

## **5.4. ADOPTION OF UPDATED POLICY - STANDING ORDERS FOR COUNCIL MEETINGS**

**REPORT AUTHOR(S):** Joanne Jacobson, Manager Governance  
**GENERAL MANAGER:** Darryl Crees, General Manager Corporate Services  
**DEPARTMENT:** Governance

### **RECOMMENDATION**

**That Council adopt the updated Standing Orders for Council Meetings General Policy.**

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### **EXECUTIVE SUMMARY**

The Standing Orders for Council Meetings General Policy determines the processes and procedures for conducting Council meetings. This policy has been updated to reflect current meeting protocols and practices and is presented to Councillors for their review and adoption.

### **BACKGROUND**

The project to review this policy was included as an item for action in the 2015-16 Operational Plan.

### **CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE**

This report has been prepared in accordance with the following:

#### **Corporate Plan 2014-2019 Initiatives:**

##### **Theme 5 - Governance**

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

#### **Operational Plan 2015-2016 Actions:**

*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:

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

## **CONSULTATION**

**Internal:** Executive Leadership Team

**External:** Nil

## **ATTACHMENTS**

Attachment 1 - 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. A seconder to the motion is required and a vote taken to resolve to alter the order of business.

3.3 Unless otherwise altered, the order of business for ordinary Council meetings 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
- Consideration of recommendations arising from discussions in a 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) working days prior to such meetings.

#### **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 day of 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 an 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 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; and
- 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.
  - Electronic petitions will be considered, however they must include:
    - the name and contact details of the Principal Petitioner who will act as the key contact for the issue; and

- State the details of the specific request/matter appear on each electronic correspondence of the petition.
- 8.2 A petition may be presented to a meeting of Council by a Councillor who before presenting the petition, shall, where practical, 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 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 responsible officer for consideration and a report to Council; or
  - the petition not be received as it is deemed invalid.
- 8.4 With the exception of Clause 8.3, a petition may be forwarded or handed to the CEO who shall present it at the next available ordinary meeting of Council.
- 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.

## **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 and Mayoral Minutes.

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 has been successfully amended by majority vote of Council and has become the substantive motion, the original recommendation can not be considered as an amendment to the substantive motion.

#### **14. Speaking to motions and amendments**

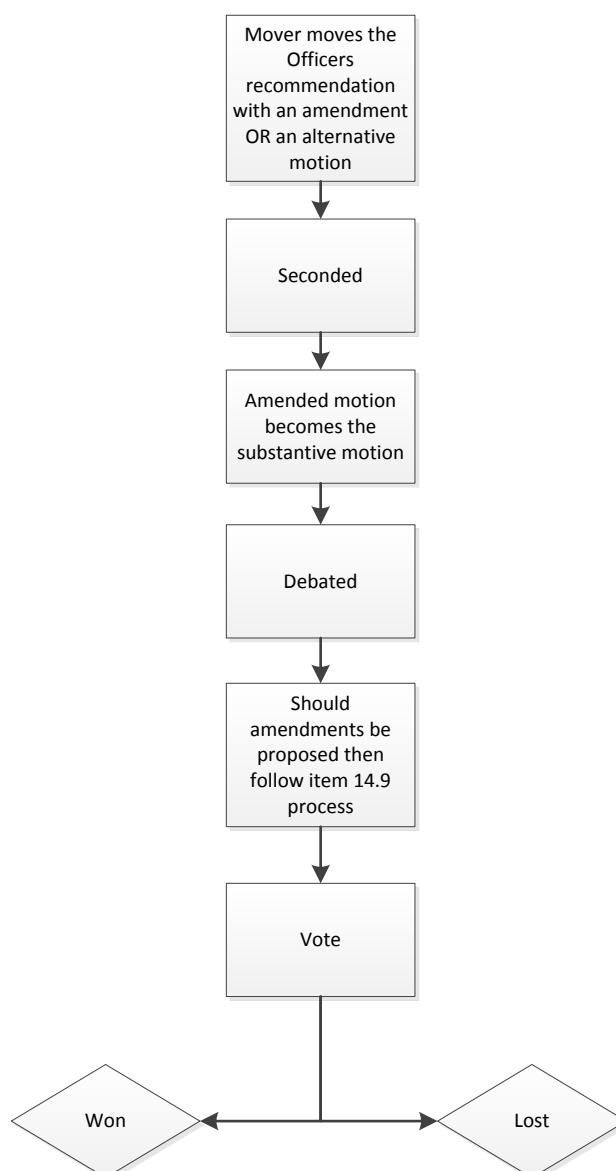
14.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded, unless permission is given in accordance with Clause 12.2

