

## BARCOO SHIRE COUNCIL POLICY STANDING ORDERS POLICY

Policy Number: BSC031	Version: 1
Classification: Statutory	Section: Executive - Governance
Date Adopted by Council: 14.02.2018	Resolution No: 2018.02.10
Responsible Officer: Chief Executive Officer	<p>Review: Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> <li>1. The related information is amended or replaced.</li> <li>2. Other circumstances as determined from time to time by the Chief Executive Officer.</li> </ol> <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p>
Legislation: <i>Local Government Act 2009, Local Government Regulation 2012</i>	

### PART 1 – PRELIMINARY

#### 1. Background

The *Local Government Act 2009* (the Act) and more specifically Chapter 8 Part 2 of the *Local Government Regulation 2012* provide core requirements for the conduct of meetings of the local government and the committees of the local government.

### PART 2 – STANDING ORDERS

#### 1. Application of standing orders

- (1) The object of the standing orders provide rules for the conduct of-
  - (a) meetings of the local government (other than a post-election meeting); and
  - (b) where applicable, committee meetings of the local government.
- (2) The standing orders shall apply to a post-election meeting of the local government as far as practicable.
- (3) Any provision of the standing orders may be suspended by resolution of a meeting of the local government.
- (4) A separate resolution is required for a suspension of a standing order.
- (5) A resolution to suspend a standing order must specify the application and duration of the suspension.
- (6) Where a matter arises at a meeting of the local government which is not provided for in the standing orders, the matter may be determined by resolution upon a motion which may be out without notice, but otherwise in conformity with the standing orders.

#### 2. Procedures for meetings of the local government

##### 2.1 Order of business

- (1) The order of business must be determined by resolution of the local government from time to time.
- (2) The order of business may be altered for a particular meeting where the councillors at the meeting pass a motion to that effect.
- (3) A motion to alter the order of business may be moved without notice.
- (4) Unless otherwise altered pursuant to subsection (2), the order of business will be—

## Ordinary Meetings

Opening  
Apologies  
Condolences  
Births and marriages  
Disclosure of interest  
Notice of motion  
Minutes of previous meeting(s)  
Business arising  
Mayor's report  
Chief Executive Officer's report  
Corporate Services report  
Works and Services report  
Correspondence  
Councillor General Business  
Late items  
Closed Matters  
Conclusion

- (5) The minutes of a preceding meeting (*previous minutes*) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.
- (6) Admission of deputations, invitees and visitors shall be at the discretion of either of—
  - (a) the mayor; or
  - (b) the local government.
- (7) The time for receipt of petitions shall be at the discretion of the local government.

## **2.2 Meeting agenda**

- (1) The chief executive officer must prepare or have prepared a meeting agenda for each meeting.
- (2) The agenda must, where practicable, be made available to councillors 2 days prior to the meeting.
- (3) A meeting agenda shall include, but not be limited to—
  - (a) matters requiring attention from a previous meeting;
  - (b) officers' reports and correspondence relating to officers;
  - (c) matters or recommendations referred to the local government by a committee;
  - (d) copies of inwards correspondence for consideration;
  - (e) copies of inwards correspondence for information purposes;
  - (f) any other business the local government determines should be included in the meeting agenda.

## **2.3 Petitions**

- (1) Any petition presented to a meeting of the local government must be in legible writing or typewritten and contain a minimum of 10 signatures.
- (2) A petition may be presented to a meeting by a councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.
- (3) On presenting a petition to a meeting, a councillor must—

- (a) state the nature of the petition; and
- (b) read the petition.

(4) Where a councillor presents a petition to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that—

(a) the petition be received and consideration stand as an order of the day for—

- (i) the meeting; or
- (ii) a future meeting; or

(b) the petition be received and referred to a committee or the chief executive officer for consideration and a report to the local government; or

(c) the petition not be received.

## **2.4 Deputations**

- (1) A deputation wishing to attend and address a meeting must do so by appointment with the chief executive officer.
- (2) The chief executive officer must notify the mayor who must determine whether the deputation may be heard.
- (3) The chief executive officer must inform the deputation of the determination.
- (4) Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed.
- (5) For deputations comprising 3 or more persons, only 2 persons may be heard unless the local government determines otherwise.
- (6) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- (7) The chairperson of a meeting may terminate an address by a person in a deputation at any time if—
  - (a) the chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
  - (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting; or
  - (c) the person uses insulting or offensive language.

