

# MCKINLAY SHIRE COUNCIL

## LOCAL LAW POLICY NO. 3

### (MEETINGS)

**Title:** Local Law Policy No. 3 (Meetings)  
**To be read with:** Local Law No. 3 (Meetings)  
**Date Resolved:** 21<sup>st</sup> November 1995

### **PART A: PROCEDURES**

**Standing Orders** (To be read with section 3 of the Local Law)

1. The following Standing Orders provide rules for the conduct of meetings other than a Post election meeting of Council and where applicable Committee meetings of Council.
2. Any provision of these Standing Orders may be suspended by resolution of the Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
3. Where at a council meeting a matter arises which is not provided for in these Standing Orders, such matter may be determined by resolution of the Council or a decision of the Mayor.

### **PART 1: PROCEDURES FOR MEETINGS OF COUNCIL**

#### **1. Order of Business**

1.1 Unless otherwise altered in section 1.2, the order of business is as follows:-

- (i) Leave of absence;
- (ii) Confirmation of minutes;
- (iii) Reception and consideration of officers and councillors reports;
- (iv) Consideration of correspondence;
- (v) Members business
- (vi) Finance and personnel reports;
- (vii) Consideration of notified motions;
- (viii) Reception of notices of motion for next meeting;
- (ix) Questions on notice of motion;
- (x) Miscellaneous business.

1.2 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.

1.3 When confirming minutes of a meeting, no discussion shall be permitted with respect to such minutes except with respect of their accuracy as a record of the proceedings.

## 2. **Business Papers**

2.1 The Chief Executive Officer, within the time determined by resolution, must prepare or have prepared a business paper. Business papers, where practicable, must be made available to councillors 2 days prior to an ordinary meeting.

2.2 A business paper may contain:-

- (i) officers and councillors reports;
- (ii) précis of inward correspondence;
- (iii) finance and personnel reports;
- (iv) matters about which notice has been given;
- (v) matters referred to the council by a committee;
- (vi) any other supporting information to assist council in its decision-making processes.

## 3. **Business confined to agenda**

Business not on the agenda or fairly arising from the agenda shall not be considered at any meeting unless permission for that purpose is given by the council at such meeting.

## 4. **Notice of business to be given by a councillor**

4.1 Any councillor wishing to give notice of any matter, must give notice in writing to the Chief Executive Officer at least 4 days prior to the meeting at which the business is to be discussed.

4.2 A matter for which notice has not been given may be considered at a meeting during that part of the meeting set aside for General Business.

## 5. **Mayoral Minute**

5.1 The Mayor may by a signed minute, introduce a matter for consideration at a meeting. The minute 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.

## 6. **Petitions**

6.1 Any petition presented to a meeting of Council shall be in legible writing or typewritten and contain a minimum of 10 signatures.

6.2 A petition may be presented to a meeting of the Council by a councillor who, before presenting the petition, shall as far as practicable, become acquainted with the subject matter of the petition. A councillor, on presenting a petition to a meeting should (i) state the nature of the petition and (ii) read the petition.

6.3 Where a councillor presents a petition to a meeting of council no debate on or in relation to it is 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 for a future meeting; or
- (ii) the petition be received and referred to a committee or officer for consideration and a report to the Council; or
- (iii) the petition not be received.

## **7. Deputations**

- 7.1 A deputation wishing to attend and address a meeting of Council may apply in writing to the Chief Executive Officer not less than seven clear days before the meeting.
- 7.2 The Chief Executive Officer, having received the application for a deputation should then notify the Mayor who may decide whether the deputation should be heard.
- 7.3 The Chief Executive Officer shall inform the deputation of the determination. Where it has been determined the deputation may be heard, a convenient time shall be arranged for that purpose, and a time period allowed.
- 7.4 For deputations comprises of three or more persons, only two persons may be heard unless the Council decides otherwise by resolution. A deputation should be given adequate opportunity to explain the purpose of the deputation.
- 7.5 The Mayor may terminate an address by a person in a deputation at any time where:-
  - (i) the Mayor is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting; or
  - (ii) the person uses insulting or offensive language.

