CLONCURRY SHIRE COUNCIL SUBORDINATE LOCAL LAW NO. 2 (MEETINGS) 2001

This subordinate local law is to be read with Local Law No. 2 (Meetings) 2001.

Made by Council resolution on 11 April 2001.

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1. Short title

This subordinate local law may be cited as Subordinate Local Law No. 2 (Meetings) 2001.

2. Objects

The objects of this subordinate local law are to provide for the detailed information called upon by Local Law No. 2 (Meetings) 2001 to provide specific rules and procedures for the orderly and proper conduct of local government meetings.

3. Definitions

In this subordinate local law:

"**Council**" means the Cloncurry Shire Council.

4. Standing Orders

For the purposes of Section 4 of the Local Law, the standing orders for regulating the conduct of meetings of the local government or committees are as provided for in Schedule 1 of this subordinate local law.

SCHEDULE 1

STANDING ORDERS

5. Application of Schedule 1 - Standing Orders

5.1 The following Standing Orders provide rules for the conduct of meetings other than a Post election meeting of the Cloncurry Shire Council.

5.2 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.

5.3 Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matter shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

PART 1: PROCEDURES FOR MEETINGS OF COUNCIL

6. Order of Business

6.1 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.

6.2 Unless otherwise altered, the order of business shall be as follows:

- Mayor's Minutes
- Leave of Absence
- Condolences
- Confirmation of minutes
- Business arising out of minutes of previous meetings
- Outward correspondence
- Inward correspondence
- Reception and consideration of Committee and/or Delegates' reports
- Officers' Reports
- Deputations and Delegations
- Receipt of Petition

- Consideration of notified motions
- Reception of Notices of Motion for next meeting
- Questions on Notice of Motion
- Questions from Public Gallery
- General Business.

6.3 The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, as the **first business** 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 of their accuracy as a record of the proceedings.

7. Business Papers

7.1 The Chief Executive Officer shall within such time as Council determines by resolution, prepare or have prepared a business paper. Business papers shall be made available to Councillors if practicable 2 days prior to such meetings.

7.2 A business paper shall contain:

- Notice of meeting
- Minutes of the previous meetings
- business arising out of previous meetings
- correspondence - outward, inward and late
- business which the Mayor wishes to have considered at that meeting without notice
- matters of notice has been given
- officers reports to Council referred to the meeting by the Mayor or the Chief Executive Officer
- deputations and delegations
- any other business Council determines by resolution be included in the business paper.

8. Business Confined to Agenda

8.1 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 Council at such meeting.

8.2 Matters considered under General Business shall include any matter which may be dealt with by Council.

9. Notice of Business to be given by a Councillor

9.1 Any Councillor wishing to give notice of any matter, must give notice in writing to the Chief Executive Officer at least 5 days prior to the meeting at which the business is to be discussed.

9.2 A matter for which notice has been given may be considered at a meeting during that part of the meeting set aside for General Business.

10. Mayoral Minute

10.1 The Mayor may, by a signed minute, introduce a matter for consideration at a Meeting and 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.

11. Petitions

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

11.2 A petition may be presented to a meeting of 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 shall:

(a) state the nature of the petition; and

(b) read the petition.

11.3 A petition may be forwarded or handed to the Chief Executive Officer who shall present it at the first ordinary meeting of Council.

11.4 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:

(a) the petition be received and consideration stand as an order of the day for the meeting or for a future meeting; or

(b) the petition be received and referred to a committee or officer for consideration and a report to Council; or

(c) the petition not be received.

12. Deputations

12.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than 7 business days before the meeting.

12.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Mayor who shall determine whether the deputation may be heard. 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.

12.3 For deputations comprised of three or more persons, only three persons shall be at liberty to address Council unless the Councillors of Council at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

12.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Mayor may warn the deputation that any repetition thereof after the Mayor has given the aforesaid warning, the Mayor may call on the next business.

12.5 The Chair may terminate an address by a person in a deputation at any time where:-

(a) the Chair is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or

(b) the person uses insulting or offensive language.

PART 2: MOTIONS

13. Motions

13.1 A motion brought before a meeting of Council in accordance with the Act or these Standing Orders shall be received and put to the meeting by the Chair. The Chair may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

13.2 The Chair 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 Chair may put the motion to the vote without discussion.

13.3 A motion on the business paper for a meeting shall not be removed from the paper where a Councillor at the meeting objects to its being removed.

13.4 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.

14. Absence of Mover of Motion

14.1 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:

(a) moved by another Councillor at the meeting; or

(b) deferred to the next meeting.

15. Motion to be seconded

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

15.2 Notwithstanding clause 10.1, a Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chair in support of that motion or amendment before it is seconded.

16. Amendment of motion

16.1 An amendment to a motion shall be in terms which retain the identity of the original motion and does not negative the motion.

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

16.3 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.

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

17. Speaking to motions and amendments

17.1 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, subject to clause 10.2 of the Standing Orders.

17.2 A Councillor may request the Chair for further information before or after the motion or amendment is seconded.

17.3 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.

17.4 The mover of a motion shall have the right to reply. The mover of any amendment shall have no right of reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.

17.5 Each speaker shall be restricted to not more than 5 minutes unless the Chair in his discretion rules otherwise.

17.6 Where two or more Councillors rise to speak at the same time, the Chair shall determine who is entitled to priority.

18. Method of taking vote

18.1 Before any matter is put to the vote, the Chair may direct the motion or amendment to be read again by the Chief Executive Officer. The Chair shall, in taking the vote on a motion or 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.

18.2 Council shall vote by a show of hands as directed by the Chair. Any Councillor may call for a division on a question. If a division is taken, the clerk shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chair shall declare the result of a vote or a division as soon as it has been determined.

