Cassowary Coast Regional Council

STANDING ORDERS

MDG-019

Better Together
The Orders are applicable to all general meetings and committee meetings of the council and, as far as appropriate, to meetings of subcommittees, and shall be construed subject to the Local Government Act 2009. Guiding Principles of Standing Orders should be fair and contribute to open, transparent and informed decision-making, sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.
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Part 1  Preliminary

1. **Short title**
   These Standing Orders may be cited as the Standing Orders Cassowary Coast Regional Council 2019.

2. **Background**
   Council meetings are the linchpin of local government democracy. They are where the key decisions are made—local governments set their policies, adopt their corporate plans, approve and adopt budgets, and make their local laws. Most decisions are taken in full local government and committee meetings.

   Council meetings are the most visible activity of the work of local government and their principal decision-making forums. They are the prime examples of accountable and transparent decision-making by local governments.

   In particular, as required under section 150F of the *Local Government Act 2009*, Council must adopt meeting procedures either by adopting the Model Meeting Procedures or prepare and adopt other procedures for the conduct of its meetings and meetings of its committees that are consistent with the Model Meeting Procedures.

3. **Purpose**
   The Purpose of these standing orders is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government Meetings and Local Government committee meetings.

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

4. **Definitions— the dictionary**
   The dictionary defines particular words used in these standing orders—
   - **Abstain** means if a Councillor does not vote for or against a motion, they will be taken to have abstained from voting and their vote will be recorded in the negative i.e. against the motion.
   - **Act** means the *Local Government Act 2009*
   - **Amendment**, in relation to an original motion, means a motion moving an amendment to that motion
   - **Chairperson**, in relation to a meeting of the council, means the person presiding at the meeting.
   - **Committee** means a committee established under the *Local Government Regulation 2012*.
   - **Conflict of Interest (COI)** means a Councillor has a COI if there is a conflict between their personal interest in a matter and the public interest that might lead to a decision that is contrary to the public interest. *If in doubt, Councillors should seek their own legal advice.*
   - **Inappropriate conduct** means conduct which contravenes a behavioural standard or a policy, procedure or resolution of the local government. — Refer s150K of the *Local Government Act 2009* for further details
   - **Material Personal Interest (MPI)** means that a Councillor stands to gain a benefit or suffer a loss, depending on the outcome of the Council decision, this relates also to a Councillors family members, partnerships, memberships etc.
**Misconduct** means conduct with adversely affects, directly or indirectly, the honest and impartial performance of the councillor’s functions, or the exercise of the councillor’s powers—Refer s150L of the *Local Government Act 2009* for further details.

**Motion** is a proposal to be considered by council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts a subject of the motion as an item of business for the council.

**Procedural Motion** means a motion set out in clause 35 of these Standing Orders and is a specific resolution to control the conduct of meetings and aid the effective transaction of business,

**Record** means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, photograph etc.) that is or has been made or received in the course of official duties by a Councillor or an employee of the council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council. Refer also to the *Information Privacy Act 2009 and associated principles*.

**Resolution** is a motion that has been passed by a majority of councillors at the meeting and is lawful.

**Unsuitable meeting conduct** means the conduct of a councillor which happens during a local government ordinary meetings or committee meeting; and contravenes a behavioural standard.

5. **Councillor responsibilities—attendance, participation, accountability**

Councillors must attend meetings regularly and vote on matters before a meeting. As elected representatives, councillors have an equal voice in all local government decisions.

These Standing Orders are a legislative requirement based on five local government principles (section 4, *Local Government Act 2009*)—

- Transparent and effective processes and decision-making in the public interest
- Sustainable development and management of assets and infrastructure, and delivery of effective services
- Democratic representation, social inclusion and meaningful community engagement
- Good governance of, and by, local government
- Ethical and legal behaviour of councillors and council employees.
Part 2  Meeting of the local government

Division1: Time of Meetings

6.  Times of ordinary meetings
   6.1 The local government may, by resolution, fix dates and times for its ordinary meetings.¹
   6.2 If there is no resolution fixing the date and time for an ordinary meeting, the CEO must fix the date and time for the meeting.
   6.3 Before the CEO fixes the date and time for an ordinary meeting, the CEO must, if practicable, consult with the mayor about the proposed date and time for the meeting.

