



# STANDING ORDERS FOR COUNCIL MEETINGS

<b>Corporate Plan Reference:</b>	<i>Excellence as a Council</i>
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## **Standing Orders**

### **1. Purpose and Application of Standing Orders**

- 1.1 The purpose of these Standing Orders is to set out the arrangements that govern the conduct of business and proceedings at Council and Council Committee meetings.
- 1.2 These Standing Orders apply to all meetings of Council and any Standing Committees. These Standing Orders do not apply to meetings of the Audit & Risk Committee.
- 1.3 Any provision of these Standing Orders may be suspended by resolution of the relevant meeting of Council.
- 1.4 A separate resolution is required for any such suspension of a provision of the Standing Orders and must specify the purpose of each suspension.
- 1.5 If, at a Council meeting, a matter arises which is not provided for in the Standing Orders the matter shall be determined by the Chair subject to any contrary resolution of the meeting.

## **Council Meetings**

### **2. Times of Ordinary and Standing Committee Meetings**

- 2.1 The Council may, by resolution, fix dates and times for its Ordinary and Standing Committee meetings.
- 2.2 If there is no resolution fixing the date and time for an Ordinary or Standing Committee meeting, the Chief Executive Officer must fix the date and time for the meeting.
- 2.3 Before the Chief Executive Officer fixes the date and time for an Ordinary or Standing Committee meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date and time for the meeting.

### **3. Times of Special Meetings**

- 3.1 The Chief Executive Officer must call a Special meeting of the Council if -
  - a) the Special meeting is required by a resolution of the Council; or
  - b) a written request for the Special meeting is lodged with the Chief Executive Officer under Section 3.2.
- 3.2 A written request for a Special meeting of Council must -
  - a) be signed by the Mayor or three or more Councillors; and
  - b) specify the purpose of the Special meeting; and
  - c) propose a day and time for the holding of the Special meeting.
- 3.3 The Chief Executive Officer may call a Special meeting to discuss any matter the Chief Executive Officer considers should be brought before Council.
- 3.4 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.

## **4. Notice of Meeting**

- 4.1 The Chief Executive Officer shall prepare or have prepared an agenda for each meeting including the reports for each agenda item excluding confidential reports.
- 4.2 Agendas shall be made available to Councillors as early as practical to allow Councillors sufficient time to consider items on the agenda.
- 4.3 Agendas are to be made publicly available on Council's website at the time the agenda is provided to Councillors.
- 4.4 If the meeting is to consider a confidential item, the agenda should clearly identify that the matter is confidential and provide a reason why the matter is to be dealt with in closed session.

## **5. Teleconferencing**

- 5.1 The Chairperson may allow a Councillor to participate in a Council or Standing Committee meeting by teleconference.
- 5.2 The Councillor must apply to the Chairperson to participate by teleconference as soon as practicable once the Councillor becomes aware of their intended absence.
- 5.3 A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting.

## **6. Commencement of Business**

- 6.1 The Council shall commence business at the time appointed for holding the meeting, or as soon thereafter (but before the expiration of 30 minutes) as a sufficient number of Councillors are present to constitute a quorum.

## **7. Quorum at Meetings**

- 7.1 A meeting quorum is a majority, being at least half of the members of a Council or Standing Committee meeting.
- 7.2 Business shall not be conducted at a meeting unless a quorum is present.
- 7.3 If at a meeting, a quorum is not present within 30 minutes after the time appointed for that meeting, the meeting may be adjourned to a later time of the same day or to any time not later than 14 days from the date of the adjournment by:
  - a) the Councillors present; or
  - b) the majority of the Councillors present; or
  - c) only one Councillor if that Councillor is the only Councillor present; or
  - d) the Chief Executive Officer if no Councillor is present.
- 7.4 If there is not a quorum of Councillors present at the meeting, then such circumstances, together with the names of the Councillors then present, shall be recorded in the minutes of the meeting.
- 7.5 If at any time following commencement of business a quorum is not present for reasons other than those specified in section 7.6, the Chairperson shall:
  - a) suspend the proceedings of the meeting for a period of 5 minutes;
  - b) record in the minutes of the meeting the names of those who are present if a quorum is not present at the end of the period of 5 minutes; and
  - c) adjourn the meeting to a later time of the same day or to any time not later than 14 days from the date of such adjournment.

