

ORDINARY MEETING 18 AUGUST 2015	5.1
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GENERAL POLICIES – STANDING ORDERS FOR COUNCIL MEETINGS

Rebecca Assman, Manager Governance #462174

Darryl Crees, General Manager Corporate Services:

RECOMMENDATION:

That Council adopt the amended Standing Orders for Council Meetings General Policy

EXECUTIVE SUMMARY:

It will be a continuous process to review and update adopted policies as Council evolves organisationally and the business needs change. The Standing Orders for Council Meetings Policy is administrative in nature and only requires internal consultation.

This policy reinforces Council's commitment to the high standard of interaction and orderly conduct of Council Meetings. The amended policy is presented to Council for re-adoption.

In Council's Operational Plan 2015-2016 it was identified that a full review of the Standing Orders should be undertaken. This review will occur in the second half of the financial year.

BACKGROUND:

The Standing Orders for Council Meetings General Policy was adopted at the Ordinary Meeting of 20 May 2014. This General Policy provides written rules for the orderly conduct of Council Meetings and applies to all meetings of Council, other than the Post Election Meeting.

It has been recommended that five additional points be added to the policy.

These points are:

- The adding of "Petitions" under Section 3 Order of Business
- Section 14 (Speaking to motions and amendments), insert *unless permission is given in accordance with Clause 12.2*
- Section 18 (Conduct during Meetings), after sub-section 18.7, insert: -
18.8 Councillors must not make an audio or video recording of the proceedings of a Council meeting.
- In section 22 (Attendance of public at meeting), after sub-section 22.1, insert: -
22.1A. Members of the public must not make an audio or video recording of the proceedings of a Council meeting. If it is brought to the Chair's attention that a member of the public is making an audio or video recording of the proceedings of a Council meeting, the Chair may direct that person to withdraw immediately.
- After section 23, insert: -
23A. Attendance of staff at meeting
23A.1 Council staff must not make an audio or video recording of the proceedings of a Council meeting. If it is brought to the Chair's attention that a Council staff member is making an audio or video recording of the proceedings of a Council meeting, the Chair may direct the CEO to have that staff member withdrawn immediately.

For ease of reference these amendments to the policy have been highlighted in red coloured font in the attached General Policy.

These changes to the General Policy, regarding the recording of the meetings, have been instigated as a result of the admission by Cr Melchert that he has been recording Council Meetings and his failure to comply with requests to provide copies of these recordings after alleging that the Minutes of Council Meetings are not correct.

PROPOSAL:

That Council adopt the amended Standing Orders for Council Meetings General Policy.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

- 5.2.2 *Implement adopted policies and guidelines to ensure consistency in administrative management which also encourage innovation in Council operations.*

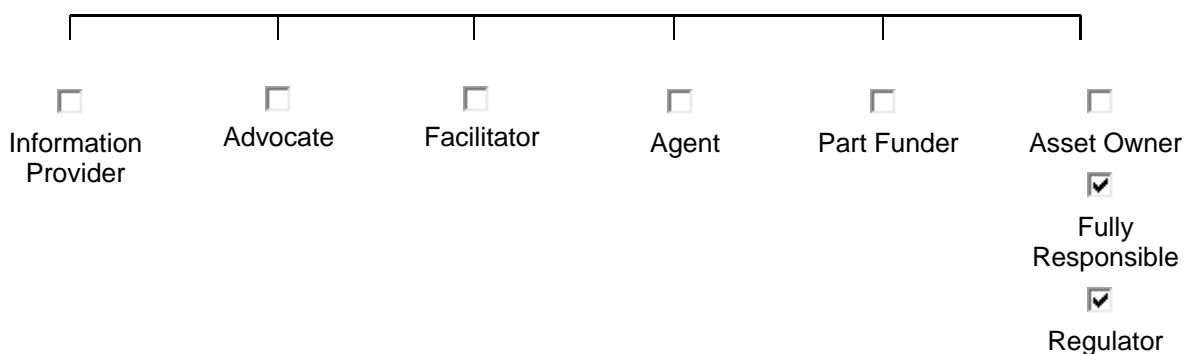
Operational Plan 2015-2016

- G7 *Review of existing Standing Orders for Council Meetings General Policy*

COUNCIL'S ROLE:

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:



Fully Responsible: Funding the full cost of a program or activity.

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

FINANCIAL/RESOURCE IMPLICATIONS:

Nil

RISK MANAGEMENT IMPLICATIONS:

Council's reputational standing will be enhanced as adoption of this policy demonstrates Council's commitment to establishing and maintaining sound governance principles throughout its operations.

ATTACHMENTS:

Standing Orders for Council Meetings General Policy.



STANDING ORDERS FOR COUNCIL MEETINGS GENERAL POLICY

Intent To provide written rules for the orderly conduct of Council Meetings.

Scope This policy applies to all meetings of the Douglas Shire Council, other than a Post-Election Meeting.

