



Fraser Coast
REGIONAL COUNCIL

**MEETING PROCEDURES
AND
STANDING ORDERS
FOR
COUNCIL MEETINGS
AND
STANDING COMMITTEES**

Version 16

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attendee means:

- (a) The Chief Executive Officer; or
- (b) An officer nominated by the Chief Executive Officer; or
- (c) An officer invited to a council or committee meeting by the Chairperson of that meeting; or
- (d) In the case of a Council meeting or a committee meeting, a person admitted to the meeting by the respective council or committee.

chairperson means:

- (a) The Mayor in the case of a Council meeting; or
- (b) The person appointed by the Council pursuant to Section 267 (chairperson of committee) of the *Local Government Regulation 2012* as chairperson of the Council committee; or
- (c) A person acting in the position of chairperson pursuant to these Standing Orders; or
- (d) The person who controls the order of the meeting.

chief executive officer means the person appointed and employed by the Council as its Chief Executive Officer pursuant to Section 194 (Appointing a Chief Executive Officer) of the *Local Government Act 2009*.

committee meeting refers to a standing committee established under the *Local Government Regulation 2012*.

councillor refers to an individual duly elected as a Councillor or Mayor to the Fraser Coast Regional Council in accordance with the relevant legislation.

council meeting means the Ordinary Meeting of the full Council.

Inappropriate conduct refer *Local Government Act 2009*.

mayor means the Mayor of the Council and includes any person acting in the position of the Mayor pursuant to the *Local Government Act 2009* or these Standing Orders.

member means in the case of a Council or committee meeting, a Councillor of the Fraser Coast Regional Council.

motion of dissent means a motion set out in these Standing Orders, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the Chairperson.

ordinary meeting of the Council means –

- (a) A post-election meeting of the Council which is required to be held under Section 175 (Post-election meetings) of the *Local Government Act 2009*; or
- (b) A periodic meeting of the Council which is required to be held under Chapter 8, Part 2, Division 1 (Local Government meetings) of the *Local Government Regulations 2012*.

point of order means an objection to an action.

procedural motion means a motion set out in these Standing Orders and is a specific resolution to control the conduct of the meeting to aid the effective transaction of business.

statutory notice of meeting means a notice of meeting to be given under the *Local Government Regulation 2012*.

the Act means the *Local Government Act 2009*.

ordinary business matter refer to *Local Government Act 2009*.

PART A – MEETING PROCEDURES

PURPOSE

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

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

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.

PROCESSES

1 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 conduct.
- 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 fails 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. (section 150(2) of the LGA)

- 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. (section 150(2)(c) of the LGA)
- 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 meeting. (section 150(3) of the LGA)
 - 1.9.2 If it is the third 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, these matters are to be dealt with at the next meeting of Council and treated as inappropriate conduct pursuant to section 150J of the LGA.
 - 1.9.3 The Council's Chief Executive Officer is advised to ensure details of any order made must be updated in the Councils 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 DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT REFERRED TO COUNCIL

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 Council must complete an investigation into the alleged conduct.

After the completion of the investigation, the Council must decide in a Council meeting whether the Councillor has engaged in inappropriate conduct, 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 Council by the Independent Assessor, the Council 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 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 Council should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- 2.4 If the Council decides that the subject Councillor has engaged in inappropriate conduct, the Council 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 Council meeting.
 - 2.4.5 An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Council 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 Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- 2.5 When making an order, the Council 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 Council 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 Council 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 Council 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 Council 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 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 Council 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 Council 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 Council 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 give 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 in section 4.
- 4.10 In the event the majority of Councillors inform of a personal interest in a matter:
- 4.10.1 The Council 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 Council 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

Council 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
- Council's budget
- Rating concessions or contracts proposed to be made by the Council or starting or defending legal proceedings involving the Council
- Any action to be taken by the Council 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 Council or someone else or enable a person to gain a financial advantage.