7.  Time of special Meetings
   7.1 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 (7.2).

   7.2 A written request for a special meeting of the local government must—
       (a) be signed by the mayor or three or more councillors and
       (b) specify the object of the special meeting; and
       (b) propose a day and time for the holding of the special meeting.

   7.3 The CEO 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. The notice must be given, if practicable, at least 2 days before the day of the meeting. The only business that may be conducted at a special meeting is the business specified in the notice of meeting (section 258(3) LGR12).

¹ The local government must meet at least once in each month and a post-election meeting must be held within 14 days after the conclusion of the quadrennial elections.
Division 2: Agenda for Meetings

8. Agenda for meetings

8.1 The CEO must ensure that Councillors receive written notice of a meeting at least two clear days before the meeting (section 258(1) LGR12). In certain extraordinary circumstances less than two days' notice of a meeting may be necessary—for example, a natural disaster or local emergency. Each statutory notice of meeting includes an agenda listing the items to be discussed at the meeting.

8.2 The agenda must include—
   (a) items required under the Act 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 on the agenda is requested by a councillor; and
   (d) items the CEO considers appropriate for inclusion.

8.3 Items arising after the agenda for the meeting is made available to councillors, does not affect the right to discuss said items.

Division 3: Conduct of Meetings

9. Presiding officer

9.1 The mayor must preside at an ordinary or special meeting of the local government.

9.2 If the mayor is absent or unavailable to preside, the deputy mayor must preside.

9.3 If both the mayor and the deputy mayor are absent or unavailable to preside, a councillor chosen by the Councillors present at the meeting must preside at the meeting.

9.4 The chairing of local government and committee meetings can (but need not) be a formal process which is prescribed in the standing orders. However, the degree of formality observed in practice is largely at the discretion of the person presiding over the meeting (i.e. normally the mayor, or committee chair). An effective chair will permit considerable latitude in interpretation of the rules, so long as councillors demonstrate decorum and respect for due process and each other in the interest of making decisions which are fair and equitable with minimum loss of time.

10. Order of business

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

10.2 However, the local government may, by resolution, alter the order in which it proceeds with the business for a particular meeting.
11. **Quorum**

11.1 A quorum of an Ordinary Meeting is a majority of its Councillors.

11.2 However, if the number of councillors is an even number (including the Mayor) one-half of the number is a quorum.

11.3 If the number of Councillors (including the Mayor) is an odd number, then half of the next highest number.

12. **Adjournment of meetings**

12.1 The majority of councillors present at a meeting of a local government may adjourn the meeting to a later hour of the same day or to a later day.

12.2 If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by—
(a) a majority of the councillors present; or
(b) if only 1 councillor is present—the councillor; or
(c) if no councillors are present—the chief executive officer.

13. **Procedure at meetings**

13.1 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.

13.2 However, the local government may, by resolution:
(a) suspend a standing order; or
(b) over-rule a decision on a procedural question made by the chairperson.

14. **Admission of non-members to debate etc.**

14.1 The local government may, at its sole discretion, 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.

14.2 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  Maintenance of Good Order

Conduct of a Councillor during a Local Government meeting or committee meeting that contravenes a behavioural standard of the code of conduct is considered unsuitable meeting conduct.

15. Roll of the Chairperson in an instance of unsuitable meeting conduct

15.1 The Chairperson may:
   • Observe or
   • Be made aware of instances when possible unsuitable meeting conduct occurs.

15.2 When dealing with an instance of unsuitable meeting conduct the Chairperson decides:
   • If the conduct was engaged in by a councillor, and if so
   • If it constitutes unsuitable meeting conduct, and
   • The severity of the conduct.

15.3 The Chairperson must take into account if the Councillor has had any previous warnings issued about unsuitable meeting conduct.

15.4 If the chairperson decides that the Councillor has engaged in unsuitable meeting conduct, the Chairperson can request the Councillor to take remedial action. The remedial actions include:
   • Ceasing the unsuitable meeting conduct
   • Apologising for their behaviour
   • Withdrawing their comments.

