or
 - (iv) refer to the Chief Executive Officer or applicable director for action; or
 - (v) note the matter and take no further action; or
 - (vi) take no action.
- (f) Any person invited to address a meeting must:
 - (i) State their name, address, and matter; and
 - (ii) stand, act and speak with decorum; and
 - (iii) frame any remarks in respectful and courteous language; and
 - (iv) keep to the timeframe given by the Chairperson, but ordinarily to a limit of three (3) minutes.
- (g) If a person is considered by the Chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting.
- (h) If a person in the public gallery at the place where a meeting is taking place has an item of communication equipment, for example, a mobile telephone or an audible pager, the Chairperson of the meeting may direct the person to turn off the item of communication equipment.
- (i) If a person fails to comply with a direction given under this section 6.13.2, the person is deemed to obstruct the proper conduct of the meeting and may be removed from the meeting.

6.14 Committees

6.14.1 **Standing Orders for Meetings of Local Government Committees**

Subject to the Act and the *Local Government Regulation 2012*⁹, these standing orders apply to meetings of local government committees.

6.15 Procedure Not Provided For

6.15.1 **Procedure not Provided for**

If an appropriate or adequate method of dealing with a matter is not provided for in the Act, the *Local Government Regulation 2012* or the standing orders, the method of dealing with the matter may be determined by resolution of the local government upon a motion which may be put without notice in conformity with the Act, the *Local Government Regulation 2012* and the standing orders.

7.0 Review of Policy

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Belcarra Review	Amendments to document	Council	13.02.19
3	Review of Policy	Amendments to document	Council	10.04.19

⁹ See chapter 8-part 2 division 2 (Local government committees) of the *Local Government Regulation 2012*.



Model Meeting Procedures

October 2018



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Purpose of the Meeting Procedures

The purpose of the Model Meeting Procedures is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government meetings and Local Government committee meetings.

It is not intended that the Model Meeting Procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

Background

In particular, as required under section 150F of the *Local Government Act 2009* (LGA) this document sets out:

- the process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable meeting conduct by Councillors.
- the process for how suspected inappropriate conduct of a Councillor referred to the local government by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

Application

A Local Government must either adopt the Model Meeting Procedures or prepare and adopt other procedures for the conduct of its meetings and meetings of its committees that are consistent with the Model Meeting Procedures.

If a Local Government chooses to continue using existing standing orders, the Council must review the existing standing orders to ensure that they are consistent with the requirements of the Model Meeting Procedures. To assist Local Governments, the Department of Local Government, Racing and Multicultural Affairs (the Department) has published best practice standing orders that Councils can choose to adopt¹.

A Local Government must conduct its meetings in a manner that is consistent with either the Model Meeting Procedures or its own procedures.

¹ Section 150G of the LGA



Processes

1. Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 1.1 The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- 1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to 1.7 for the steps to be taken.
- 1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - 1.3.1 Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - 1.3.2 Apologising for their conduct
 - 1.3.3 Withdrawing their comments.
- 1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 1.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- 1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one or more of the orders below:
 - 1.7.1 an order reprimanding the Councillor for the conduct
 - 1.7.2 an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.²
- 1.8 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.³
- 1.9 Following the completion of the meeting, the Chairperson must ensure:
 - 1.9.1 details of any order issued is recorded in the minutes of the meeting⁴
 - 1.9.2 if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting,

² Section 150I(2) of the LGA.

³ Section 150I(2)(c) of the LGA.

⁴ Section 150I(3) of the LGA.



these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA⁵

- 1.9.3 the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.

2. Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under paragraph 1.9.2 of this document of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, the Local Government must:

- 2.1 Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
- 2.2 When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 4.
- 2.3 The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- 2.4 If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - 2.4.1 an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - 2.4.2 an order reprimanding the Councillor for the conduct
 - 2.4.3 an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - 2.4.4 an order that the Councillor be excluded from a stated Local Government meeting
 - 2.4.5 an order that the Councillor is removed, or must resign, from a position representing

⁵ Section 150J of the LGA.



the Local Government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee

- 2.4.6 an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
- 2.4.7 an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- 2.5 When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
- 2.6 The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- 2.7 The Local Government must ensure the meeting minutes reflect the resolution made.

3. Material Personal Interest

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- 3.1 A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - 3.1.1 The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
 - 3.1.2 How a person or other entity stands to gain the benefit or suffer the loss
 - 3.1.3 If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- 3.2 The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 3.3 Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
- 3.4 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 3.5 The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 3.1.
- 3.6 In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:



- 3.6.1 the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - 3.6.2 if the matter cannot be delegated under section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 3.7 Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
- 3.7.1 The name of the Councillor who has a material personal interest in the matter
 - 3.7.2 The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - 3.7.3 Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

4. Conflict of Interest

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:

- 4.1 A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
 - 4.1.1 The nature of the interest
 - 4.1.2 If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
 - 4.1.2.i the name of the other person
 - 4.1.2.ii the nature of the relationship or value and date of receipt of the gift or benefit received, and
 - 4.1.2.iii the nature of the other person's interests in the matter.
- 4.2 The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- 4.3 The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
- 4.4 If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- 4.5 If the other Councillors decide there is a conflict of interest they must then decide whether



the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way

- 4.6 When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
 - 4.6.1 The size or significance of the benefit the subject Councillor stands to receive or benefit
 - 4.6.2 The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - 4.6.3 The closeness of any relationship the subject Councillor may have with a given person or group.
- 4.7 In making the decision under 4.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.8 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 4.9 The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 4.1.
- 4.10 In the event the majority of Councillors inform of a personal interest in a matter:
 - 4.10.1 the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, or
 - 4.10.2 if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 4.11 Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - 4.11.1 The name of the Councillor who has declared the conflict of interest
 - 4.11.2 The nature of the personal interest, as described by the Councillor
 - 4.11.3 The decisions made under 4.3 and 4.5 above
 - 4.11.4 Whether the Councillor participated in the meeting under an approval by the Minister
 - 4.11.5 If the Councillor voted on the matter, how they voted
 - 4.11.6 How the majority of Councillors voted on the matter.



5. Closed Meetings

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget
- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Local Government under the *Planning Act 2016 (PA)*, including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

- 5.1 To take an issue into a closed session, the Local Government must first pass a resolution to do so.
- 5.2 In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- 5.3 If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
- 5.4 The minutes of a Local Government must detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

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