A Council 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 Council must first pass a resolution to do so.
- 5.2 In the interest of accountability and transparency, the Council 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 Council must detail the matter discussed and reasoning for discussing the matter in closed session. The Council must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

PART B – STANDING ORDERS

STANDING ORDERS

6 INTRODUCTION

- 6.1 These Standing Orders apply to all meetings of Council and any standing committees.
- 6.2 Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 6.3 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.

PROCEDURES FOR MEETINGS OF COUNCIL

7 PRESIDING OFFICER

- 7.1 The Mayor will preside at a meeting of Council.
- 7.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 7.3 If both the Mayor and the Deputy Mayor, or the Mayors' delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 7.4 Council will choose the Chairperson for a committee meeting. This Chairperson will normally preside over meetings of the committee.
- 7.5 If the Chairperson of a committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the committee meeting.

8 ORDER OF BUSINESS

- 8.1 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
- 8.2 The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- 8.3 Unless otherwise altered, the order of business shall be as follows:
 - Opening Prayer
 - Apologies and Leave of Absence
 - Disclosure of Interests
 - Mayoral Minute
 - Confirmation of Minutes of Meetings

- Addresses/Presentations
- Deputations
- Petitions
- Committee Reports
- Officers' Reports
- Matters/Motions of which due notice has been given
- Questions on Notice
- Consideration of items placed on the agenda with the consent of the Mayor
- General Business
- Confidential
- Late items

8.4 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.

8.5 The Chief Executive Officer determines the business paper content for any meeting; including items declared as confidential.

9 AGENDAS

9.1 Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each committee.

9.2 A matter considered under sub-clause 9.1 above will be considered during that part of the meeting set aside for general business.

10 MATTERS/MOTIONS WITH DUE NOTICE

10.1 Any Councillor wishing to give notice of any matters/motions, must give notice in writing to the Chief Executive Officer at least 48 hours before the meeting at which the business is to be discussed.

10.2 Matters/motions relating to but not limited to amending and changing disbursement of funds, budgets, capital work priorities and policy decisions will be subject to a Council report prior to any Council resolution.

10.3 If the Council determines the matter/motion is an operational issue, refer to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.

11 SPECIAL MEETING

11.1 The Chief Executive Officer must call a special meeting of the Council if –

11.1.1 The special meeting is required by a resolution of the Council; or

11.1.2 A written request for the special meeting is lodged with the Chief Executive Officer.

11.2 A written request for a special meeting of Council must -

11.2.1 Be signed by the Mayor or three or more Councillors; and

11.2.2 Specify the object of the special meeting; and

11.2.3 Propose a day and time for the holding of the special meeting.

11.3 The Chief Executive Officer calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting to each Councillor.

11.4 The notice must be given, at least two days before the day of the meeting. The only business that may be conducted at a special meeting is the business specified in the notice of meeting.

12 BUSINESS ARISING INCLUDING GENERAL BUSINESS

12.1 Without limiting 9.1 and 9.2, matters considered under General Business will include any matter which may be dealt with by the Council, including a question without notice.

12.2 Council recognises that every bereavement is a tragedy for the family and friends who suffer the loss of a loved one and expressions of sympathy are always appreciated. Councillors wanting to express condolences can raise these in general business. As a mark of respect a minute's standing silence will be observed by those at the meeting.

12.3 Matters which would normally be subject of a Council report shall not be included in General Business.

12.4 If the matter is an operational issue, this will be referred to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.

13 MAYORAL MINUTE

13.1 The Mayor may, by a signed minute, introduce a matter for consideration at a meeting. The matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

Note: A Mayoral minute upon being moved is dealt with in the same manner as any other motion.

14 PETITIONS

14.1 Any petition presented to a meeting of Council shall:

14.1.1 Be in legible writing or typewritten and contain a minimum of ten signatures,

14.1.2 Include the name and contact details for the Principal Petitioner (i.e., one person who is the organizer and who will act as the key contact for the issue),

14.1.3 Include the postcode of all petitioners, and

14.1.4 Have the details of the specific request/matter appearing on each page of the petition.

- 14.2 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
- 14.3 The Chief Executive Officer will arrange a response to the Principal Petitioner in relation to all petitions deemed valid.