## **PART 2: MOTIONS**

## **8. Motions**

- 8.1 A motion brought before a meeting of the Council in accordance with the Local Government Act or these Standing Orders shall be received and put to the meeting by the Mayor. The Mayor may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 8.2 The Mayor may call the notices of motion in the order in which they appear on the business paper, and where no objection is taken to a motion being taken as a formal motion, the Mayor may put the motion to the vote without discussion.
- 8.3 A motion on the business paper for a meeting must not be removed from the paper when a councillor at the meeting objects to it being removed.
- 8.4 A motion which has been moved and seconded, is subject to the control of the Council and cannot be withdrawn without the consent of the Council.

## **9. Absence of mover of motion**

9.1 Where a councillor who has given notice of a motion is absent from the meeting of the Council at which the motion is to be considered, the motion may be:-

- (i) moved by another councillor at the meeting; or
- (ii) deferred to the next meeting.

## 10. **Motion to be seconded**

10.1 With the exception of procedural motions, a motion or an amendment to a motion must not be debated at a meeting of the Council unless or until the motion or the amendment is seconded.

10.2 Notwithstanding section 10.1, a councillor who moves a motion or an amendment to a motion may speak with the permission of the Mayor in support of that motion or amendment before it is seconded.

## 11. **Amendment of motion**

11.1 An amendment to a motion must be in such terms which retains the identity of the original motion and does not negate the motion.

11.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of the Council at any one time.

11.3 Where an amendment to a motion is before a meeting of the Council, no other amendment to the motion shall be considered until after the first amendment has been put.

11.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

11.5 A councillor who proposed or seconds a motion must not propose or second an amendment to that motion.

## 12. **Speaking to motions and amendments**

12.1 The mover of a motion or amendment shall read it and shall state that it is so moved but must not speak to it until it is seconded, subject to section 10.2 of Standing Orders.

12.2 A councillor may request the Mayor for further information before or after the motion or amendment is seconded.

12.3 Following the seconding of a motion or amendment, the first speaker must be in favour of the motion or amendment and each subsequent speaker alternatively against or in favour of the motion or amendment, unless the Mayor decides otherwise.

12.4 The mover of a motion has the right to reply. The mover of any amendment does not have the right of reply. Each councillor can speak once only to the same motion or same amendment except as a right to reply.

12.5 Each speaker can speak for no more than five minutes unless the Mayor decides otherwise.

12.6 Where two or more councillors rise to speak at the same time, the Mayor determines who is entitled to priority.

### 13. **Method of taking vote**

13.1 Before any matter is put to the vote, the Mayor may request the motion or amendment be read again by the Chief Executive Officer. The Mayor when taking a vote on a motion or amendment, may 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.

13.2 The Council may vote by a show of hands or as directed by the Mayor.

Any councillor may call for a division on a question. If a division is taken, the Chief Executive Officer must record the names of the councillors voting in the affirmative and of those voting in the negative. The Mayor may declare the result of a vote for a division as soon as it has been determined.

13.3 Upon voting other than by a division of votes, councillors may then request that their names and how they voted be recorded in the minutes.

### 14. **Rescinding or altering resolutions**

14.1 A resolution of Council cannot be altered or rescinded within three months after the date of passing of the resolution unless there has been submitted a notice of motion in accordance with the requirements of these Standing Orders.

14.2 Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect cannot be moved until at least 3 months after the date on which the first mentioned motion to rescind or alter was lost.

14.3 Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion for a period up to 3 months.

14.4 Where a resolution of Council relates to a matter the subject of a previous resolution passed by the Council more than three months previous, that previous resolution is altered or rescinded to the extent that it is inconsistent with the later resolution.

