



STANDING ORDERS FOR COUNCIL MEETINGS

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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.
- 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. ¹
- 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. ²

¹ The local government must meet at least once in each month (See section 257 (1) of the *Local Government Regulation 2012*).

² Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice (See section 258 (1) of the *Local Government Regulation 2012*). A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting (See section 258 (3) of the *Local Government Regulation 2012*).

4. Notice of Meeting

- 4.1 The Chief Executive Officer shall prepare or have prepared an agenda for each meeting. Agendas shall be made available to Councillors as early as practical to allow Councillors sufficient time to consider items on the agenda and are to be made publicly available on Council's website at the time the agenda is provided to Councillors.

5. Commencement of Business

- 5.1 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.
- 5.2 Business shall not be conducted at a meeting unless a quorum is present.

6. Adjournment of Meetings

- 6.1 The Councillors present at a meeting may at any time adjourn the meeting by procedural resolution.
- 6.2 The Chairperson may adjourn the meeting without resolution in accordance with Section 42, or for other reasons as deemed appropriate by the Chairperson.
- 6.3 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.
- 6.4 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.
- 6.5 If at any time following commencement of business a quorum is not present, 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.

Procedures for Ordinary and Special Meetings of Council

7. Presiding Officer

- 7.1 The Mayor will preside at an Ordinary or Special meeting of Council.
- 7.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 7.3 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.

8. Agenda for Ordinary Meetings

- 8.1 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.
- 8.2 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 13 Notified Motion.
- 8.3 The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.

9. Order of Business for Ordinary Meetings

- 9.1 The order of business may be altered for a particular meeting at the discretion of the Chairperson.
- 9.2 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.
- 9.3 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) Mayoral Minutes;
 - e) Petitions;
 - f) Notified Motions;
 - g) Presentations
 - h) Deputations
 - i) Reports from Committees;
 - j) Officers' Reports;
 - k) Confidential Matters;
 - l) Public Question Time
 - m) Next Meeting and Closure.
- 9.4 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.

10. Confirmation of Minutes of Meeting

- 10.1 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.
- 10.2 No discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

11. Mayoral Minutes

- 11.1 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.
- 11.2 A Mayoral minute may be moved by the Mayor from the Chair without being seconded.
- 11.3 A motion proposed by Mayoral minute and adopted by the Council is a resolution of the local government.

12. Petitions

- 12.1 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 12.4 and 12.5 below.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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 12.4 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 12.5 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.

13. Notified Motions

- 13.1 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.
- 13.2 The Chairperson shall rule out of order a motion which does not comply with section 13.1 of these Standing Orders.
- 13.3 Notified motions shall be dated and recorded by the Chief Executive Officer as received.
- 13.4 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.
- 13.5 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 13.1.
- 13.6 At the meeting, a notified motion requires a seconder in order that it be dealt with.

14. Presentations

- 14.1 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.

15. Deputations

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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.

16. Committee Reports

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

17. Public Question Time

- 17.1 Council may provide for a public question time at Ordinary meetings which shall be conducted in accordance with Council's Public Question Time Guidelines.
- 17.2 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.
- 17.3 Public question time does not apply to Committee or Special meetings of Council.

18. Non-member Participation in Meeting

- 18.1 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.

19. Agenda and Order of Business for Special Meetings

- 19.1 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.
- 19.2 The agenda must include items that have been specified on the Special Meeting notice.
- 19.3 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.
- 19.4 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.
- 19.5 Business not specified on the Special Meeting notice shall not be considered.