15.5 If the Councillor complies with the remedial action, then no further action is required.

16. Acts of disorder by members of the local government

16.1 A member of the local government commits an act of disorder at a meeting of the local government 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
   (d) makes an intemperate statement reflecting adversely on the character or motives of a member or officer of local government; or
   (e) refuses or wilfully fails to comply with a lawful and appropriate direction given by the chairperson of the meeting.

16.2 If the complaint of inappropriate conduct is raised at any meeting of a Council or one of its committees the chairperson of the meeting may:
   (a) order that the member make a retraction or apology; and/or
   (b) order that the councillor’s inappropriate conduct be noted in the minutes of the meeting; and/or
   (c) order that the councillor leave the meeting for the remainder of its duration;
   (d) order that a councillor who fails to leave the meeting when so ordered, be removed from the meeting place.
17. Failure to comply with remedial action

17.1 If the Councillor fails to comply with the remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued by the Chairperson.

17.2 If the Councillor complies following the Chairperson’s warning, then no further action is taken.

17.3 If the Councillor continues to fail to comply with the remedial action following the Chairperson’s warning, then the Chairperson may make one or more orders including:
- A reprimand for the Councillor’s conduct
- An order requiring the Councillor to leave the Council meeting, including the public gallery, and stay away for the duration of the meeting.

17.4 If a Councillor does not comply with the order to leave and stay away from the meeting, the Chairperson can order the Councillor to be removed from the meeting by an authorised person.

18. Recording of orders

18.1 At the meeting’s conclusion the chairperson must ensure:
- That the details of any orders issued are recorded in the Minutes of the Meeting
- If it is the third or more order in 12 months for unsuitable meeting conduct, then it is dealt with at the next meeting as inappropriate conduct
- If the Councillor refused to leave the meeting when ordered, then it is dealt with at the next meeting as inappropriate conduct.
- The Chief Executive Officer is advised to ensure details of any order made by the Chairperson must be updated in the Local Government’s Councillor Conduct Register

19. Privilege

It is important to note that, unlike Federal and State members of parliament, councillors do not enjoy ‘privilege’ or immunity from defamation proceedings related to statements made in council or committee meetings. Councillors should therefore be aware that they cannot claim any privilege by virtue of their elected office in the event that defamation proceedings are brought against them.

20. Acts of disorder by non-members

20.1 A person who is not a member of the local government must not interrupt or obstruct the proper conduct of a meeting of the local government.

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

20.3 A person asked to withdraw from a meeting place under subsection (20.2) 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.

20.4 If a person contravenes subsection (20.3), 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.
Part 4  Record of Meetings

21. Minutes of meetings

21.1 Minutes of a meeting of the local government must include:
(a) a summary 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.

22. Audio and video recording of meetings

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

22.2 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 Chief Executive Officer.

Part 5  Standing orders

Division 1: Application of standing orders

23. Application

23.1 The standing orders in part 5 provide rules for the conduct of:
(a) meetings of the local government (other than a post-election meeting); and
(b) where applicable, committee meetings of the local government.

23.2 The standing orders shall apply to a post-election meeting of the local government as far as practicable.

23.3 Any provision of the standing orders may be suspended by resolution of a meeting of the local government.

23.4 A separate resolution is required for a suspension of a standing order.

23.5 A resolution to suspend a standing order must specify the application and duration of the suspension.

23.6 Where a matter arises at a meeting of the local government which is not provided for in the standing orders, the matter may be determined by resolution upon an urgent motion which may be put without notice, but otherwise in conformity with the standing orders.
23.7 For a motion to be determined as urgent under subclause 23.6 above, it must be a matter which is of such a critical matter that a decision is required immediately and could not wait to be dealt with by means of a notice or report at the next meeting. Such determination must be agreed by majority of the committee members in attendance.

Division 2: Procedures for meetings of the local government

24. Order of business

24.1 The order of business must be determined by resolution of the local government from time to time.

24.2 The order of business may be altered for a particular meeting where the Councillors at the meeting pass a motion to that effect.