### 15. **Procedural motions**

15.1 A councillor at a meeting of the Council may, during the debate of a matter at the meeting move as a procedural motion without the need of a seconder the following motions:-

- (i) that the question/motion be now put; or
- (ii) that the motion and amendment now before the meeting be adjourned; or
- (iii) that the meeting proceed to the next item of business; or
- (iv) that the question lie on the table; or

- (v) a point of order; or
- (vi) a motion of dissent against a point of order; or
- (vii) that this report/document be tabled; or
- (viii) to suspend the rule requiring that; or
- (ix) that the meeting be closed to the public; or
- (x) that the meeting stand adjourned.

15.2 A procedural motion, “that the question be put” may be moved when no other councillor at the meeting wishes to speak to the motion or amendment before the meeting. Where such a procedural motion is carried, the Mayor 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.

15.3 The procedural motion, “that the motion and amendment now before the meeting be adjourned” may specify a time or date to which the debate shall be adjourned. A procedural motion shall not adjourn debate on a matter the subject of a motion for a period more than two months after the date of that procedural motion.

Where no date or time is specified,

- (i) a further motion may be moved to specify such a time or date; or
- (ii) the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.

15.4 Where a procedural motion, “that the meeting proceed to the next item” is carried, debate on the matter the subject of the motion shall cease and may be considered again by the Council on the giving of notice in accordance with the Standing Orders.

15.5 A procedural motion, that the “question lie on the table” can be moved where the Mayor or a councillor requires additional information on the matter before the meeting (or the result of some other action of the Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council then proceeds with the next matter on the business paper. The motion, “that the matter be taken from the table” may be moved at the meeting at which that procedural motion was carried or at any later meeting.

15.6 Any councillor may ask the Mayor to decide on a “point of order” where it is believed that another councillor has:-

- (i) failed to comply with proper procedures; or
- (ii) is in contravention of the Local Laws or Local Government Act; or
- (iii) is beyond the jurisdictional power of the Council.

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 should then be suspended subject to section 10.2 of Standing Orders. The Mayor determines whether the point of order is upheld or dismissed.

Upon a question of order suddenly arising during the process of a debate, a Councillor may rise to a point of order, and thereupon the Councillor against whom the point of

order is raised, shall immediately be seated and also the Councillor who rose to order when the point of order was submitted.

Notwithstanding any provision of these standing orders to the contrary, all questions or order, whenever arising, shall until decided, suspend the consideration and decision of every other question.

- 15.7 A councillor may move “a motion of dissent” in relation to a ruling of the Mayor 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 Mayor was made shall be 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.
- 15.8 The motion, “that this report/document be tabled” may be used by a councillor to introduce a report or other document to the meeting. On tabling the document it ceases to be a confidential document and is available for public scrutiny.
- 15.9 A procedural motion “to suspend the rule requiring that ...,” 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.
- 15.10 Where a procedural motion, “that the meeting be closed to the public” is put, the resolution must specify the nature of the matters referred to in section 377 of the Local Government Act 1993 to be considered while the meeting is closed. The Council, while in a closed meeting, must not make a resolution other than a procedural resolution. Any time during the sitting of the closed meeting the Mayor may request any persons improperly present to withdraw immediately.
- 15.11 A procedural motion, “that the meeting stands adjourned” may be moved by a councillor after the conclusion of debate on any matter on the business paper or at the conclusion of a councillor’s time for speaking to a matter, and must then 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 must continue with the business before the meeting at the point where it was discontinued on the adjournment. Where such a procedural motion is lost, the Mayor cannot accept a similar motion until the expiration of 30 minutes after the time the motion was lost.

## 16. **Conduct during meetings**

- 16.1 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 Mayor.
- 16.2 Councillors may stand and address the Mayor while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
- 16.3 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 titles, and shall confine their remarks to the matter then under consideration.