PROVISIONS

1. Standing Orders

- 1.1 The following Standing Orders provide rules for the conduct of meetings other than a post-election meeting of the Douglas Shire Council.
- 1.2 Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 1.3 Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matter shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

PART 1: PROCEDURES FOR MEETINGS OF COUNCIL

2. Presiding Officer

- 2.1 Unless otherwise resolved by Council, the Mayor will preside at a meeting of Council.
- 2.2 At those meetings at which the Mayor normally presides, if the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 2.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the councillors present at the meeting will preside at the meeting.

3. Order of Business

- 3.1 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the Acknowledgement of Country, in accordance with Council's Traditional Custodian Welcome to Country and Acknowledgement of Country General Policy.
- 3.2 The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.

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

- Attendances & Apologies
- Notice of Conflict of Interest and/or Material Personal Interest
- Mayoral Minutes
- Confirmation of Minutes
- Agenda Items as Listed
- Notice of Motion
- Urgent Business
- **Petitions**
- Consideration of any closed session items
- Consider recommendations arising from discussions in closed session.

3.4 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 and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

4. Council Reports

4.1 The CEO shall within such time as Council determines by resolution, prepare or have prepared a Council Report. Council Reports shall be made available to Councillors if practicable two (2) days prior to such meetings.

4.2 The Agenda may contain:

- Notice of meeting
- Minutes of the previous meetings
- Business arising out of previous meetings
- Business which the Mayor wishes to have considered at that meeting without notice
- Matters of which notice has been given
- Officers reports to Council referred to the meeting by the CEO
- Deputations and delegations
- Any other business Council determines by resolution be included in the business paper

5. Notice of Motion

5.1 A notice of motion must be submitted in writing to the Chief Executive Officer, ten (10) calendar days prior to the next Ordinary Council meeting. The Chief Executive Officer will make every attempt to list the notice of motion on the agenda for the next available Council Ordinary meeting.

6. Urgent Business

6.1 Matters of an urgent nature may be considered by Council however these items must be provided to the Chief Executive Officer twenty four (24) hours before the meeting. A matter of urgent nature is defined as a matter that requires a Council decision prior to the next scheduled Council Ordinary meeting.

7. Mayoral Minute

7.1 The Mayor may, by a signed minute, introduce a matter for consideration at a Meeting and the matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

8. Petitions

- 8.1 Any petition presented to a meeting of Council shall:
- be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - must 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); and
 - have the details of the specific request/matter appear on each page of the petition.
- 8.2 A petition may be presented to a meeting of Council by a Councillor who before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting shall:
- state the nature of the petition; and
 - read the petition.
- 8.3 A petition may be forwarded or handed to the CEO who shall present it at the first ordinary meeting of Council.
- 8.4 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that:
- the petition be received; or
 - the petition be received and referred to a committee or officer for consideration and a report to Council; or
 - the petition not be received as it was deemed invalid.
- 8.5 Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

9. Deputations

- 9.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
- 9.2 The CEO, on receiving an application for a deputation shall notify the Mayor 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 a time period allowed.
- 9.3 For deputations comprised of 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.
- 9.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chair may finalise the deputation.
- 9.5 The Chair may terminate an address by a person in a deputation at any time where:-
- the Chair is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.

- 9.6 A suitable designated officer will be identified and will assume responsibility for the deputation including that the appointed speaker/s is notified in writing of developments or future actions as appropriate.
- 9.7 A rolling report on the status and outcome of all deputations will be presented to Council on a quarterly basis.

PART 2: MOTIONS

10. Motions

- 10.1 A motion brought before a meeting of Council in accordance with the Act or these Standing Orders shall be received and put to the meeting by the Chair. The Chair may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 10.2 The Chair may call the notices of motion 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 Chair may put the motion to the vote without discussion.
- 10.3 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.

11. Absence of Mover of Motion

- 11.1 Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- moved by another Councillor at the meeting; or
 - deferred to the next meeting.

12. Motion to be seconded

- 12.1 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 Procedural Motions.
- 12.2 Notwithstanding clause 12.1, a Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chair in support of that motion or amendment before it is seconded.

13. Amendment of Motion

- 13.1 An amendment to a motion shall be in terms which retain the identity of the original motion and does not contradict the motion.
- 13.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 13.3 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- 13.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

14. Speaking to motions and amendments

- 14.1 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, **unless permission is given in accordance with clause 12.2**
- 14.2 A Councillor may make a request to the Chair for further information before or after the motion or amendment is seconded.
- 14.3 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 14.4 The mover of a motion shall have the right to reply. The mover of any amendment shall have no right of reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 14.5 Each speaker shall be restricted to not more than five (5) minutes unless the Chair rules otherwise.
- 14.6 Where two or more Councillors indicate they may wish to speak at the same time, the Chair shall determine who is entitled to priority.
- 14.7 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 officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