20. Material Personal Interest

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or Standing Committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- 20.1 A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - a) The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
 - b) How a person or other entity stands to gain the benefit or suffer the loss;
 - c) If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor’s relationship to the person or entity.
- 20.2 The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 20.3 Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
- 20.4 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.
- 20.5 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 20.1.
- 20.6 In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
 - a) the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Local Government Act; or
 - b) if the matter cannot be delegated under section 257 of the Local Government Act, the Local Government 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.
- 20.7 Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council’s website) record:
 - a) The name of the Councillor who has a material personal interest in the matter;
 - b) The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest;
 - c) Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

21. Conflict of Interest

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

- 21.1 A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
- a) The nature of the interest
 - b) If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
 1. the name of the other person;
 2. the nature of the relationship or value and date of receipt of the gift or benefit received; and
 3. the nature of the other person's interests in the matter.
- 21.2 The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- 21.3 The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) of the Local Government Act as to whether another Councillor may stay in the meeting.
- 21.4 If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- 21.5 If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way
- 21.6 When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
- a) The size or significance of the benefit the subject Councillor stands to receive or benefit;
 - b) The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision;
 - c) The closeness of any relationship the subject Councillor may have with a given person or group.
- 21.7 In making the decision under 21.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 21.8 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of 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.
- 21.9 The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 21.1.

- 21.10 In the event the majority of Councillors inform of a personal interest in a matter:
- a) the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Local Government Act, or
 - b) if the matter cannot be delegated under the section 257 of the Local Government Act, the Local Government 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.
- 21.11 Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
- a) The name of the Councillor who has declared the conflict of interest;
 - b) The nature of the personal interest, as described by the Councillor;
 - c) The decisions made under 21.3 and 21.5;
 - d) Whether the Councillor participated in the meeting under an approval by the Minister;
 - e) If the Councillor voted on the matter, how they voted;
 - f) How the majority of Councillors voted on the matter.

22. Closed Meetings

- 22.1 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:
- a) Appointment, dismissal or discipline of employees;
 - b) Industrial matters affecting employees;
 - c) Local Government's budget;
 - d) Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government;
 - e) Any action to be taken by the Local Government under the *Planning Act 2016* (PA), including applications made to it under the PA;
 - f) Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.
- 22.2 A Local Government or Standing Committee must not make a resolution (other than procedural) in a closed session meeting.
- 22.3 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.
- 22.4 To take an issue into a closed session, the Local Government must first pass a resolution to do so in accordance with Section 27.10.
- 22.5 In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- 22.6 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.
- 22.7 The minutes of a Local Government must detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

23. Motions

- 23.1 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.
- 23.2 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.
- 23.3 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.
- 23.4 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 23.5 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.
- 23.6 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.

24. Motion to be Seconded

- 24.1 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.
- 24.2 A motion or an amendment which does not receive a seconder shall lapse.

25. Amendment of Motion

- 25.1 An amendment to a motion shall be in terms which retain the identity of the original motion and does not directly negate the motion.
- 25.2 No more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 25.3 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.
- 25.4 A Councillor who moves or seconds a motion may not propose or second an amendment to that motion.
- 25.5 Any amendment to a motion must be proposed before the mover of the motion has exercised their right of reply.
- 25.6 Where an amendment is carried, the original motion cannot become a further amendment

26. Speaking to Motions and Amendments

- 26.1 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.
- 26.2 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.
- 26.3 A Councillor may make a request from or through the Chairperson for further information or ask a question before or after the motion or amendment is seconded.

- 26.4 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.
- 26.5 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.
- 26.6 Once the right of reply has been exercised, the debate is closed
- 26.7 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 26.8 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 26.9 In accordance with Section 273 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.

27. Procedural Motions

27.1 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 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 the rule requiring that (insert requirement)
- 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.

27.2 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.

27.3 That the 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 27.3a).

27.4 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.

27.5 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.

27.6 That the matter be taken from the table –

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

27.7 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.

27.8 To suspend the rule requiring that (insert requirement) -

- 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.

27.9 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.

27.10 That the meeting of Council be closed or opened to the public in accordance with the provisions of Section 275 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 275 Local Government Regulation 2012;
- 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 in accordance with section 27.9 b)) in a closed session.

28. Points of Order

28.1 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.

- 28.2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.
- 28.3 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.
- 28.4 Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended pursuant to section 25.2. The Chairperson shall determine whether the point of order is upheld.
- 28.5 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.

