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

TABLE OF CONTENTS

PART 1 - PRELIMINARY 3

1. Short title 3
2. Object 3
3. Definitions 3

PART 2 - MEETINGS OF THE LOCAL GOVERNMENT 3

Division 1 - Standing orders 3

4. Standing orders 3

Division 2 - Time of meetings 4

5. Times of ordinary meetings 4
6. Special meetings 4

Division 3 - Agenda for meetings 4

7. Agenda for meetings 4

Division 4 - Conduct of meetings 5

8. Presiding officer 5
9. Order of business 5
10. Procedure at meetings 5
11. Admission of non-members to debate etc. 5

PART 3 - MEETINGS OF LOCAL GOVERNMENT COMMITTEES 6

Division 1 - Time of meetings 6

12. Times and places of ordinary meetings 6
13. Special meetings 6

Division 2 - Notice of meetings 6

14. Notice of meetings 6

Division 3 - Conduct of committee meetings 7

15. Chairperson 7
16. Procedure at meetings 7

PART 4 - MAINTENANCE OF GOOD ORDER 7

17. Acts of disorder by members of the local government or a committee 7
18. Acts of disorder by non-members 8

PART 5 - RECORD OF MEETINGS 8

19. Minutes of meetings 8
20. Audio and video recording of meetings 8

PART 7 - CONFIDENTIALITY 9

21. Confidentiality 9

PART 6 - SUBORDINATE LOCAL LAWS 9

22. Subordinate Local Laws 9

PART 1 - PRELIMINARY

1. Short title

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

2. Object

The object of this local law is to provide for the orderly and proper conduct of local government meetings.

3. Definitions

In this local law:

"authorised person" means a person authorised by the local government to exercise the powers of an authorised person under this local law;

"**chairperson**" of the local government or a committee means the person presiding at a meeting of the local government or committee;

"**ordinary meeting**" of the local government means:

(a) a post election meeting; or

(b) a periodic meeting the local government is required to hold under section 444 of the Act;

"**post election meeting**" means the meeting required under section 442 of the Act;

"**standing orders**" means the standing orders referred to in a subordinate local law regulating meetings of the local government or committees;

"**statutory notice of meeting**" means a notice of meeting to be given under section 450 of the Act;

"the Act" means the *Local Government Act 1993*.

PART 2 - MEETINGS OF THE LOCAL GOVERNMENT

Division 1 - Standing orders

4. Standing orders

The local government may, by subordinate local law, make standing orders to regulate the conduct of meetings of the local government or committees.

Division 2 - Time of meetings

5. Times of ordinary meetings

(1) The local government may, by resolution, fix dates and times for its ordinary meetings.[1]

(2) If there is no resolution fixing the date and time for an ordinary meeting, the Chief Executive Officer must fix the date and time for the meeting.

(3) Before the Chief Executive Officer fixes the date and time for an ordinary meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date and time for the meeting.

6. Special meetings

(1) The Chief Executive Officer must call a special meeting of the local government if:

(a) the special meeting is required by a resolution of the local government; or

(b) a written request for the special meeting is lodged with the Chief Executive Officer under subsection (2).

(2) A written request for a special meeting of the local government must:

(a) be signed by the Mayor or 3 or more Councillors; and

(b) specify the object of the special meeting; and

(c) propose a day and time for the holding of the special meeting.

(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.[2]

Division 3 - Agenda for meetings

7. Agenda for meetings

(1) The Chief Executive Officer must ensure that each statutory notice of meeting includes an agenda listing the items to be discussed at the meeting.

(2) The agenda must include:

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[1] The local government for a city or town must meet at least once in each month and for a shire at least once in each period of 3 months (See section 444(2) of the Act). A post election meeting must be held within 14 days after the conclusion of the quadrennial elections and each fresh election of the local government's Councillors (See section 442 of the Act).

[2] The notice must be given, if practicable, at least 2 days before the day of the meeting (See section 450(1) of the Act). The only business that may be conducted at a special meeting is the business specified in the notice of meeting (See section 450(3) of the Act).

(a) items required under the Act or a local law to be included on the agenda; and

(b) items that are by resolution of the local government to be included on the agenda; and

(c) items whose inclusion of the agenda is requested by a Councillor; and

(d) items required under the standing orders to be included on the agenda.

(3) A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least 2 days before the notice of meeting is given.

Division 4 - Conduct of meetings

8. Presiding officer

(1) The Mayor must preside at a meeting of the local government.

(2) If the Mayor is absent or unavailable to preside, the Deputy Mayor must preside.

(3) If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by a majority of the Councillors present at the meeting must preside at the meeting.

9. Order of business

(1) The local government must proceed with its business at a meeting in the order indicated on the agenda for the meeting.

(2) However, the local government may, by resolution, alter the order in which it proceeds with the business for a particular meeting.

10. Procedure at meetings

(1) The procedure for dealing with business must be in accordance with the standing orders or, in the absence of a standing order governing a particular matter, as decided by the chairperson of the meeting.

(2) However, the local government may, by resolution:

(a) suspend a standing order; or

(b) overrule a decision on a procedural question made by the chairperson.