15. Method of taking vote

- 15.1 Before any matter is put to the vote, the Chair may direct the motion or amendment to be read again by the CEO. The Chair shall, in taking the vote on a motion or amendment put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- 15.2 Council shall vote by a show of hands as directed by the Chair. Any Councillor may call for a division on a question. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chair shall declare the result of a vote or a division as soon as it has been determined.
- 15.3 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- 15.4 Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote has been declared.
- 15.5 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

16. Rescinding or altering resolutions

- 16.1 A resolution of Council may not be altered or rescinded unless notice of motion is given in accordance with the requirements of the Local Government Act / Regulation.
- 16.2 Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three months after the date on which the first mentioned motion to rescind or alter was lost.
- 16.3 Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

17. Procedural motions

- 17.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
- that the question/motion be now put
 - that the motion and amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against a point of order
 - that this report/document be tabled
 - to suspend the rule required that....
 - that the meeting stand adjourned
- 17.2 A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chair shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- 17.3 The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
- a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 17.4 Where a procedural motion that the meeting proceed to the next item is carried, 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.
- 17.5 A procedural motion, that the question lie on the table, shall only be moved where the Chair or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 17.6 Any Councillor may ask the Chair to decide on a 'point of order' where it is believed that another Councillor has:
- failed to comply with proper procedures,

- is in contravention of the *Local Government Act / Regulations*, or
- is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to clause 12.2. The Chair shall determine whether the point of order is upheld.

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

- 17.7 A Councillor may move 'a motion of dissent' in relation to a ruling of the Chair on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chair was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- 17.8 The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting. On tabling the document it ceases to be a confidential document and is available for public scrutiny.
- 17.9 A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 17.10A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

18. Conduct during Meetings

- 18.1 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chair.
- 18.2 Councillors may address the chair while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
- 18.3 Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
- 18.4 Councillors shall remain seated and silent while a vote is being taken except when demanding a division.

- 18.5 No Councillor shall make personal reflections on or impute improper motives to any other Councillor.
- 18.6 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chair or by a Councillor.
- 18.7 When the Chair 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 Chair may be heard without interruption.
- 18.8 Councillors must not make an audio or video recording of the proceedings of a Council meeting.

PART 3: QUESTIONS

19. Questions

- 19.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
- 19.2 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.
- 19.3 The Chair may disallow a question which is considered inconsistent with good order, provided that a Councillor may move a motion that the Chair's ruling be disagreed with, and if such motion be carried the Chair shall allow such question.

PART 4: MAINTENANCE OF GOOD ORDER

20. Disorder

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

21. Business of Objectionable nature

- 21.1 If at a meeting of Council the Chair or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chair or another Councillor may move a motion to declare a point of order that the matter not be considered further.

PART 5: ATTENDANCE AND NON-ATTENDANCE

22. Attendance of public media at meeting

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

22.1A. Members of the public must not make an audio or video recording of the proceedings of a Council meeting. If it is brought to the Chair's attention that a member of the public is making an audio or video recording of the proceedings of a Council meeting, the Chair may direct that person to withdraw immediately.

22.2 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.

22.3 The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation*. The Chair may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

23. Public Participation at meetings

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

23.2 In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. A reasonable time period will be allotted and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.

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

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

- refer the matter to a committee
- deal with the matter immediately
- place the matter on notice for discussion at a future meeting
- note the matter and take no further action.

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

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

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

23A. Attendance of staff at meeting

23A.1 Council staff must not make an audio or video recording of the proceedings of a Council meeting. If it is brought to the Chair's attention that a Council staff member is making an audio or video recording of the proceedings of a Council meeting, the Chair may direct the CEO to have that staff member withdrawn immediately.

PART 6: COMMITTEES

24. Reports by Committees

- 24.1 All committee reports shall be submitted to the Council under the signature of the CEO or delegate of the CEO and must be in accordance with the adopted Terms of Reference for that Committee.
- 24.2 If in a report of a Committee distinct recommendations are made, the decision of Council may be taken separately on each recommendation.

25. Attendance of Committee Meetings

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

26. Public in Committee Meeting

- 26.1 Any person not being a Councillor of Council shall only take part in a Committee debate if so invited by Chair.
- 26.2 Any person or persons wishing to attend and address a Committee meeting, must make written application to the CEO not less than seven (7) clear days before the meeting. The matter must be in accordance with the Terms of Reference for that Committee. The Committee Chair in consultation with the Mayor shall determine whether such matter shall be heard. A deputation or personal address shall be given a reasonable time to speak. No more than three members of a deputation shall address the Committee except in reply to questions from members of the Committee.

27. Procedure not Provided For

- 27.1 If an appropriate or adequate method of dealing with any matter is not provided for in the standing orders, the method of dealing with the matter may be determined by resolution upon a motion which may be put without notice in conformity with the standing orders.



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

General Manager Responsible for Review:

General Manager Corporate Services

**ORIGINALLY ADOPTED: 20 May 2014
CURRENT ADOPTION: 20 May 2014
DUE FOR REVISION: 20 May 2018
REVOKED/SUPERSEDED:**