- 7.6 In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, Council must resolve to –
- a) delegate the consideration and decision on the matter, pursuant to section 257 of the Local Government Act 2009; or
  - b) defer the matter to a later meeting; or
  - c) not decide the matter and take no further action in relation to the matter.
- 7.7 All Councillors including the conflicted Councillors may participate in the decision to delegate or defer a matter.
- 7.8 The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 7.9 If the matter cannot be delegated under an Act, 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.

## **8. Adjournment of Meetings**

- 8.1 The Councillors present at a meeting may at any time adjourn the meeting by procedural resolution.
- 8.2 The Chairperson may adjourn the meeting without resolution in accordance with Section 47, or for other reasons as deemed appropriate by the Chairperson.

## **Procedures for Ordinary and Special Meetings of Council**

### **9. Presiding Officer**

- 9.1 The Mayor will preside at an Ordinary or Special meeting of Council.
- 9.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 9.3 If both the Mayor and the Deputy Mayor, or the Mayor's delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

### **10. Agenda for Ordinary Meetings**

- 10.1 The Chief Executive Officer must ensure that each statutory notice of an Ordinary meeting includes an agenda listing the items to be discussed at that Ordinary meeting.
- 10.2 The agenda must include -
  - a) items required under the Standing Orders to be included on the agenda;
  - b) items that are by resolution of Council required to be included on the agenda; and
  - c) items whose inclusion on the agenda is requested by a Councillor in accordance with Section 15 Notified Motions.
- 10.3 The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.

### **11. Order of Business for Ordinary Meetings**

- 11.1 The order of business may be altered for a particular meeting at the discretion of the Chairperson.
- 11.2 Before proceeding with the business of the meeting, the Chairperson presiding at the meeting may undertake any acknowledgements and/or greetings deemed appropriate by the Chairperson.
- 11.3 Unless otherwise altered, the order of business shall be as follows:
  - a) Declaration of Opening
  - b) Attendance and Apologies
  - c) Confirmation of Minutes;
  - d) Mayoral Minutes;
  - e) Petitions;
  - f) Notified Motions;
  - g) Presentations
  - h) Deputations
  - i) Consideration of Committee Reports;
  - j) Officers' Reports;
  - k) Confidential Matters;
  - l) Public Question Time
  - m) Next Meeting and Closure.
- 11.4 Business not on the agenda or not fairly arising from the agenda shall not be considered at any meeting unless such meeting resolves to admit such business.

## **12. Confirmation of Minutes**

- 12.1 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.
- 12.2 No discussion shall be permitted with respect to the minutes except with respect to their accuracy as a record of the proceedings.

## **13. Mayoral Minutes**

- 13.1 The Mayor may, by a signed minute, introduce a matter within the jurisdiction or official cognisance of the Council which is not on the agenda.
- 13.2 A Mayoral minute may be moved by the Mayor from the Chair without being seconded.
- 13.3 A motion proposed by Mayoral minute and adopted by the Council is a resolution of the local government.

## **14. Petitions**

- 14.1 A Councillor may present a paper petition or electronic petition where the petition seeks to be presented to a meeting of Council and the petition substantially meets the relevant Council petition requirements provided for in section 14.4 and 14.5 below.
- 14.2 On presentation of a petition to a meeting of Council the only motion which may be moved is that:
- a) The petition not be received as it is deemed invalid, or
  - b) The petition be received and referred to the Chief Executive Officer to determine appropriate action, or
  - c) The petition be received and referred to the Chief Executive Officer or a Standing Committee for consideration and report back to a meeting of Council.
- 14.3 No debate on or in relation to a petition shall be allowed except the Councillor presenting the petition may speak to the petition for a period of not more than one minute.
- 14.4 In order for a paper petition to be eligible to be presented to Council, it must:
- a) Include the name and contact details of the Principal Petitioner (i.e, one person who is the organiser and who will act as the key contact for the issue);
  - b) Clearly state the relevant grievance and action requested of Council;
  - c) Clearly state that the petition seeks to be presented to the Council;
  - d) Be respectful and not contain any offensive language or content;
  - e) Contain a minimum of 10 signatures; and
  - f) Clearly state the purpose of the petition on each page of the petition.
- 14.5 In order for an electronic petition to be eligible to be presented to Council, by way of a hard copy cover document, it must:
- a) Identify the Principal Petitioner as defined under section 14.4 a);
  - b) Clearly state the relevant grievance and action requested of Council;
  - c) Clearly state that the petition seeks to be presented to the Council;
  - d) Clearly state how the parties to the petition were obtained i.e. via reply email confirmation or confirm click in a web interface;
  - e) Have attached a paper copy of the email or web interface referred to in item 14.5 d);
  - f) Be respectful and not contain any offensive language or content;
  - g) Have been responded to by a minimum of 10 persons who wish to be party to the petition;