24.3 A motion to alter the order of business may be moved without notice.

24.4 Unless otherwise altered pursuant to subsection (24.2), the order of business will be:-

Opening Prayer (periodically) and acknowledgement of country
(a) Opening of Meeting by Chairperson
(b) Apologies
(c) Council Register of Interest – update reminder
(d) Disclosure of Interests – Perceived, Material or Conflict
(e) Confirmation of Minutes of Meeting
(f) Business arising from the minutes of previous meetings
(g) Officer Reports
(h) Consideration of sub-committee reports (if applicable)
(i) Receipt of petitions
(j) Consideration of notified motions
(k) General Business
(l) Confidential reports
(m) Meeting Closure

25. Meeting agenda

25.1 The chief executive officer must prepare or have prepared a meeting agenda for each meeting.

25.2 The agenda must, where practicable, be made available to Councillors 3 days prior to the meeting.

25.3 A meeting agenda shall include, but not be limited to:
(a) matters requiring attention from a previous meeting;
(b) officers’ reports;
(c) matters or recommendations referred to the local government by a sub-committee;
(d) any other business the local government or the CEO determines should be included in the meeting agenda.
26. **Petitions**
A petition is a formal request used to lobby a law-making body such as local government. It may request an amendment to general law or the review of an administrative decision. The Petition is placed before Council with the object of implementing the particular action or amendment. Petitioning is one of the traditional forms by which people can make requests direct to council.

26.1 Any petition may be presented for consideration by the local government must be in legible writing or typewritten and contain a minimum of 10 signatures.

26.2 For a petition to be considered at a meeting it must be delivered to the CEO at least two (2) days prior to the closure of the agenda. A petition must:
   (a) be an original document;
   (b) contain a cover page detailing the request, suggestion or grievance and the name of the principal petitioner;
   (c) In each subsequent page, contain the request, suggestion or grievance and signatures of supporting petitioners;
   (d) each page must be numbered (e.g. 1 of 5, 2 of 5 …);
   (e) be clearly written or printed and be free from erasures or alterations; and
   (f) not contain offensive, defamatory, indecent, or abusive language or substance.

26.3 Where a petition is put to a meeting without notice, no debate on or in relation to the petition 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 a future meeting; or
   (b) the petition be received and referred to a committee or the chief executive officer for consideration and a report to the local government; or
   (c) the petition not be received.

27. **Deputations (There are no legislative requirements associated with this item)**
Deputations are a public process and as such the identity of persons making a deputation to council will be on the public record.

27.1 A deputation wishing to attend and address Council must do so by application to the chief executive officer.

27.2 The chief executive officer must notify the mayor who must determine whether the deputation may be heard.

27.3 The chief executive officer must inform the deputation of the determination.

27.4 Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed.

27.5 For deputations comprising 3 or more persons, only 3 persons may be heard unless the chairperson or local government determines otherwise by resolution.

27.6 A deputation must be given an adequate opportunity to explain the purpose of the deputation.

27.7 The chairperson of a meeting may terminate an address by a person in a deputation at any time if:
   (a) the chairperson has allotted a specific period of time for a person’s address and the period of time has elapsed; or
(b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
(c) the person uses insulting or offensive language.

Division 3: Motions

28. Motions

A 'motion' is a statement of position on an issue that has been formally proposed for debate by the local government or committee. There are two types of motions—

- Formal — a proposition that requires or acknowledges action that has to be carried out or has been carried out. It can also state a view or preferred position on a particular issue. A small number of formal motions are routinely presented for consideration at a council meeting e.g., 'That the minutes of the previous meeting be confirmed and adopted'.
- Procedural — can be employed in specific ways to control the conduct of meetings e.g. 'That the debate be adjourned'; 'That the motion lie on the table'.

28.1 A motion brought before a meeting in accordance with the Act or the standing orders may be received and put to the meeting by the chairperson.

28.2 The chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.

28.3 The chairperson may call the notices of motion in the order in which they appear on the meeting 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.

28.4 An item on the meeting agenda must not be removed from the agenda where a councillor at the meeting objects to it being removed. In the event, that there is disagreement as to the removal of an item on the agenda, its removal or not, shall be determined by means of a vote.

28.5 When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.

28.6 Moving and seconding motions may be done by raising a hand while seated.

29. Absence of mover of motion

29.1 Where a councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be moved by another councillor at the meeting, or deferred to a future meeting.