18.3 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.

18.4 Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote it has been declared.

19. Rescinding or altering resolutions

19.1 A resolution of Council may not be altered or rescinded within three months after the date of passing of the resolution unless notice of motion is given in accordance with the requirements of these Standing Orders.

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

19.3 Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than 3 months.

19.4 Where a resolution of Council relates to a matter the subject of a previous resolution passed by the Council more than 3 months previous, that previous resolution is altered or rescinded to the extent that it is inconsistent with the later resolution. that previous resolution is altered or rescinded to the extent that it is inconsistent with the later resolution.

20. Procedural motions

20.1 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 of a seconder the following motions:

(a) that the question/motion be now put

(b) that the motion and amendment now before the meeting be adjourned

(c) that the meeting proceed to the next item of business

(d) that the question lie on the table

(e) a point of order

(f) a motion of dissent against a point of order

(g) that this report/document be tabled

(h) to suspend the rule required that ….

(i) that the Council be resolved into a committee of the whole

(j) that the meeting stand adjourned

20.2 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 Chair 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.

20.3 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,

(a) a further motion may be moved to specify such a time or date; or

(b) the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.

20.4 Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter 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.

20.5 A procedural motion, that the question lie on the table, shall only be moved where the Chair 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. The 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.

20.6 (1) Any Councillor may ask the Chair to decide on a 'point of order' where it is believed that another Councillor has:

(a) failed to comply with proper procedures,

(b) is in contravention of the Local Laws or Local Government Act, or

(c) is beyond the jurisdiction power of Council.

(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 subject to clause 10.2 of Standing Orders. The Chair shall determine whether the point of order is upheld.

(3) Upon the 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 so shall the Councillor who rose to order when the point of order was submitted.

(4) Notwithstanding anything contained in those standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

20.7 A Councillor may move 'a motion of dissent' in relation to a ruling of the Chair 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 Chair 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.

20.8 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.

20.9 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.

20.10 Where a procedural motion, that the Council be resolved into Committee of the whole, is passed, the Council shall immediately go into Committee. Consideration of the matter which was before the Council at the time of that procedural motion shall continue in Committee and shall not be considered further by the Council except on the report of the Committee of the whole. Any time during the sitting of the Committee of the whole the Chair may request any persons improperly present to withdraw immediately.

20.11 A procedural motion, that the meeting stands adjourned, may be moved by a 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 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. Where such a procedural motion is lost, the Chair shall not accept a similar motion until the expiration of 30 minutes after the time the motion was lost.

21. Conduct during Meetings

21.1 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 Chair.

21.2 Councillors may stand and address the chair 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.

21.3 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.

21.4 Councillors shall remain seated and silent while a vote is being taken except when demanding a division.

21.5 No Councillor shall make personal reflections on or impute improper motives to any other Councillor.

21.6 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chair or by a Councillor.

21.7 When the Chair rises during the process of a debate, the Councillor then speaking or offering to speak, shall immediately be seated, and each Councillor present shall preserve strict silence so that the Chair may be heard without interruption.

PART 3: QUESTIONS

22. Questions

22.1 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.

22.2 Any Councillor wishing to ask a question relating to the general work or procedure of Council or any matter under the jurisdiction of the official or Councillor but not related to any matter under consideration at that meeting, shall provide the question in writing to the Chief Executive Officer at least four days prior to the meeting at which it is to be asked.

22.3 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.

22.4 The Chair may disallow a question which he considers is inconsistent with good order: Provided that a Councillor may move a motion that the Chair's ruling be disagreed with, and if such motion be carried the Chair shall allow such question.

PART 4: MAINTENANCE OF GOOD ORDER

23. Disorder

23.1 The Chair may, where disorder arises at a meeting of Council, adjourn the meeting for 30 minutes and quit the chair. On resumption of the meeting, the Chair shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chair shall declare the meeting closed, and any outstanding matters referred to a future meeting.

24. Business of Objectionable nature

24.1 If at a meeting of Council the Chair or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chair 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

25. Attendance of public and media at meetings

25.1 An area shall be made available at the place where any meeting of 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.

25.2 When the Council is sitting in the Committee of the whole, the public and representatives of the media shall be excluded.

26. Public Participation at meetings

26.1 Except when invited to do so by the Chair, a member of the public shall not take or attempt to take part in the proceeding of a meeting.

26.2 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 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.

26.3 If any address or comment is irrelevant, offensive, or unduly long, the Chair may require the person to cease making the submission or comment.

26.4 For any matter arising from such an address, Council may take the following actions:

(a) refer the matter to a committee

(b) deal with the matter immediately

(c) place the matter on notice for discussion at a future meeting

(d) note the matter and take no further action.

26.5 During a debate on a motion, the Chair may invite submission, comments or questions from members of the public.

26.6 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.

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

PART 6: COMMITTEES

27. Reports by Committees

27.1 All Committee reports shall be submitted to the Council under the signature of the Chief Executive Officer or delegate of the Chief Executive Officer.

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

28. Attendance to Committee Meetings

28.1 Any Councillor of Council may attend a meeting of a Committee and may address the Committee in accordance with the procedures established by the Chairman of the Committee.

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

29. Public in Committee Meetings

29.1 Any person not being a Councillor of Council shall not take part in a Committee debate provided that the Chairman may invite any person to address the Committee upon the matter before it.

29.2 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 shall be heard. A deputation or personal address shall not except ten minutes unless otherwise agreed by the Chairman. No more than two members of a deputation shall address the Committee except in reply to questions from members of the Committee.

30. Procedure not Provided For

30.1 If an appropriate or adequate method of dealing with any matter 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.