- h) Contain the signature of the Principal Petitioner and written confirmation of how many persons have agreed to be party to the petition; and
- i) Contain a list that includes the name and suburb location of all parties to the petition.

## **15. Notified Motions**

- 15.1 A Councillor may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the Council by giving notice in writing, in the approved form, to the Chief Executive Officer at least seven days before the meeting.
- 15.2 The Chairperson shall rule out of order a motion which does not comply with section 15.1 of these Standing Orders.
- 15.3 Notified motions shall be dated and recorded by the Chief Executive Officer as received.
- 15.4 Where a Councillor who has given notice of a motion is absent or declines to move the motion, the motion may be –
  - a) moved by another Councillor; or
  - b) deferred to the next meeting.
- 15.5 Where the notified motion is not moved or deferred, it shall not again be reintroduced without a subsequent notice of motion duly given as provided in section 15.1.
- 15.6 At the meeting, a notified motion requires a seconder in order that it be dealt with.

## **16. Presentations**

- 16.1 The Chairperson may allow the Council to receive or provide acknowledgements, certificates, awards and appreciation from the community or other entities. The Chairperson may allow the Council to receive presentations from Council staff or other persons or entities.

## **17. Deputations**

- 17.1 A deputation wishing to attend and address an Ordinary meeting of Council shall apply in writing to the CEO not less than seven (7) business days before the meeting.
- 17.2 The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO 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.
- 17.3 Where it has been determined that a deputation be heard, the deputation and topic of the presentation must be included in the public agenda for the meeting.
- 17.4 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, generally no longer than 15 minutes unless decided otherwise by the meeting.
- 17.5 The Chairperson may terminate an address by a person in a deputation at any time where:
  - a) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting;
  - b) the time period allowed for a deputation has expired,
  - c) the person uses insulting or offensive language or is derogatory towards Councillors or staff members;
  - d) a member of the deputation other than the appointed speakers interjects or attempts to address the Council;
  - e) the person uses words or actions that discriminate or vilify based on a person's race, religion, sexuality or gender identity.



## **18. Consideration of Committee Reports**

- 18.1 If, in a report of a Committee, distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.
- 18.2 A recommendation of a Committee, or portion thereof, may be amended by the Council in any manner it may think fit.
- 18.3 A recommendation of a Committee adopted by the Council is a resolution of the local government.

## **19. Public Question Time**

- 19.1 Council may provide for a public question time at Ordinary meetings which shall be conducted in accordance with Council's Public Question Time Guidelines.
- 19.2 The Public Question Time Guidelines must be adopted by Council resolution and set out the purpose, format, obligations and requirements for the conduct of public question time.
- 19.3 Public question time does not apply to Committee or Special meetings of Council.

## **20. Non-member Participation in Meeting**

- 20.1 The Chairperson may allow a non-member to participate in the discussion of a particular item of business before the Council on conditions decided by the Council.

## **21. Agenda and Order of Business for Special Meetings**

- 21.1 The Chief Executive Officer must ensure that each statutory notice of a Special meeting includes an agenda listing the items to be discussed at that Special meeting.
- 21.2 The agenda must include items that have been specified on the Special meeting notice.
- 21.3 Before proceeding with the business of the meeting, the person presiding at the meeting may undertake any acknowledgements and/or greetings deemed appropriate by the Chairperson.
- 21.4 Unless otherwise altered, the order of business shall be as follows:
  - a) Declaration of Opening;
  - b) Attendance and Apologies;
  - c) Officers' Reports;
  - d) Confidential matters (if applicable);
  - e) Meeting Closure.
- 21.5 Business not specified on the Special meeting notice shall not be considered.