- 16.4 Councillors shall remain seated and silent while a vote is being taken except when requesting a division.
- 16.5 A councillor must not make personal reflections about, or impute improper motives to any other councillor.
- 16.6 A councillor who is speaking must not be interrupted except upon a point of order being raised either by the Mayor or by a councillor.
- 16.7 When the Mayor rises during the process of a debate, the Councillor then speaking or offering to speak, must immediately be seated, and each Councillor present must preserve strict silence so that the Mayor may be heard without interruption.

### **PART 3: QUESTIONS**

#### **17. Questions**

- 17.1 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 the 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.
- 17.2 A councillor who asks a question at a meeting, whether or not upon notice, is considered not to have spoken to the debate of the motion to which the question relates.
- 17.3 The Mayor may disallow a question which he considers is inconsistent with good order: Provided that a councillor may move a motion that the Mayor's ruling be disagreed with, and if such motion be carried the Mayor shall allow such question.

### **PART 4:**

#### **18. Disorder**

- 18.1 The Mayor may, where disorder arises at a meeting of the Council, adjourn the meeting for 30 minutes and may leave the room. On resumption of the meeting, the Mayor may move a motion, which must then be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Mayor then declares the meeting closed, and any outstanding matters are referred to a future meeting.

#### **19. Business of Objectionable nature**

- 19.1 If at a meeting of the Council the Mayor or a councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the Council, the Mayor may on his own motion or that of another councillor, declare on a point of order that the matter not be considered further.



## **PART 5: ATTENDANCE AND NON-ATTENDANCE**

### **20. Attendance of public and media at meetings**

- 20.1 An area shall be made available at the place where any meeting of the Council is to take place for members of the public 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.
- 21.2 When the Council is sitting in a closed meeting the public and representatives of the media cannot be present.

### **22. Public Participation at meetings**

- 22.1 Except when invited to do so by the Mayor, a member of the public must not take or attempt to take part in the proceedings of the meeting.
- 22.2 In each meeting, time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. The time allotted must not exceed 15 minutes and no more than 3 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 the Council.
- 22.3 If any address or comment is irrelevant, offensive or unduly long, the Mayor may request the person to cease making the submission or comment.
- 22.4 For any matter arising from such an address, Council may take the following actions:-
- (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) note the matter and take no further action.
- 22.5 During a debate on a motion, the Mayor may invite submission, comments or questions from members of the public.
- 22.6 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- 22.7 Any person who is considered by the Council or the Mayor to be unsuitably dressed, may be directed by the Mayor to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

## **PART 6: COMMITTEES**

### **23. Reports by Committees**

- 23.1 All committee reports must be submitted to the Council under the signature of the Chief Executive Officer or delegate of the Chief Executive Officer.

23.2 If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

**24. Attendance to committee meetings**

24.1 Any councillor of the Council may attend a meeting of a committee and may address the committee in accordance with the procedures established by the Chairperson of the committee.

24.2 At the place where any committee meeting of the Council is to take place an area shall be made available for members of the public and representatives of the media to attend and as many people as reasonably can be accommodated in that area are to be permitted to attend the meeting.

**25. Public in committee meetings**

25.1 Any person not being a councillor of the Council cannot take part in a committee debate provided that the Chairperson may invite any person to address the committee upon the matter before it.

25.2 Any person or persons wishing to be heard personally or as a deputation on any matter relevant to that committee, may make written application to the Chief Executive Officer requesting to address the committee. The committee shall determine whether such matter should be heard.

25.3 A deputation or personal address must not exceed 10 minutes unless otherwise agreed by the Chairperson. No more than 2 members of a deputation may address the committee except in reply to questions from members of the committee.

**26. Procedure not provided for**

If an appropriate or adequate method is not provided for in this local law or standing orders, the method of dealing with the matter may be determined by resolution upon a motion which may be put without notice in conformity with the local law and standing orders.

**PART B: LOCAL LAW POLICIES**

**Local Law provision** (to be read with section 20 of the Local Law)

1. Section 20 of the Local Law provides the authority under which these local law policies are made.