



# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>CONDUCT OF COUNCIL MEETINGS</b>
<b>Policy Number</b>	<b>P-2016/01</b>
<b>Responsible Directorate</b>	<b>OFFICE OF THE CHIEF EXECUTIVE OFFICER</b>
<b>Responsible Officer</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>Date of Adoption</b>	<b>19 OCTOBER 2017</b>
<b>Resolution Number</b>	<b>S/17/3212</b>
<b>Date Review Due</b>	<b>19 JULY 2020</b>

### 1.0 PURPOSE:

This policy is developed to provide for the efficient and smooth conduct of Council meetings in accordance with legislative requirements and contemporary good meeting practice.

### 2.0 SCOPE:

This Policy applies to all meetings of Gladstone Regional Council including local government committees as defined in Chapter 8 Part 2 of the Local Government Regulation 2012.

### 3.0 RELATED LEGISLATION:

Local Government Act 2009  
Local Government Regulation 2012

### 4.0 RELATED DOCUMENTS:

Nil

### 5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

<b>Term</b>	<b>Definition</b>
<b>Councillor</b>	For the purposes of this Policy, the reference to Councillor includes the Mayor
<b>Chief Executive</b>	For the purposes of this Policy, the reference to Chief Executive

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<b>Officer</b>	Officer includes the respective committee administrators
<b>LGA</b>	means the <i>Local Government Act 2009</i>
<b>LGR</b>	means the <i>Local Government Regulation 2012</i>

## **6.0 POLICY STATEMENT:**

### **6.1 RESPONSIBILITY**

The Chairperson who presides at the meeting is responsible for the conduct of the meeting. The Chief Executive Officer is responsible for ensuring that notices, agendas, minutes and committee reports are prepared in accordance with the relevant legislation and this policy.

### **6.2 MEETINGS OPEN TO THE PUBLIC**

All meetings are open to the public unless the meeting has been closed under Section 275 of the LGR.

### **6.3 FREQUENCY OF MEETINGS**

Council will meet in accord with its adopted meeting cycle.

### **6.4 NOTICE OF MEETINGS**

The dates and times of Council's General meetings and meetings of its Standing Committees will be published at least once a year in a local newspaper and on Council's website.

Written notice must be given to each Councillor at least two days before the meeting, unless it is impractical to give that notice.

A list of items on the agenda will be made available to the public at the time the agenda for the meeting is made available to Councillors. The meeting agenda is published on Council's website on the Monday preceding the General or standing committee meeting.

Special Meetings may be called by Council on two (2) days notice.

### **6.5 QUORUM AT MEETINGS**

A quorum for meetings is a majority of Councillors. In the case of Gladstone Regional Council which has a Mayor and 8 Councillors a quorum is therefore 5.

In the case of Standing Committees which have 5 members, including the Mayor as ex officio, a quorum is 3.

### **6.6 AGENDA FOR MEETINGS**

In order to provide for timely compilation and distribution of agendas, it is important to adhere to an orderly timeframe for the submission of reports, questions on notice and notices of motion. Allowing for the various tasks required to compile and distribute an agenda and the statutory requirements for notice, a deadline 5 days prior to the meeting has been established. For meetings scheduled on a Tuesday morning, the deadline is

11am on the Thursday prior. Items for inclusion on the agenda must be submitted in writing to the Chief Executive Officer. Rescission motions have additional notice requirements as described in section 6.9 of this policy.

The deadline does not make allowance for preparation of written responses to questions on notice, so in cases where a Councillor anticipates that a business item requires a detailed response in the form of an Officer's report, the item should be submitted to the Chief Executive Officer well in advance of the deadline.

Business not on the agenda or reasonably arising from the agenda must not be considered at the meeting unless council agrees to admit such business at the meeting.

Note, however that at a Special Meeting of Council only those matters listed on the agenda may be considered.

The following items can be included on the agenda for General or standing committee meetings.

- Apologies
- Prior notice of a Material Personal Interest or Conflict of Interest by Councillors
- Mayoral Statement on current issues (for General meetings only)
- Confirmation of Minutes of the previous meetings
- Consideration of any notice to repeal or amend a previous resolution of Council (for General meetings only)
- Officer reports
- Committee reports (for General meetings only)
- Councillor reports (for General meetings only)
- Urgent business
- Notice of motions
- Any pre-arranged delegations which are to be received in open Council (for standing committees only)
- Any matters to be considered in closed session in accordance with the provisions of Section 275 of the LGR.
- Close of meeting

The Chairperson may alter the order in which business for a particular meeting is considered.