30. Motion to be seconded

30.1 A motion or an amendment to a motion must not be debated at a meeting of the local government unless or until the motion or the amendment is seconded, with the exception of a procedural motion.

30.2 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
30.3 Notwithstanding subsection (30.1), a councillor who moves a motion or an amendment to a motion may, with the permission of the chairperson, speak in support of the motion or amendment before it is seconded.

31. Amendment of motion

31.1 An amendment to a motion must:
(a) be in terms which retain the identity of the motion; and
(b) not negate the motion.

31.2 A councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

32. Speaking to motions and amendments

32.1 The mover of an amendment to a motion must read the amendment and state that the amendment is so moved, but must not speak to the amendment until it is seconded.

32.2 A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.

32.3 The mover of a motion has the right of reply.

32.4 The mover of an amendment to a motion has no right of reply.

32.5 Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.

32.6 Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.

32.7 Before speaking a Councillor must be recognised by the Chairperson.

33. Method of taking vote

33.1 Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer.

33.2 The chairperson must, in taking the vote on a motion or an 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.

33.3 The local government must vote by a show of hands or as otherwise directed by the chairperson.

33.4 Any councillor may call for a division however this must be done prior to the chairperson calling for the vote.

33.5 If a division is taken, the chief executive officer must record:
(a) the names of the Councillors voting in the affirmative; and
(b) the names of the Councillors voting in the negative (including any abstention which is recorded in the negative) in the minutes of the meeting.

33.6 The chairperson must declare the result of a vote or a division as soon as it has been determined. The names of Councillors voting for and against the motion are recorded in the minutes.

34. Repealing or amending resolutions

34.1 A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of these standing orders.

34.2 Where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.

34.3 Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than 3 months.

35. Procedural motions

35.1 At a meeting, a councillor may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a procedural motion):
(a) that the question/motion be now put to the vote; or
(b) that the motion and amendment now before the meeting be adjourned; or
(c) that the meeting proceed to the next item of business; or
(d) that the question/motion lie on the table; or
(e) a point of order; or
(f) a motion of dissent against a ruling on a point of order; or
(g) that a report or document be tabled; or
(h) to suspend the rule requiring that …; or
(i) that the meeting stand adjourned.

36. Motion that the question be put

36.1 A procedural motion that the question be put, may be moved without notice and without comment, at any time after a motion has been moved and seconded. The chairperson shall, without debate put the procedural motion and should it be carried the chairperson shall, without further debate put the motion before the meeting to the vote. Where the procedural motion is lost, debate on the motion shall continue and a procedural motion that the question be put may not be moved again for a period of 15 minutes.

37. Motion that debate be adjourned

37.1 A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.

37.2 A motion under subsection (37.1) must not adjourn debate on a matter the subject of a motion for more than 2 months after the date of the procedural motion.
38. **Motion to proceed to next item of business**

38.1 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter the subject of the motion must cease.

38.2 However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders.

39. **Motion that the motion lie on the table**

39.1 A procedural motion that a motion or question lie on the table can 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 the local government or a person is required) before the matter may be concluded at the meeting.

40. **Points of order**

40.1 A councillor may ask the chairperson to decide a point of order where it is believed that another councillor:

(a) has failed to comply with proper procedures; or

(b) is in contravention of the local law, the standing orders or the Act; or

(c) is beyond the jurisdictional power of the local government.

40.2 A point of order cannot be used as a means of contradicting a statement made by a councillor speaking about a matter.

40.3 Where a point of order is raised, consideration of the matter about which the councillor was speaking is suspended.

40.4 The chairperson must determine whether the point of order is upheld or not.

40.5 Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.

40.6 Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

41. **Motion of dissent**

41.1 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order.

41.2 Where a motion is moved under subsection (41.1), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.

41.3 Where a motion of dissent is carried:

(a) the matter to which the ruling of the chairperson was made must proceed as though that ruling had not been made; and

(b) where, as a result of a ruling of the chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.
42. **Motion that a report be tabled**

42.1 A motion that a report or document be tabled may be used by a councillor to introduce a report or other document to be included to a future meeting.

43. **Motion to suspend requirements of a rule**

43.1 A procedural motion to suspend the requirements of a rule may be made by a councillor in order to permit some action that otherwise would be prevented by the standing orders.