15 DEPUTATIONS

- 15.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than seven business days before the meeting.
- 15.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- 15.3 For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 15.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- 15.5 The Chairperson may terminate an address by a person in a deputation at any time where:
- 15.5.1 The Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting,
 - 15.5.2 The time period allowed for a deputation has expired, or
 - 15.5.3 The person uses insulting or offensive language or is derogatory towards Councillors or staff members
- 15.6 The Chief Executive Officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.
- 15.7 A Deputation will not exceed fifteen minutes unless otherwise agreed by the Chairperson

MOTIONS

16 MOTION TO BE MOVED

- 16.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- 16.2 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
- 16.3 An amendment can be made with consent of the mover and seconder of the original motion.
- 16.4 Where the consent to an amendment of a motion is not provided by the mover and seconder of the original motion, the proposed amendment to the motion must be moved, seconded and determined by Council.
- 16.5 Where consent to an amendment of a motion is not provided by the mover and seconder of the original motion and is successful, the mover of the amendment is taken to have moved the motion and can speak to the motion and have the right of reply.

- 16.6 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 16.7 A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 16.8 The Chairperson may call the notices of motion in the order in which they appear on the 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.

17 ABSENCE OF MOVER OF MOTION

- 17.1 Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- 17.1.1 Moved by another Councillor at the meeting, or
 - 17.1.2 Deferred to the next meeting.

18 MOTION TO BE SECONDED

- 18.1 A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

19 AMENDMENT OF MOTION

- 19.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 19.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 19.3 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put, however before the debate is conducted a Councillor may foreshadow another amendment should the motion be lost.
- 19.4 A Councillor may foreshadow an amendment to a motion should the motion be lost. The foreshadowed amendment does not require a seconder.
- 19.5 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

20 SPEAKING TO MOTIONS AND AMENDMENTS

- 20.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- 20.2 The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.

- 20.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 20.4 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 20.5 The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 20.6 Each speaker shall be restricted to not more than five minutes unless the Chairperson rules otherwise.
- 20.7 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 20.8 In accordance with Section 273 of the Local Government Regulation 2012, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an employee engaged to provide services of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

21 METHOD OF TAKING VOTE

- 21.1 The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. Names in favour and against the motion will always be recorded in the minutes unless carried unanimously.
- 21.2 A Councillor must advise the Chairperson if they intend to abstain from the vote and the reason for abstaining.
- 21.3 If a Councillor does not vote for or against a motion, they will be taken to have abstained from voting and their vote will be recorded in the negative ie against the motion.
- 21.4 A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. The Chairperson shall declare the result of a vote or a division as soon as it has been determined. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. A division requires the Councillors to vote by standing.
- 21.5 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 21.6 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

22 REPEALING OR AMENDING RESOLUTIONS

- 22.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the Local Government Regulation 2012.
- 22.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

23 PROCEDURAL MOTIONS

- 23.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
- a. that the question/motion be now put
 - b. that the motion or amendment now before the meeting be adjourned
 - c. that the meeting proceed to the next item of business
 - d. that the matter lie on the table
 - e. that the matter be taken from the table
 - f. a motion of dissent against the Chairpersons decision
 - g. that this report/document be tabled
 - h. that standing order be suspended
 - i. that standing orders be resumed
 - j. that the meeting be adjourned
 - k. that the meeting be reconvened
 - l. that the speaker no longer be heard
- 23.2 A procedural motion, **that the question/motion be put**, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- The Chairperson has the discretion as to whether to accept the motion to ensure that the matter has been reasonably debated. It may not be moved or seconded by a person who has already moved, seconded or spoken about the main motion or any amendment.
- 23.3 A procedural motion, **that the motion or amendment now before the meeting be adjourned**, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:
- 23.3.1 A further motion may be moved to specify such a time or date, or
 - 23.3.2 The matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 23.4 Where a procedural motion, **that the meeting proceed to the next item** is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- 23.5 A procedural motion, **that the matter lie on the table**, shall 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 Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper.
- 23.6 A procedural motion, **that the matter be taken from the table**, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 23.7 A procedural motion, **a motion of dissent against the Chairperson decision**, may be used in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling

of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.