## **3. Motions**

### **3.1 Motions**

- (1) A motion brought before a meeting in accordance with the Act or the standing orders may be received and put to the meeting by the chairperson.
- (2) The chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- (3) The chairperson may call the notices of motion in the order in which they appear on the meeting agenda, and where no objection is taken to a motion being taken as a formal motion, the chairperson may put the motion to the vote without discussion.
- (4) An item on the meeting agenda must not be removed from the agenda where a councillor at the meeting objects to its being removed.
- (5) When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.

### 3.2 Absence of a mover

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

### 3.3 Motion to be seconded

- (1) A motion or an amendment to a motion must not be debated at a meeting of the local government unless or until the motion or the amendment is seconded, with the exception of a procedural motion.
- (2) A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- (3) Notwithstanding subsection (1), a councillor who moves a motion or an amendment to a motion may, with the permission of the chairperson, speak in support of the motion or amendment before it is seconded.

### 3.4 Amendment of motion

- (1) An amendment to a motion must—
  - (a) be in terms which retain the identity of the motion; and
  - (b) not negative the motion.
- (2) Not more than 1 motion or 1 proposed amendment to a motion may be put before a meeting at any one time.
- (3) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- (4) Where a motion (the **original motion**) is amended by another motion (the **other motion**), the original motion must not be put as a subsequent motion to amend the other motion.
- (5) A councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

### 3.5 Speaking to motions and amendments

- (1) Subject to section 3.5(2), the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, and—
  - (a) may only speak in support of the amendment before it is seconded with the permission of the chairperson; and
  - (b) may speak in support of the amendment after it is seconded.
- (2) A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.
- (3) Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment and each subsequent speaker alternatively against and in favour of the motion or amendment, unless the chairperson in his or her discretion rules otherwise.
- (4) The mover of a motion has the right of reply.
- (5) The mover of an amendment to a motion has no right of reply.
- (6) Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.
- (7) Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.
- (8) Where 2 or more councillors attempt to speak at the same time, the chairperson is to determine who is entitled to priority.

### 3.6 Method of taking vote

- (1) Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer.
- (2) The chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (3) The local government must vote by a show of hands or as otherwise directed by the chairperson.
- (4) Any councillor may call for a division or a question in relation to the taking of a vote immediately following the chairperson declaring the result of the vote.
- (5) If a division is taken, the chief executive officer must record—
  - (a) the names of the councillors voting in the affirmative; and
  - (b) the names of the councillors voting in the negative.
- (6) The chairperson must declare the result of a vote or a division as soon as it has been determined.
- (7) Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.

### 3.7 Repealing or amending resolutions

- (1) A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act.
- (2) Where a motion (a **relevant motion**) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.
- (3) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than 3 months.
- (4) Where a resolution (a **later resolution**) of the local government relates to a matter the subject of a previous resolution (a **previous resolution**) passed more than 3 months previous, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

### 3.8 Procedural motions

At a meeting, a councillor may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a **procedural motion**)—

- (a) that the question/motion be now put to the vote; or
- (b) that the motion and amendment now before the meeting be adjourned; or
- (c) that the meeting proceed to the next item of business; or
- (d) that the question/motion lie on the table; or
- (e) a point of order; or
- (f) a motion of dissent against a point of order; or
- (g) that a report or document be tabled; or
- (h) to suspend the rule requiring that ...; or
- (i) that the meeting stand adjourned.

### 3.9 Motion that the question be put

- (1) A procedural motion that the question be put about a matter before a meeting may be moved when a councillor believes that there has been sufficient debate about the matter at the meeting.

- (2) Where a motion under subsection (1) is carried, the chairperson must immediately put the motion or amendment before the meeting to the vote.
- (3) Where a procedural motion under subsection (1) is lost, debate on the motion or amendment before the meeting must continue.

### **3.10 Motion that debate be adjourned**

- (1) A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- (2) A motion under subsection (1) must not adjourn debate on a matter the subject of a motion for more than 2 months after the date of the procedural motion.

### **3.11 Motion to proceed to next item of business**

- (1) Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter the subject of the motion must cease.
- (2) However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders.