43.2 A motion under subsection (43.1) must specify the duration of the suspension.

44. **Motion that meeting stands adjourned**

44.1 A procedural motion that a meeting stands adjourned may be moved by a councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor’s time for speaking to the matter, and must be put without debate.

44.2 A motion under subsection (44.1) must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.

44.3 Where a motion under subsection (44.1) is lost, the chairperson must not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

44.4 The Chairperson may adjourn the meeting at any time during the course of a meeting.

**Division 4: Mayoral minute**

45. **Mayoral minute**

45.1 The mayor may direct the attention of the local government at a meeting of the local government to a matter or subject not on the agenda by a minute (a *mayoral minute*) signed by the mayor.

45.2 The mayor must deliver a copy of the mayoral minute for a meeting of the local government to the chief executive officer.

45.3 The mayoral minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.

45.4 The motion comprising the mayoral minute may be put by the mayor:
   (a) to the meeting of the local government without being seconded; and
   (b) at any stage of the meeting of the local government considered appropriate by the mayor.

45.5 If the motion comprising the mayoral minute is passed by the local government, the mayoral minute becomes a resolution of the local government.
Division 5: Conduct during meetings

46. Conduct during meetings

46.1 After a meeting of the local government has been formally constituted and the business commenced, a councillor must not enter or leave the meeting without first notifying the chairperson.

A councillor must address the chairperson while:
(a) moving any motion or amendment; or
(b) seconding any motion or amendment; or
(c) taking part in any discussion; or
(d) placing or replying to any question; or
(e) addressing the local government for any other purpose.

46.2 Councillors must address each other during a meeting by their respective titles, “mayor” or “councillor”, and in speaking of or addressing officers must:
(a) designate them by their respective official or departmental title; and
(b) confine their remarks to the matter then under consideration.

46.3 Councillors must remain seated and silent while a vote is being taken except when otherwise instructed.

46.4 A councillor must not make personal reflections on or impute improper motives to another councillor or any officer of the local government.

46.5 A councillor must not interrupt another councillor who is speaking except upon a point of order being raised either by the chairperson or the councillor.

46.6 If the chairperson intervenes during the process of a debate, any councillor then speaking or offering to speak, and each councillor present, must preserve strict silence so that the chairperson may be heard without interruption.

46.7 Prior to the commencement of a meeting, Councillors must leave their telephones outside the meeting place as directed by the Minute Secretary or the Chairperson.

46.8 Time management is of utmost importance, all meetings will commence at the prescribed time stated on the Agenda. Councillors are expected to ensure they comply unless there is a valid reason for not doing so.

Division 6: Questions

47. Questions

47.1 At a meeting a councillor may ask a question for reply by another councillor or an officer of the local government regarding any matter under consideration at the meeting.

47.2 A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.

47.3 A councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or some specific future meeting.
47.4 A councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.

47.5 The chairperson may disallow a question which he or she considers is inconsistent with good order or relevant to the debate or matter under consideration.

47.6 A councillor may move a motion that a ruling of the chairperson under subsection (47.5) be disagreed with, and if such motion is carried, the chairperson must allow the question.

**Division 7: Disorder and business**

48. **Disorder**

48.1 The chairperson may, where disorder arises at a meeting, adjourn the meeting for 30 minutes and quit the role of chairperson.

48.2 On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.

48.3 Where a motion under subsection (48.2) is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

49. **Business of objectionable nature**

49.1 At a meeting, if the chairperson or a councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the chairperson may declare on a point of order, that the matter not be considered further.

**Division 8: Attendance and non-attendance**

50. **Attendance of public and media at meetings**

50.1 An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.

50.2 If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting. Council officers may also be excluded. Refer s.275 Local Government Regulation 2012.

50.3 Each councillor present at a meeting of the local government will have their names recorded by the chief executive officer.

51. **Public participation at meetings**

51.1 The chairperson may invite a member of the public to take part in the proceedings of a meeting.

51.2 Except when invited to do so by the chairperson pursuant to subsection (47.1), a
member of the public must not take or attempt to take part in the proceedings of a meeting.