### **6.6.1 COMMITTEE REPORTS**

Non-delegated committees will submit reports and/or recommendations to the Chief Executive Officer who will list them on the agenda for the next available General meeting. Recommendations to an General meeting from a committee are to be the same as that resolved by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

During presentation of the committee report by the respective committee Chairperson, any Councillor may request that an individual item is excluded from the committee report for separate debate at the General meeting. Following the request of a Councillor, the Chairperson of the General meeting will introduce the excluded item immediately following the conclusion of debate on the committee report.

### **6.6.2 URGENT BUSINESS**

There is provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.

### **6.6.3 NOTICE OF MOTION**

A Notice of Motion is notice of a motion that a Councillor intends to move at an General or standing committee meeting. A notice of rescission (or repeal) motion is a special type of notice of motion that is dealt with separately in section 6.9 below. All other Notices of Motion must be received in writing by the Chief Executive Officer and the respective Chairperson prior to the agenda deadline.

### **6.7 MINUTES OF MEETINGS**

Minutes of the General meetings and Standing Committee meetings must record:-

- a. the names of all Councillors in attendance and any apologies
- b. a précis of any Mayoral statement
- c. confirmation of minutes
- d. officer recommendations
- e. resolutions proposed including mover and seconder
- f. the result of motions put to the vote
- g. a précis of Councillor reports
- h. any divisions called
- i. the name of the councillor who has declared a material personal interest in a matter, the nature of the material personal interest, and the fact that the Councillor left the room during its consideration.
- j. the name of the councillor who has declared a conflict of interest in a matter, the nature of the conflict of interest, and the fact that the Councillor left the room during its consideration or how the Councillor voted on the matter if they remained in the room.
- k. In the circumstance where a majority of Councillors at a meeting have declared a conflict of interest and therefore they have remained in the room, the nature of the conflict interest and how the Councillors who declared an interest voted on the matter.
- l. In the circumstance where a meeting moves into closed session, the nature of the matters to be considered while the meeting is closed.

A copy of the unconfirmed minutes of all Council meetings are published on Council's website within 10 days of the meeting.

### **6.8 PROCEDURE AT MEETINGS**

The procedure for dealing with business must be in accordance with the following standing orders however the Council may by agreement suspend a standing order, or by resolution overrule a decision on a procedural question made by the Chairperson.

#### **6.8.1 Motions**

- (a) A motion or an amendment to a motion shall not be debated at a meeting of the Council until the motion or the amendment is seconded (with the exception of procedural motions which are not debated at all).
- (b) Notwithstanding clause 6.8.1(a), a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, explain the purpose or effect of the motion or amendment before it is seconded.
- (c) Nothing in these standing orders shall prevent discussion on any matters before a formal motion is moved.
- (d) If no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

#### **6.8.2 Amendment to Motions**

- (a) An amendment to a motion shall be in terms that retain the identity of the original motion and shall not be a direct negative of the motion.
- (b) Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time; however, a Councillor may foreshadow a motion or amendment while an existing motion or amendment is being debated.
- (c) A Councillor who proposes a motion shall not propose or second an amendment to that motion.
- (d) The mover of a motion may not amend or withdraw a motion without the leave of the meeting.
- (e) If an amendment is carried it becomes the motion.

#### **6.8.3 Withdrawal of a Motion**

- (a) A Councillor who has moved or seconded a motion may elect to withdraw the motion:
  - (i) before an amendment to the motion is moved and seconded; or
  - (ii) after an amendment is seconded but not adopted.
- (b) A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

#### **6.8.4 Speaking to Motions and Amendments**

- (a) A Councillor may request the Chairperson for clarification before or after the motion or amendment is seconded. Further, nothing in these standing orders shall prevent a Councillor from asking relevant questions of the Chairperson or officer in attendance at the meeting.
- (c) The Chairperson shall determine the order of speakers.

#### 6.8.5 Method of Taking Vote

- (a) 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. The Chairperson 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 determine and declare the result.
- (b) Voting shall be by a show of hands and a question is decided on a majority of the votes of Councillors present.
- (c) If a Councillor present fails to vote the Councillor is taken to have voted in the negative.
- (d) If a vote is tied the Chairperson has a casting vote.
- (e) Any Councillor may call for a division on an item. If a division is taken the minutes shall record the names of the Councillors voting in the affirmative and the negative.