29. Voting on a Motion

- 29.1 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.
- 29.2 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.
- 29.3 Councillors shall vote by a show of hands or as directed by the Chairperson.
- 29.4 A Councillor may, before a matter is put to the vote by the Chair, call for the vote to be taken by Division. If a Councillor calls for a division, the names of those Councillors present and how they voted shall be recorded in the minutes of the meeting.
- 29.5 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- 29.6 The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 29.7 Except upon a motion to repeal or amend it, a resolution shall not be discussed after the vote has been declared.
- 29.8 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.
- 29.9 No councillor may abstain from a vote, and where they do so it will be taken as a vote in the negative.
- 29.10 Where a vote is tied between those in favour and those against, the Chair shall exercise a casting vote.

30. Repealing or Rescinding Resolutions

- 30.1 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*.
- 30.2 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.

31. Questions

- 31.1 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.
- 31.2 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.
- 31.3 A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice.
- 31.4 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.
- 31.5 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

32. Presiding Officer

- 32.1 Council will choose the Chairperson for a Standing Committee meeting. This Chairperson will preside over meetings of the Standing Committee.
- 32.2 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.

33. Agenda for Standing Committee Meetings

- 33.1 The Chief Executive Officer must ensure that an agenda is produced listing the items to be discussed at the meeting.
- 33.2 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.
- 33.3 The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.

34. Order of Business for Standing Committee Meetings

- 34.1 The order of business may be altered for a particular meeting at the discretion of the Chairperson.
- 34.2 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.
- 34.3 Unless otherwise altered, the order of business shall be as follows:
- a) Declaration of Opening
 - b) Attendance and Apologies
 - c) Presentations
 - d) Deputations
 - e) Matters referred from other Committees (for General Committee only);
 - f) Officers' Reports;
 - g) Confidential matters;
- 34.4 Business not on the agenda shall not be considered at any Standing Committee meeting.

35. Presentations

- 35.1 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.

36. Deputations

- 36.1 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.
- 36.2 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.
- 36.3 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.
- 36.4 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.
- 36.5 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.

37. Non-member Participation in meeting

- 37.1 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.

38. Procedures for Making Determinations at Standing Committee Meetings

- 38.1 Decision making at Council's General Committee meetings is to be conducted in accordance with sections 20 - 31 of these Standing Orders.
- 38.2 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

39. Conduct During Meetings

- 39.1 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.
- 39.2 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.
- 39.3 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.
- 39.4 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 39.5 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.
- 39.6 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.

40. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 40.1 The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- 40.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must 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, refer to 40.7 for the steps to be taken.
- 40.3 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.
- 40.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 40.5 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.
- 40.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

- 40.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, 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 meeting³.
- 40.8 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 by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.⁴
- 40.9 Following the completion of the meeting, the Chairperson must ensure:
- a) details of any order issued is recorded in the minutes of the meeting⁵
 - b) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA⁶
 - c) the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.
- 40.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 40.1, 40.7 and 40.8.

41. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government

- 41.1 Pursuant to section 150AF of the Local Government Act, after receiving a referral by the Independent Assessor or under paragraph 40.9 b) of this document of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.
- 41.2 After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the Local Government Act.
- 41.3 When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, the Local Government must:
- a) 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 the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the Local Government Regulation 2012.
 - b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 21.
 - c) The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.

³ Section 150I(2) of the LGA

⁴ Section 150I(2)(c) of the LGA

⁵ Section 150I(3) of the LGA

⁶ Section 150J of the LGA

- d) If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - 1. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - 2. an order reprimanding the Councillor for the conduct;
 - 3. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - 4. an order that the Councillor be excluded from a stated Local Government meeting;
 - 5. an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or Committee;
 - 6. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
 - 7. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- e) When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
- f) 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.
- g) The Local Government must ensure the meeting minutes reflect the resolution made.

42. Disorder

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

Public Attendance

43. Attendance of Public and Media at Council Meetings

- 43.1 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.
- 43.2 Members of the public are not permitted to bring signs or placards into the meeting venue.
- 43.3 Members of the public must not interrupt or obstruct the proper conduct of a Council meeting.
- 43.4 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.
- 43.5 A person asked to withdraw from a meeting place under section 43.4 must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period determined by the Chairperson.
- 43.6 If a person contravenes section 43.5, 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.
- 43.7 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- 43.8 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