51.3 During debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.

51.4 If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the chairperson may require the member of the public to cease making the submission or comment.

51.5 For any matter arising from a submission or comment from a member of the public, the local government may:
(a) refer the matter to a committee; or
(b) deal with the matter immediately; or
(c) place the matter on notice for discussion at a future meeting; or
(d) note the matter and take no further action;
(e) take no action.

51.6 Any person invited to address a meeting must:
(a) stand, act and speak with decorum; and
(b) frame any remarks in respectful and courteous language.

51.7 If a person is considered by the local government, mayor or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting.

51.7 Failure to comply with a direction given under subsection (45.6) may be considered an obstruction of the proper conduct of the meeting and may be removed from the meeting.

51.8 If a person in the public gallery at the place where a meeting is taking place has an item of communication equipment, for example, a mobile telephone or an audible pager, the chairperson of the meeting may direct the person to turn off the item of communication equipment.

51.9 Failure to comply with a direction given under subsection (45.9) may be considered an obstruction of the proper conduct of the meeting and may be removed from the meeting.

Division 9: Committees

52. Standing Orders, as for Council Meetings shall apply for all committees
52.1 Committee Chairperson Responsibility and Duties
52.1.1 To ensure a Committee Chairperson maintains a high level of knowledge, involvement and community engagement with respect to the operational requirements of the Committee, the Chairperson must conduct themselves in accordance with the following requirements as a minimum standard to ensure effectiveness within their role is maintained—
- Represent their committee in an official capacity across the whole of the Cassowary Coast region; and
- Be responsible for their committee and accept total responsibility within their purview; and
- Ensure meetings are conducted in a professional and timely manner;
and
• Assist, engage and participate with other committees (outside of the conduct of the committee meeting) when specifically called upon to do so.

**Division 10: Procedure not provided for**

53. **Procedure not provided for**

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

**Division 11: Interest**

54. **Informing of a Material Personal Interest (MPI)**

54.1 If a matter to be discussed at the local government meeting or committee is not an ordinary business matter, and a Councillor has a MPI in the matter, the Councillor must inform the meeting about their interest and state the nature of their interest including (section 175C) of the *Local Government Act 2009* (LGA):
- the name of the person or entity that stands to benefit or suffer loss, depending on the Council decision
- how a person or entity stands to gain or suffer a loss
- if the person who gains or suffers a loss is not the Councillor, then the nature of the relationship to the person or entity.

54.2 After informing of the MPI, the Councillor must leave the meeting and the place where the meeting is being held and be absent during discussion and voting unless the subject Councillor has Ministerial approval to participate in the meeting. The Councillor must not influence or attempt to influence the remaining councillors to vote on the matter in a particular way. Once the councillor has left, the meeting can continue to deal with the matter.

54.3 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the councillor must advise the chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

54.4 The Chairperson then should ask the councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 54.1.

54.5 **Recording MPIs**

The meeting minutes must reflect all the details of the MPI, including:
- the name of the Councillor
- the MPI
- the name of the person or entity that stands to benefit or suffer loss, depending on the Council decision
  - how a person or entity stands to gain or suffer a loss
If the person who gains or suffers a loss is not the Councillor, then the nature of the relationship to the person or entity whether the Councillor participated in the meeting, or was present during the meeting under Ministerial approval.

54.6 When the majority of Councillors have a MPI in a matter
If most councillors in a meeting inform of a MPI in a matter, the Council must delegate the matter. All Councillors may stay in the meeting to vote on delegating the matter. If the matter cannot be delegated, then Ministerial approval for the Councillors with the MPI to participate must be obtained. The Minister may provide a signed notice that allows councillors with a MPI to participate in the meeting if the matter could not be decided because:
- of the number of Councillor with obligations to leave the meeting, resulting in the Council losing its quorum or,
- most Councillors have a MPI and are obligated to leave the meeting, or
- the matter cannot be delegated (LGA s257)

55. Dealing with Conflicts of Interest (COI) in Council Meeting

55.1 Where the matter to be discussed at a Council or committee meeting and is not an ordinary business matter and a Councillor has a COI, the Councillor must inform the meeting about the personal interest. When informing of a personal interest, the Councillor must clearly identify the nature of the interest (LGA s.175E). If the personal interest arises because of the Councillor’s relationship with another person or receipt of a gift from another person, the Councillor must inform of:
- the name of the other person
- the nature of the relationship or value and date of receipt of the gift, and
- the nature of the other person’s interest in the matter.