11. Admission of non-members to debate etc

(1) The local government may allow a non-member to participate in the discussion of a particular item of business before the local government, on conditions decided by the local government.

(2) The local government may, as a mark of distinction, admit a non-member to a part of the local government chamber normally reserved for Councillors during the conduct of local government business.

PART 3 - MEETINGS OF LOCAL GOVERNMENT COMMITTEES

Division 1 - Time of meetings

12. Times and places of ordinary meetings

(1) A committee may, by resolution, fix dates, times and place for its meetings.[3]

(2) If there is no resolution fixing the date, time and places for a committee meeting, the Chief Executive Officer may fix the date, time and place for the meeting.

(3) Before the Chief Executive Officer fixes the date, time and place for a committee meeting, the Chief Executive Officer must, if practicable, consult with the chairperson of the committee.

13. Special meetings

(1) The Chief Executive Officer must call a special meeting of a committee if:

(a) the special meeting is required by a resolution of the local government; or

(b) a written request for the special meeting is lodged with the Chief Executive Officer under subsection (2).

(2) A written request for the special meeting of a committee must:

(a) be signed by the chairperson or 3 or more members of the committee; and

(b) specify the object of the special meeting; and

(c) propose a day, time and place for the holding of the special meeting.

Division 2 - Notice of meetings

14. Notice of meeting

(1) The Chief Executive Officer must given written notice of a committee meeting setting out the date, time and place of the meeting, and the business to be conducted at the meeting, to each member of the committee.

(2) The notice must be given, if practicable, at least 2 days before the day of the meeting.

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[3] See section 457(1) of the Act.

Division 3 - Conduct of committee meetings

15. Chairperson

The chairperson of a committee must preside at a meeting of a local government committee.[4]

16. Procedure at meetings

(1) The procedure of a committee for dealing with business must be in accordance with:

(a) procedural directions given to the committee by resolution of the local government; or

(b) if there is no procedural direction governing a particular matter, the chairperson's decision.

(2) However, a committee may, by resolution, overrule a decision on a procedural question made by the chairperson.

PART 4 - MAINTENANCE OF GOOD ORDER

17. Acts of disorder by members of the local government or a committee

(1) A member of the local government or a committee commits an act of disorder at a meeting of the local government or the committee if the member:

(a) obstructs or interrupts the proper conduct of the meeting; or

(b) uses indecent or offensive language; or

(c) makes a statement reflecting adversely on the reputation of the local government or the committee; or

(d) makes an intemperate statement reflecting adversely on the character or motives of a member or officer of local government or the committee; or

(e) refuses or wilfully fails to comply with a direction given by the chairperson of the meeting.

(2) If a member of the local government or a committee has, in the chairperson's opinion, committed an act of disorder, the chairperson may direct the member to make a retraction or apology.

(3) If the member does not comply immediately with a direction under subsection (2), the chairperson may immediately move a motion (a "**suspension motion**") that the member be suspended for the remainder of the meeting or a lesser time fixed by the chairperson.

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[4] If the chairperson is not present at a meeting, the members present may appoint a chairperson for the meeting (See section 456(2) of the Act).

(4) If the chairperson moves a suspension motion:

(a) the motion must be put to the vote immediately without discussion; and

(b) if the motion is passed, the member must immediately leave the meeting place and must remain away for the period of the suspension.

(5) If a member contravenes subsection (4)(b), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the member, and to keep the member away, from the meeting place.

18. Acts of disorder by non-members

(1) A person who is not a member of the local government or a committee must not interrupt or obstruct the proper conduct of a meeting of the local government or a local government committee.

Maximum penalty - 20 penalty units.

(2) If a person (other than a member) interrupts or obstructs the proper conduct of a meeting of the local government or a local government committee, the chairperson may ask the person to withdraw from the meeting place.

(3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and must remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty - 20 penalty units.

(4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

(5) It is a defence to any breach or non-compliance with this section if the person has a reasonable and lawful excuse.

PART 5 - RECORD OF MEETINGS

19. Minutes of meetings

Minutes of a meeting of the local government or a committee must include:

(a) a copy of any report adopted by the meeting; and

(b) a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting.

20. Audio and video recording of meetings

(1) The local government may direct that an audio or video recording of a meeting of the local government or a local government committee be made for the purpose of verifying the accuracy of the minutes of the meeting.

(2) An audio or video recording made under this section:

(a) may only be used for the purpose of verifying the accuracy of the minutes of the meeting; and

(b) after being used for that purpose, must be destroyed or dealt with as directed by the local government.

PART 7 - CONFIDENTIALITY

21. Confidentiality

(1) For the purposes of Section 250(2) of the Act, information obtained by a Councillor for discussion at or during a closed local government meeting or closed committee meeting is deemed to be information that the person knows or should reasonably know is information that:

(a) is confidential to the local government; and

(b) the local government wishes to keep confidential.

PART 6 - SUBORDINATE LOCAL LAWS

22. Subordinate Local Laws

The local government may make subordinate local laws in relation to those matters about which this local law specifically allows for the making of subordinate local laws.