### **3.12 Motion that the motion lie on the table**

- (1) A procedural motion that a motion or question lie on the table can only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- (2) Where a motion under subsection (1) is passed, the local government must proceed with the next matter on the agenda.
- (3) Where a motion under subsection (1) is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

### **3.13 Points of order**

- (1) A councillor may ask the chairperson to decide a point of order where it is believed that another councillor—
  - (a) has failed to comply with proper procedures; or
  - (b) is in contravention of these standing orders or the Act; or
  - (c) is beyond the jurisdictional power of the local government.
- (2) A point of order cannot be used as a means of contradicting a statement made by a councillor speaking about a matter.
- (3) Where a point of order is raised, consideration of the matter about which the councillor was speaking may be suspended subject to Part 2, section 1(3).
- (4) The chairperson must determine whether the point of order is upheld.
- (5) Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.
- (6) Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

### **3.14 Motion of dissent**

- (1) A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order.
- (2) Where a motion is moved under subsection (1), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (3) Where a motion of dissent is carried—

- (a) the matter to which the ruling of the chairperson was made must proceed as though that ruling had not been made; and
- (b) where, as a result of a ruling of the chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

### **3.15 Motion that the report be tabled**

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

### **3.16 Motion to suspend requirements of a rule**

- (1) A procedural motion to suspend the requirements of a rule may be made by a councillor in order to permit some action that otherwise would be prevented by the standing orders.
- (2) A motion under subsection (1) must specify the duration of the suspension.

### **3.17 Motion that meeting stands adjourned**

- (1) A procedural motion that a meeting stands adjourned may be moved by a councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor's time for speaking to the matter, and must be put without debate.
- (2) A motion under subsection (1) must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.

## **4. Mayoral minute**

### **4.1 Mayoral minute**

- (1) The mayor may direct the attention of the local government at a meeting of the local government to a matter or subject not on the agenda by a minute (a *mayoral minute*) signed by the mayor.
- (2) The mayor must deliver a copy of the mayoral minute for a meeting of the local government to the chief executive officer.
- (3) The mayoral minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.
- (4) The motion comprising the mayoral minute may be put by the mayor—
  - (a) to the meeting of the local government without being seconded; and
  - (b) at any stage of the meeting of the local government considered appropriate by the mayor.
- (5) If the motion comprising the mayoral minute is passed by the local government, the mayoral minute becomes a resolution of the local government.

## **5. Conduct during meetings**

### **5.1 Conduct during meetings**

- (1) After a meeting of the local government has been formally constituted and the business commenced, a councillor must not enter or leave the meeting without first notifying the chairperson.
- (2) A councillor must address the chairperson while—
  - (a) moving any motion or amendment; or
  - (b) seconding any motion or amendment; or
  - (c) taking part in any discussion; or
  - (d) placing or replying to any question; or
  - (e) addressing the local government for any other purpose.

- (3) Councillors must address each other during a meeting by their respective titles, “mayor” or “councillor”, and in speaking of or addressing officers must—
  - (a) designate them by their respective official or departmental title; and
  - (b) confine their remarks to the matter then under consideration.
- (4) Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- (5) A councillor must not make personal reflections on or impute improper motives to another councillor or any officer of the local government.
- (6) A councillor must not interrupt another councillor who is speaking except upon a point of order being raised either by the chairperson or the councillor.
- (7) If the chairperson intervenes during the process of a debate, any councillor then speaking or offering to speak, and each councillor present, must preserve strict silence so that the chairperson may be heard without interruption.

## **6. Questions**

### **6.1 Questions**

- (1) At a meeting a councillor may ask a question for reply by another councillor or an officer of the local government regarding any matter under consideration at the meeting.
- (2) A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- (3) A councillor or officer who is asked a question may request that the question be taken on notice for the next meeting.
- (4) A councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- (5) The chairperson may disallow a question which he or she considers is inconsistent with good order.
- (6) A councillor may move a motion that a ruling of the chairperson under subsection (5) be disagreed with, and if such motion is carried, the chairperson must allow the question.