## **22. Prescribed Conflict of Interest**

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Standing Committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 22.1 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 22.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council meeting must immediately inform the meeting of the conflict of the interest.

- 22.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
- a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - b) if it arises because of an application or submission, the subject of the application or submission;
  - c) the name of any entity other than the Councillor that has an interest in the matter;
  - d) the nature of the Councillor's relationship with the entity that has an interest in a matter;
  - e) details of the Councillor's and any other entity's interest in the matter.
- 22.4 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.
- 22.5 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.

## **23. Declarable Conflict of Interest**

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Standing Committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the Local Government Act 2009.

When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:

- 23.1 A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
- 23.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must inform the meeting of the conflict of interest.
- 23.3 When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
- a) the nature of the declarable conflict of interest;
  - b) if it arises because of the Councillor's relationship with a related party:
    1. the name of the related party to the Councillor;
    2. the nature of the relationship of the related party to the Councillor;
    3. the nature of the related party's interest in the matter.
  - c) if it arises because of a gift or loan from another person to the Councillor or a related party:
    1. the name of the other person;
    2. the nature of the relationship of the other person to the Councillor or related party;
    3. the nature of the other person's interest in the matter;
    4. the value of the gift or loan and the date the gift or loan was made.
- 23.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

- 23.5 If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- 23.6 The other non-conflicted Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting. The Councillor must comply with any decision or condition imposed by the non-conflicted Councillors.
- 23.7 In deciding on a Councillor's declarable conflict of interest in a matter, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Local Government Act 2009.
- 23.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 23.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the particular circumstances of the matter including, but not limited to:
- a) how does the inclusion of the Councillor in the deliberation affect the public trust;
  - b) how close or remote is the Councillor's relationship to the related party;
  - c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
  - e) how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
  - f) how does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
  - g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 23.10 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- 23.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter e.g. briefing sessions or workshops.
- 23.12 In making the decision under 23.6 and 23.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 23.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

## **24. Reporting a suspected conflict of interest**

- 24.1 If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 24.2 The Chairperson then should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures to declare that conflict.
- 24.3 If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 24.4 The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures.
- 24.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

## **25. Recording Conflicts of Interest**

- 25.1 When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the Chairperson must ensure the minutes of the meeting record:
- a) the name of the Councillor who may have a prescribed or declarable conflict of interest;
  - b) the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
  - c) the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
  - d) the Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
  - e) the name of each eligible Councillor who voted and how they voted;
  - f) if the Councillor who declared the conflict voted on the matter, how they voted;
  - g) whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval.

## **26. Closed Meetings**

- 26.1 Council and Standing Committees may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
- a) the appointment, discipline or dismissal of the Chief Executive Officer;
  - b) industrial matters affecting employees;
  - c) the Council's budget;
  - d) rating concessions;
  - e) legal advice obtained by the Council or legal proceedings involving the Council including, for example, legal proceedings that may be taken by or against the Council;
  - f) matters that may directly affect the health and safety or an individual or a group of individuals;
  - g) negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council;

- h) negotiations relating to the taking of land by the Council under the Acquisition of Land Act 1967;
  - i) a matter the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or State.
- 26.2 A Council or Committee meeting cannot resolve that a meeting be closed where the meeting has been informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.
- 26.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must:
- a) delegate the matter; or
  - b) decide by resolution to defer to a later meeting; or
  - c) decide by resolution to take no further action on the matter.
- 26.4 A Council or Standing Committee must not make a resolution (other than procedural) in a closed session meeting.
- 26.5 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.
- 26.6 To take an issue into a closed session, the Council must first pass a resolution to do so in accordance with Section 31.10.
- 26.7 In the interests of accountability and transparency, the Council must specify the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
- 26.8 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.
- 26.9 The meeting minutes 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.

## **27. Motions**

- 27.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion, with the exception of Mayoral Minutes which are moved by the Mayor and do not require a seconder.
- 27.2 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.
- 27.3 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn or modified without the consent of the mover, seconder and Council.
- 27.4 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 27.5 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.
- 27.6 The Chairperson shall call the motions 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.