#### 6.8.6 Procedural Motions

- (a) A Councillor may during the debate of a matter move one of the following procedural motions, all of which require a seconder:
  - (i) that the question/motion be now put;
  - (ii) that the meeting proceed to the next item of business;
  - (iii) a motion of dissent against the ruling of the Chairperson;
  - (iv) that the meeting stand adjourned;
  - (v) that the meeting be closed or opened to the public in accordance with the provisions of Section 275 of the LGR and state the nature of the matters to be considered while the meeting is closed.
  - (vi) in circumstances where a majority of Councillors have declared a material personal interest in an item Council may delegate the matter to the Chief Executive Officer to make the decision.
  - (vii) that the matter under consideration be deferred.
- (b) A procedural motion, "**that the question be put**", may be moved and where such a procedural motion is carried, the Chairperson 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.
- (c) Where a procedural motion "**that the meeting proceed to the next item of business**" is carried, debate on the matter subject of the motion shall cease and the item shall be placed on the agenda for the next General meeting of Council.
- (d) A Councillor may move "**a motion of dissent**" in relation to a ruling of the Chairperson. Where such motion is moved and seconded further consideration of any matter shall be suspended until after that motion is decided. Where a motion of dissent is carried, the matter on which the ruling of the Chairperson was made shall proceed as though the ruling had not been

made. Only the mover of the procedural motion, then the Chairperson may speak to the procedural motion.

- (e) Any procedural motion **"that the meeting stand adjourned"** shall specify a date and time for the resumption of the meeting. 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. Where such a procedural motion is lost, the Chairperson shall not accept a similar motion until the expiration of thirty minutes after the time the motion was lost.
- (f) Where a procedural motion **"that the meeting be closed to the public"** is carried:
  - (i) the public will leave and not re-enter the meeting room until a procedural motion **"that the meeting be opened to the public"** is carried;
  - (ii) no motion (other than a procedural motion) can be moved or seconded and voted upon while the meeting is closed to the public; and
  - (iii) all debate in the course of the closed meeting will be considered to be confidential.
- (g) Any procedural motion **"the matter under consideration be deferred"** shall specify a time at the current meeting at which the matter will be reconsidered or shall nominate a future scheduled meeting when the matter is to be placed on the agenda. Such motion shall state the reason for the deferment (for example: to gather further information).

#### **6.8.7 Points of Order**

- (a) Any Councillor may ask the Chairperson to decide on a "point of order" at any time during a meeting of Council where that Councillor believes that the action of another Councillor:
  - (i) is inappropriate behaviour as defined in section 176 (4) of the LGA. (for example: a Councillor behaving in an offensive or disorderly way at a meeting or failing to comply with procedure).
  - (ii) is in contravention of the Local Laws or LGA;
  - (iii) is beyond the jurisdictional power of the local government;
  - (iv) is irrelevant to the issue under consideration.
- (b) A Councillor may interrupt a Councillor who is speaking by raising a point of order.
- (c) A point of order must be dealt with immediately by the Chairperson.
- (d) When recognised by the Chairperson, the Councillor raising the point of order must state the matter complained of and the grounds constituting the point of order.

- (e) Where a point of order is raised, the Councillor who is speaking must remain silent until the point of order has been decided by the Chairperson.
- (f) A Councillor the subject of the point of order may be allowed by the Chairperson to respond and if that response is accepted by the Chairperson, the Councillor may continue.
- (g) If the point of order is upheld by the Chairperson, the action the subject of the point of order is to cease.

## **6.9 REPEAL OR AMENDMENT OF RESOLUTIONS**

An adopted resolution of Council may be repealed or amended only if written notice of the intention to repeal or amend is given to each Councillor at least 5 days before the issue is set down for debate at a Council meeting. This provision does not extend to situations where Council resolves to amend a current policy or procedure.

## **6.10 TELECONFERENCING**

A Councillor may participate in an General meeting or Standing Committee of Council using telephone, video conferencing or other means of instant communication with approval of the Mayor or Chief Executive Officer.

## **6.11 ABSENCE FROM MEETINGS**

Councillors must seek a leave of absence from an General or committee meeting where a Councillor cannot attend for private or business reasons. Leave is granted at the discretion of Council. A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person.

A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event.

## **6.12 CONDUCT OF MEMBERS OF THE PUBLIC AT COUNCIL MEETINGS**

At the Chairperson's discretion, members of the public may be invited to comment on matters of business before Council. Any person addressing Council must do so in a respectful manner and with due decorum otherwise the Chairperson of the meeting will ask that they be seated and cease addressing Council.

## **7.0 ATTACHMENTS:**

Nil

## **8.0 REVIEW TRIGGER:**

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council



3. Periodic Review – 4 years from date of adoption.

<b>TABLE OF AMENDMENTS</b>		
Originally Adopted	30 SEPTEMBER 2008	08/592
Amendment 1	1 DECEMBER 2011	G/11/439
Amendment 2	4 SEPTEMBER 2012	G/12/1203
Amendment 3	19 JULY 2016	G/16/2850 (General Meeting) (Finance and Corporate Governance Committee - FCGC/16/0036)
Amendment 4	19 OCTOBER 2017	S/17/3212

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**ROSLYN BAKER**  
**CHIEF EXECUTIVE OFFICER**