- 23.8 A procedural motion, ***that this report/document be tabled***, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 23.9 A procedural motion, ***that standing orders be suspended***, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 23.10 A procedural motion, ***that standing orders be resumed***, will be made to resume the use of standing orders.
- 23.11 A procedural motion, ***that the meeting be adjourned***, may be made by any Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.
- 23.12 A procedural motion, ***that the meeting be reconvened***, will be made after an adjournment to identify the recommencement of the meeting.
- 23.13 A procedural motion, ***that the speaker no longer be heard***, may be moved by a Councillor while another Councillor is speaking if the mover of the motion determines that the speaker is being repetitive.

Where the Chairperson allows the procedural motion to be put, it will be voted on without debate. If the motion is carried the speaker will resume their seat and not speak to the motion again.

24 POINT OF ORDER

- 24.1 Any Councillor may ask the Chairperson to decide on a ***point of order*** where it is believed that another Councillor:
- 24.1.1 Has failed to comply with meeting procedures and standing orders,
 - 24.1.2 Is in contravention of the Local Government Act/Regulations, or
 - 24.1.3 Is beyond the jurisdiction power of Council.
- 24.2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended pursuant to clause 19.2. The Chairperson shall determine whether the point of order is upheld.
- 24.3 Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising shall, until decided, suspend the consideration and decision of every other question.

25 CONDUCT DURING MEETINGS

- 25.1 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. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 25.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- 25.3 Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
- 25.4 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 25.5 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

26 QUESTIONS WITHOUT NOTICE

- 26.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 26.2 A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 26.3 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.
- 26.4 Any requests that the response be in the form of a Council report, must be dealt with in accordance with Motions of which due notice has been given.

MAINTENANCE OF GOOD ORDER

27 DISORDER

- 27.1 The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

ATTENDANCE AND NON-ATTENDANCE

28 ATTENDANCE OF PUBLIC AND THE MEDIA AT MEETINGS

- 28.1 An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as

reasonably can be accommodated in that area shall be permitted to attend the meeting.

- 28.2 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- 28.3 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.

29 QUORUM AND LAPSE OF A QUORUM

- 29.1 A quorum of a Council is a majority of its Councillors.
- 29.2 However, if the number of Councillors is an even number, one-half of the number is a quorum.
- 29.3 A quorum of a committee is the number –
- 29.3.1 Fixed by the Council; or
 - 29.3.2 If a number is not fixed by the Council – fixed by the committee.
- 29.4 If during the conduct of a meeting, the Chairperson becomes aware that a quorum is no longer present, the meeting will be adjourned for 30 minutes. If after 30 minutes a quorum is still not present, the meeting will be adjourned to a date and time to be determined by the Chairperson but no later than 14 days from the date of the adjournment.
- 29.5 However, the meeting may be adjourned to a later time on the same day.
- 29.6 When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.

30 PUBLIC PARTICIPATION AT MEETINGS

- 30.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- 30.2 In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to Council. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- 30.3 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 30.4 For any matter arising from such an address, Council may take the following actions:
- 30.4.1 Refer the matter to a committee.
 - 30.4.2 Deal with the matter immediately.
 - 30.4.3 Place the matter on notice for discussion at a future meeting.
 - 30.4.4 Note the matter and take no further action.
- 30.5 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks using

respectful and courteous language.

- 30.6 Any person who is considered by the Council or the Chair to be unsuitably dressed may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

VERSION CONTROL

This policy is to remain in force until otherwise determined by Council.

Release Notice			
Version Number	Date of issue	Amendment details	Responsible officer
14	07/09/2016	Adopted by Council	
15	27/03/2019	Addition of model meeting procedure and revised standing orders best practice guidelines	Executive Manager Governance and Customer Service
16	27/05/2020	Insert 16.3, 16.4 and 16.5 to clarify the process to amend a motion.	Executive Manager Governance and Customer Service