## **7. Disorder and business**

### **7.1 Disorder**

- (1) Where disorder arises at a meeting, the meeting may be adjourned in accordance with section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.
- (2) On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (3) Where a motion under subsection (2) is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

### **7.2 Business of objectionable nature**

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

## **8. Attendance and non-attendance**

### **8.1 Attendance by elected members**

- (1) The Mayor or Acting Mayor may allow a Councillor to take part in a meeting by teleconferencing or videoconferencing. Where the Mayor or Acting Mayor have approved the

teleconferencing or videoconferencing arrangement, the Councillor must be able to hear and be heard by each other person at the same time throughout the meeting.\*

- (2) The circumstances in which teleconferencing may be considered are to be determined by the local government but may be along the lines of natural disaster, severe weather or other circumstances preventing a Councillor from attending the place of the meeting.
- (3) Attendance is not permitted by teleconference or videoconferencing for closed session items as the Chairperson of the meeting would be unable to physically verify that the conditions of the closed meeting are being satisfied by the person taking part in the teleconference or videoconference.
- (4) In considering a request for attendance at a local government meeting by teleconferencing, confidentiality and privacy matters need to be considered as this may pose a risk to the local government due to the nature of the discussions.
- (5) Mobile telephones may be used to participate in teleconferenced meetings only when a continuous connection is ensured.
- (6) A Councillor may participate in all aspects of a General Council meeting and Standing Committee meeting via teleconference (e.g. By video link, face time, landline or computer) provided a quorum is physically present at the official noticed location of the meeting, and the Councillor can be heard by all persons attending the meeting, including the public present in the notified location. It is the responsibility of the caller to be on the line in advance of the time of the meeting; calls received after the meeting has begun may not be accepted at the discretion of the Chair. Any Councillor participating in such fashion shall identify any and all persons present in the location from which the Councillor is participating.
- (7) Should the chairperson attend by teleconferencing, he/she shall appoint a quorum member as temporary chair or postpone the meeting to another date. (If the latter situation is known more than forty-eight (48) hours in advance, the meeting should be postponed).
- (8) A Councillor planning an extended (more than five (5) consecutive meetings with teleconferences included) absence must receive the agreement of three (3) of the remaining Councillors in advance of the absence.
- (9) A register of attendance at Council meetings by teleconference will be recorded in the minutes of the meeting.

## **8.2 Attendance of public and media at meetings**

- (1) An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- (2) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (3) Each councillor present at a meeting of the local government must sign his or her name in a book to be kept for that purpose by the chief executive officer.

## **8.3 Public participation at meetings**

- (1) The chairperson may invite a member of the public to take part in the proceedings of a meeting.
- (2) Except when invited to do so by the chairperson pursuant to subsection (1), a member of the public must not take or attempt to take part in the proceedings of a meeting.
- (3) During debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.
- (4) If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the chairperson may require the member of the public to cease making the submission or comment.
- (5) For any matter arising from a submission or comment from a member of the public, the local government may—
  - (a) refer the matter to a committee; or

- (b) deal with the matter immediately; or
  - (c) place the matter on notice for discussion at a future meeting; or
  - (d) note the matter and take no further action.
- (6) Any person invited to address a meeting must—
- (a) stand, act and speak with decorum; and
  - (b) frame any remarks in respectful and courteous language.
- (7) If a person is considered by the local government, mayor or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting.
- (8) Failure to comply with a direction under subsection (7) may be considered an act of disorder.

## **9. Committees**

### **9.1 Reports by committees**

- (1) All committee reports must be submitted to a meeting of the local government under the signature of the chief executive officer or a delegate of the chief executive officer.
- (2) If a report of a committee makes distinct recommendations, the local government may make a separate decision on each recommendation.

### **9.2 Attendance at committee meetings**

- (1) Any councillor may attend a meeting of a committee and may address the committee in accordance with the procedures established by the chairperson of the committee.
- (2) An area must be made available at the place where a committee meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as reasonably can be accommodated in the area must be permitted to attend the meeting.

### **9.3 Public participation at committee meetings**

- (1) At a committee meeting, a person who is not a councillor or a member of the committee must not take part in the meeting.
- (2) However, the chairperson of the committee may invite any person to address the committee upon the matter before it.
- (3) Any person wishing to be heard personally or as a deputation on any matter relevant to a committee, may make an appointment with the chief executive officer.
- (4) Where subsection (3) applies, the committee must determine whether the matter shall be heard.
- (5) A deputation or personal address must not exceed 10 minutes unless otherwise agreed by the chairperson of the committee.
- (6) No more than 2 members of a deputation may address the committee except in reply to questions from members of the committee.

## **10. Procedure not provided for**

### **10.1 Procedure not provided for**

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

\* See Section 276 (Teleconferencing) of the *Local Government Regulation 2012*