## **28. Motion to be Seconded**

- 28.1 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 Mayoral minutes.
- 28.2 A motion or an amendment which does not receive a seconder shall lapse.

## **29. Amendment of Motion**

- 29.1 An amendment to a motion shall be in terms which retain the identity of the original motion and does not directly negate the motion.
- 29.2 No more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 29.3 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 determined.
- 29.4 A Councillor who moves or seconds a motion may not propose or second an amendment to that motion.
- 29.5 Any amendment to a motion must be proposed before the mover of the motion has exercised their right of reply.
- 29.6 Where an amendment is carried, the original motion cannot become a further amendment.

## **30. Speaking to Motions and Amendments**

- 30.1 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.
- 30.2 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 until all Councillors who wish to speak have had the opportunity.
- 30.3 A Councillor may make a request from, or through, the Chairperson for further information or ask a question:
- a) before the motion or amendment is seconded; and
  - b) after the motion or amendment is seconded once the Councillor who moved the motion has been given the opportunity to speak.
- 30.4 A motion or amendment may be withdrawn or modified by the mover thereof with the consent of the seconder and 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 the seconder and Council for its withdrawal.
- 30.5 The mover of a motion or amendment shall have the right to reply with the exception of the procedural motion 'that the motion be put'. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 30.6 Once the right of reply has been exercised, the debate is closed
- 30.7 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 30.8 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 30.9 In accordance with Section 254H 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 advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

## 31. Procedural Motions

31.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, the following motions:

- a) that the motion be put;
- b) that the item, motion or amendment now before the meeting be deferred;
- 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) that the Chairperson's ruling be dissented from;
- g) to suspend Standing Orders or relevant provisions thereof (insert reason);
- h) that the meeting stand adjourned;
- i) that the meeting of Council be closed or opened to the public.

A procedural motion must be seconded.

31.2 That the motion be put -

- a) May be moved at any time to finalise debate of a motion unless the Councillor is the mover, seconder or has spoken to the original motion or subsequent amendment;
- b) If carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration;
- c) If lost, debate on the motion or amendment to that motion shall continue.

31.3 That the item, motion or amendment now before the meeting be deferred -

- a) Must specify a time or date, to which the debate shall be deferred;
- b) The matter about which the debate is to be deferred shall be included in the business paper for the meeting identified in Section 31.3a).

31.4 That the meeting proceed to the next item of business –

- a) 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.

31.5 That the matter lie on the table -

- a) May 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;
- b) Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper.

31.6 That the matter be taken from the table –

- a) May be moved at the meeting at which the previous procedural motion was carried.

31.7 That the Chairperson's ruling be dissented from -

- a) May be moved in relation to a ruling of the Chairperson. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made;
- b) Only the mover of the procedural motion and the Chairperson may speak to the procedural motion (in that order). No other Councillors may speak to the procedural motion;
- c) If carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made;
- d) If lost, the ruling of the Chairperson shall stand.

- 31.8 To suspend Standing Orders or relevant provisions thereof (insert reason) -
- a) May be moved by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule;
  - b) A motion to suspend a rule shall specify the purpose of such a suspension.
- 31.9 That the meeting stand adjourned -
- a) 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 the matter, and shall be put without debate;
  - b) 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.
- 31.10 That the meeting of Council be closed or opened to the public in accordance with the provisions of Section 254J of the Local Government Regulation 2012 –
- a) The motion must specify the nature of the matters to be considered and these matters must be in accordance with Section 254J of the Local Government Regulation 2012 and include an overview of what is to be discussed while the meeting is closed;
  - b) If carried, all members of the public shall leave and not re-enter the room where the meeting is being held until a procedural motion that the Council meeting be opened to the public is carried;
  - c) All debate in the course of a closed meeting shall be confidential;
  - d) Council must not make a resolution (other than a procedural resolution to re-open the meeting) in a closed session.