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 the Chair, which shall be done without debate, and a Councillor shall not speak upon such motion or amendment thereafter once the mover has been granted permission by the Chair for its withdrawal.

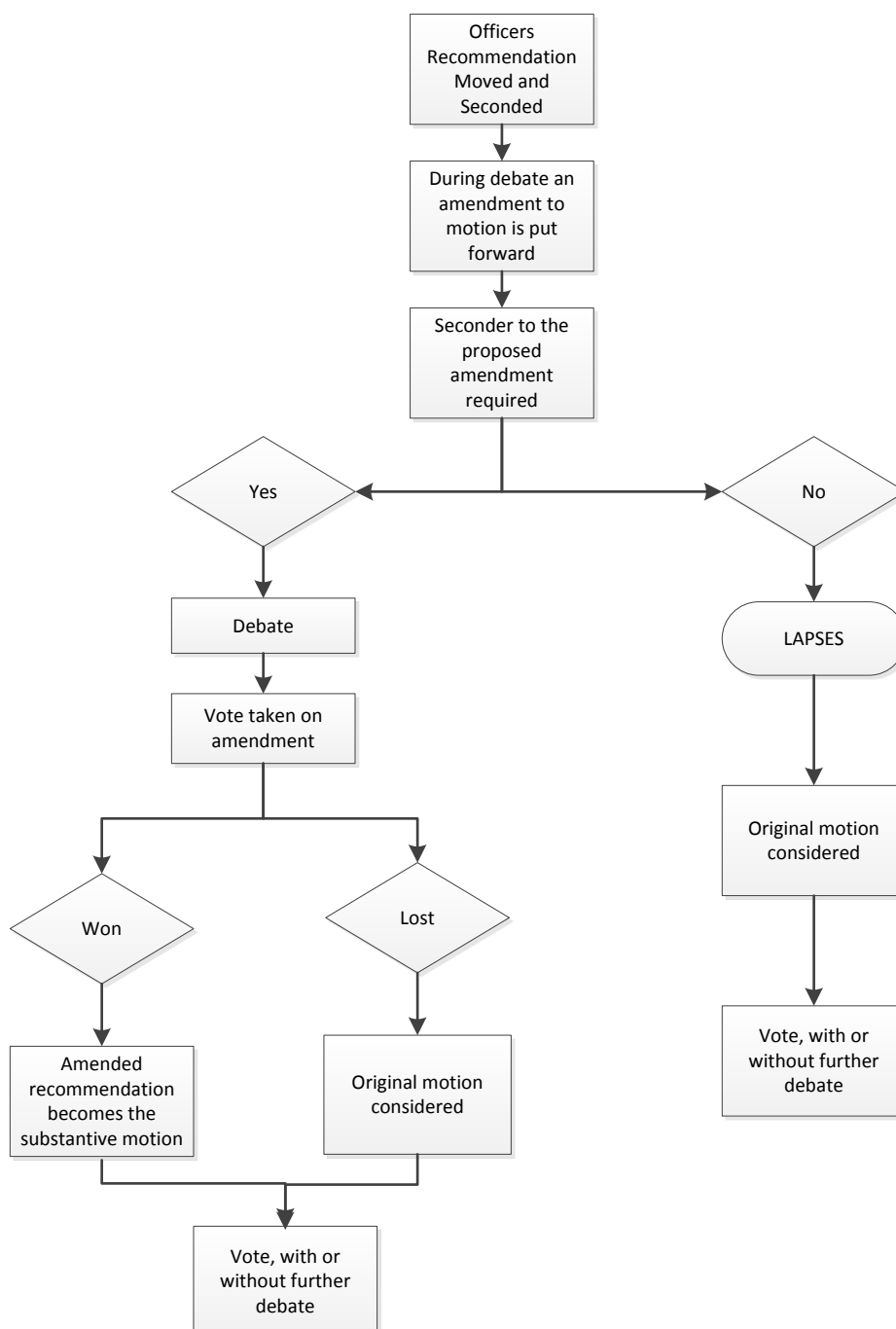
14.4 The mover of a motion shall have the right of reply. The mover of any amendment shall have no right of reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply unless the Chair rules otherwise.