55.2 Managing a COI in a meeting
If the Councillor does not leave the meeting after informing of their conflict of interest, they may advise the other Councillors why they are able to act in the public interest while remaining in the meeting. This could include previous advice from the Integrity Commissioner on their personal interest. The other Councillors must then decide:
- whether the councillor has a COI in the matter, and if it is decided that the Councillor has a COI
- Whether the Councillor must leave the meeting or may stay and participate in the meeting.

The decisions are made by resolution in the usual manner.

There is no requirement for the Councillor with a personal interest to leave the meeting while the other Councillors consider their decisions. The Councillor may answer questions on their personal interest during consideration of the decisions and may rely on legal advice or advice form the Integrity Commissioner about their personal interest to support their decision not to leave the meeting.

As the councillor with the personal interest is not entitled to vote on the decisions of the other Councillors, they are not taken to have cast a vote against the resolutions by not voting.
Councillors who elect or are required to leave the meeting for consideration of a matter due to a COI may remain in the meeting to decide on another Councillor’s personal interest if the interest is not the same as their own (e.g. having received a gift from the same person). Councillors with a MPI in a matter may also decide on another Councillor’s personal interest.

**Councillors can no longer deal with the decision to remain in the meeting themselves and the information they must provide to the meeting about their COI has been increased.**

55.3 Considerations for deciding on whether a Councillor remains in the meeting
When deciding whether a Councillor may stay in a meeting and vote following a decision of a COI, the other Councillors must consider significant variables such as:

- The size or significance of the benefit the subject Councillor stands to receive or benefit
- The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
- The closeness of any relationship the subject Councillor may have with a given person or group.

In making the decision it is irrelevant how the subject Councillor intended to vote on the issue or any other issue if that is known or suspected by the other Councillors.

55.4 Recording decisions
In the case of a COI the minutes must include:

- The name of the councillor with the COI
- The Councillor’s personal interest including the particulars of the personal interest mentioned by the Councillor
- The decisions made by the other Councillors regarding the personal interest and the reason for the decisions
- Whether the Councillor participated in the meeting, or the Councillor was present under Ministerial approval
- If the councillor voted on the matter and how the Councillor voted
- How most Councillors at the meeting voted on the matter.

55.5 When the majority of councillors inform of a personal interest
If the majority of Councillors at a meeting inform of a personal interest in a matter, they must delegate decision making to the Mayor, the CEO, a standing committee or joint standing committee, the chair of a standing committee or another Council for a joint government activity. All Councillors may stay in the meeting to vote on delegating the matter.

If the matter cannot be delegated, then Ministerial approval for the Councillors with the COI to participate in the discussion and vote must be obtained. Refer to item 54.4 for further details.

55.6 Reporting suspicions about another councillor’s COI or MPI
If a Councillor at a meeting reasonably believes, or reasonably suspects, that another Councillor has an MPI or COI in a matter and has not informed the meeting about the interest, the Councillor must advise the Chairperson, as soon as
practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

The Chairperson should ask a Councillor with a suspected MPI whether they do in fact have an MPI. If that is the case, the Councillor must follow the MPI process as stated above.

The Chairperson should ask a Councillor with the suspected COI to inform the meeting of any personal interest in the matter and follow the COI process as stated above.

If when asked, a Councillor advises they have no MPI or personal interest, then the Councillor can remain in the meeting. However, should the Councillor be subsequently found to have a MPI or personal interest about which they did not inform the meeting they may be subject to heavy penalties.

56. **Closed Meetings**
Local government and standing committees may resolve that a meeting be closed to the public if its councillors or members consider it necessary to discuss any of the following matters—
- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government’s budget
- Rating concessions or contracts proposed to be made by the Council or starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Council under the *Planning Act 2016*, including applications made to it under the Planning Act
- Business for which a public discussion would be likely to prejudice the interests of the Council or someone else or enable a person to gain a financial advantage.

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