## **32. Points of Order**

- 32.1 Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed:
- a) that another Councillor has failed to comply with proper procedures;
  - b) that the matter before the Council is in contravention of the Local Government Act/Regulations or these Standing Orders; or
  - c) that the matter is beyond the jurisdictional power of Council.
- 32.2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.
- 32.3 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.
- 32.4 Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended. The Chairperson shall determine whether the point of order is upheld.
- 32.5 Notwithstanding anything contained in these Standing Orders to the contrary, all motions or points of order at any time arising shall, until decided, suspend the consideration and decision of every other matter.

## **33. Voting on a Motion**

- 33.1 Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer or other Council employee who is taking the minutes of the meeting.



- 33.2 The Chairperson will call for all Councillors in favour of the motion to indicate their vote for the motion. The Chairperson will then call for all Councillors against the motion to indicate their vote against the motion. The Chairperson shall declare the result of a vote once it has been determined.
- 33.3 Councillors shall vote by a show of hands or as directed by the Chairperson.
- 33.4 The Chairperson shall declare the result of a vote as soon as it has been determined. The names of Councillors voting in the affirmative and in the negative shall be recorded in the minutes or meeting notes of Council meetings.
- 33.5 Except upon a motion to repeal or amend it, a resolution shall not be discussed after the vote has been declared.
- 33.6 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.
- 33.7 No Councillor may abstain from a vote, and where they do so it will be taken as a vote in the negative.
- 33.8 Where a vote is tied between those in favour and those against, the Chairperson shall exercise a casting vote.

## **34. Repealing or Rescinding Resolutions**

- 34.1 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.
- 34.2 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 (3) months.

## **35. Questions**

- 35.1 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.
- 35.2 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.
- 35.3 A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for, or prior to, the next meeting.
- 35.4 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.
- 35.5 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.

## **Procedures for Standing Committee Meetings of Council**

### **36. Presiding Officer**

- 36.1 Council will choose the Chairperson for a Standing Committee meeting. This Chairperson will preside over meetings of the Standing Committee.
- 36.2 If the Chairperson of a Standing Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Standing Committee meeting.

### **37. Agenda for Standing Committee Meetings**

- 37.1 The Chief Executive Officer must ensure that an agenda is produced listing the items to be discussed at the meeting.
- 37.2 The agenda must include -
- a) items required under the Standing Orders to be included on the agenda; and
  - b) items that are by resolution of the Council required to be included on the agenda.
- 37.3 The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.

### **38. Order of Business for Standing Committee Meetings**

- 38.1 The order of business may be altered for a particular meeting at the discretion of the Chairperson.
- 38.2 Before proceeding with the business of the meeting, the Chairperson presiding at the meeting may undertake any acknowledgements and/or greetings deemed appropriate by the Chairperson.
- 38.3 Unless otherwise altered, the order of business shall be as follows:
- a) Declaration of Opening
  - b) Attendance and Apologies
  - c) Confirmation of Minutes of Previous Meeting
  - d) Presentations
  - e) Deputations
  - f) Matters referred from other Committees (for General Committee only);
  - g) Officers' Reports;
  - h) Confidential matters;
- 38.4 Business not on the agenda shall not be considered at any Standing Committee meeting.

### **39. Confirmation of Minutes of Previous Meeting**

- 39.1 The minutes of a preceding Committee meeting, not previously confirmed shall be taken into consideration, at every Standing Committee meeting, in order that such minutes may be confirmed.
- 39.2 No discussion shall be permitted with respect to the minutes except with respect to their accuracy as a record of the proceedings.

## **40. Presentations**

40.1 The Chairperson may allow the Council to receive or provide acknowledgements, certificates, awards and appreciation from the community or other entities. The Chairperson may allow the Council to receive presentations from Council staff or other persons or entities.

## **41. Deputations**

41.1 A deputation wishing to attend and address a Committee meeting shall apply in writing to the CEO not less than seven (7) business days before the meeting.

41.2 The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO 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.

41.3 Where it has been determined that a deputation be heard, the deputation and topic of the presentation must be included in the public agenda for the meeting.

41.4 For deputations comprising three or more persons, only three persons shall be at liberty to address the Committee unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation, generally no longer than 15 minutes unless decided otherwise by the meeting.

41.5 The Chairperson may terminate an address by a person in a deputation at any time where:

- a) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
- b) the time period allowed for a deputation has expired, or
- c) the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
- d) a member of the deputation other than the appointed speakers interjects or attempts to address the Council.
- e) the person uses words or actions that discriminate or vilify based on a person's race, religion, sexuality or gender identity.