- 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 ,If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting may need to include a statement of the reasons for not adopting the recommendation or advice as required by Section 273 of the *Local Government Regulation 2012*.
- 14.8 The following provides a summary of the process when moving the original recommendation with an amendment:
- 14.8.1 Mover moves the Officer's recommendation with an amendment or an alternative motion
- 14.8.2 The motion is seconded
- 14.9.3 The amended motion becomes the substantive motion
- 14.9.4 The Chair opens the substantive motion to debate
- 14.9.5 Should amendments be proposed then follow item 14.9 (below) process
- 14.9.6 The substantive motion is put to the vote



14.9 The following provides a summary of the process when an amendment to a motion is moved:

- 14.9.1 The Officer recommendation is moved and seconded
- 14.9.2 During debate an amendment to the motion is put forward
- 14.9.3 Secunder to the proposed amendment is required
- 14.9.4 If the motion is seconded:
  - a) The Chair opens the proposed amendment to debate
  - b) A vote on the amendment is taken
    - i) If the vote is won the amendment becomes the substantive motion
    - ii) If the vote is lost the original motion is considered and becomes the substantive motion
- 14.9.5 The substantive motion is put to the vote, with or without further debate
- 14.9.6 If amendment or substantive motion is not resolved further amendments may be considered following steps 14.9.2 – 14.9.5 above.





## 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. The names of all Councillors voting and how they voted will be reflected in the minutes. There is no abstaining from the voting and if a Councillor does not indicate their vote by a show of hand, their vote will be taken as in the negative.
- 15.3 If a report contains multiple distinct recommendations, the decision of Council may be taken separately on each recommendation.

## 16. Repealing or amending resolutions

- 16.1 A resolution of Council may not be amended or repealed unless a notice of motion to amend or repeal the resolution is given in accordance with the requirements of Section 262 of the *Local Government Regulation 2012*.
- 16.2 Where a motion to repeal or amend 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 repeal or amend was lost.

## 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 a procedural motion is lost, the 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 agenda 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 agenda. 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 move 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 by Council. 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 agenda 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. The report/document that is being tabled must be relevant to the agenda item being debated.
- 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.
- 17.10 A procedural motion, that the 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 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.
- 18.9 (1) The Council may direct that an audio or video recording of a meeting of the local government or a local government committee be made for the purpose of verifying the accuracy of the minutes of the meeting. The Chair will advise all parties present that the meeting is being recorded.
- (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 Council.

### **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 a 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 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.

22.2 Members of the public must not make an audio or video recording of the proceedings of a Council meeting, unless permitted by the Chair. 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.

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

22.4 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 2012*. 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 partake or attempt to partake in the proceedings of a meeting.

23.2 In a 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 the Chief Executive Officer for appropriate action.
- 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.

#### **24. Attendance of staff at meeting**

24.1 Unless permitted by the Chair, 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.

#### **25. Procedure not Provided For**

25.1 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.

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**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: 7 June 2016**

**DUE FOR REVISION: 1 June 2020**

**REVOKED/SUPERSEDED:**