## **42. Non-member Participation in meeting**

42.1 The Chairperson may allow a non-member to participate in the discussion of a particular item of business before the Committee on conditions decided by the Committee.

## **43. Procedures for Making Determinations at Standing Committee Meetings**

43.1 Decision making at Council's General Committee meetings is to be conducted in accordance with sections 22 - 35 of these Standing Orders.

43.2 In the conduct of all other Standing Committee meetings of Council, the Chairperson has the discretion to allow general discussion on a matter prior to consensus being reached and a formal motion being moved and seconded. Should no consensus be reached by the Standing Committee, the matter before the Standing Committee is to be referred to the General Committee for determination.

## **Maintenance of Good Order**

### **44. Conduct During Meetings**

- 44.1 Councillors will conduct themselves in accordance with the principles of the Local Government Act 2009 and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 44.2 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.
- 44.3 During Ordinary, Special and General Committee meetings, Councillors shall refer to each other by their respective titles, "Mayor" or "Councillor", and shall confine their remarks to the matter then under consideration.
- 44.4 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 44.5 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.
- 44.6 Unless exempted by the Chairperson, Councillors shall stand and address the Chairperson at Ordinary and Special meetings while moving any motion or amendment, seconding any motion or amendment, taking part in any discussion, replying to any question or addressing the Council for any other purpose. Only one person may stand at any one time.

### **45. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting**

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 45.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor.
- 45.2 If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may 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 or another warning is unwarranted, refer to 45.7 for the steps to be taken.
- 45.3 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:
  - a) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - b) apologising for their conduct;
  - c) withdrawing their comments.
- 45.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 45.5 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.
- 45.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

- 45.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides a warning is not appropriate under 45.3, the Chairperson may make one or more of the orders below:
- a) an order reprimanding the Councillor for the conduct;
  - b) 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.
- 45.8 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.
- 45.9 Following the completion of the meeting, the Chairperson must ensure:
- a) details of any order issued is recorded in the minutes of the meeting
  - b) if it is the third (3<sup>rd</sup>) or more order made within a 12-month period made against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct
  - c) the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.
- 45.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 45.1, 45.7 and 45.8.

## **46. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor (IA)**

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under section 45.9 b) of this document. When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:

- 46.1 The Council must 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. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the Local Government Regulation 2012 to discuss the allegation.
- 46.2 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- 46.3 Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 23. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 23. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.

- 46.4 The Council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the Local Government Act 2009 or deferred to another date when a quorum will be present.
- 46.5 If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 46.6, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
- 46.6 The council may order that no action be taken against the Councillor or make one or more of the following:
- a) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
  - b) an order reprimanding the Councillor for the conduct;
  - c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - d) an order that the Councillor be excluded from a stated Council meeting;
  - e) an order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the Council on a State Board or Committee;
  - f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
  - g) an order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- 46.7 A Council may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.
- 46.8 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, and the Chairperson must advise them of the details of the decision.
- 46.9 The Chairperson must ensure the meeting minutes reflect the resolution made.

## **47. Disorder**

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

## Public Attendance

### 48. Attendance of Public and Media at Council Meetings

- 48.1 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.
- 48.2 Members of the public are not permitted to bring signs or placards into the meeting venue.
- 48.3 Members of the public must not interrupt or obstruct the proper conduct of a Council meeting.
- 48.4 If a member of the public interrupts or obstructs the proper conduct of a Council meeting, the Chairperson may ask the person to withdraw from the meeting place.
- 48.5 A person asked to withdraw from a meeting place under section 48.4 must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period determined by the Chairperson.
- 48.6 If a person contravenes section 48.5, 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.
- 48.7 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- 48.8 No person shall operate any electronic or similar image, voice or camera recording device, during any meeting of the Council or a Standing Committee without the prior approval of the Chairperson. Where recording is approved, the Chairperson shall, before the commencement of such meeting, or the commencement of such recording, announce to the Councillors present that such approval has been granted.

#### Version Control

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

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New		Council	15/08/2019
2.0	Update to reflect new State legislation	Y	Council	19/11/2020