

# Gold Coast City Council



## **Subordinate Local Law No. 1.1 (Meetings) 2008**

It is hereby certified that this is a true and correct copy of  
*Subordinate Local Law No. 1.1 (Meetings) 2008* made, in accordance with the *Local Government Act 1993*, by  
the Council of the City of Gold Coast  
Joe McCabe  
Acting Chief Executive Officer

# Gold Coast City Council Subordinate Local Law No. 1.1 (Meetings) 2008

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# Gold Coast City Council Subordinate Local Law No. 1.1 (Meetings) 2008

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.1 (Meetings) 2008*.

### 2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 1 (Meetings) 2008*.

### 3 Objects

The object of this subordinate local law is to assist in the implementation of *Local Law No. 1 (Meetings) 2008* by specifying the procedures for dealing with items of business at a meeting of the local government or a committee.

### 4 Definitions

The dictionary in the Schedule defines particular words used in this subordinate local law.

## Part 2 Meetings of the local government

### Division 1 Agenda of meetings of the local government

#### 5 Agenda for post election meetings

The general order of business at a post election meeting is to be as follows—

- (a) presentation and tabling of returning officer's report; and
- (b) making of declarations of office; and
- (c) reception of returning officer's report; and
- (d) appointment of the deputy mayor; and
- (e) fixing of days and times for holding other meetings; and
- (f) appointment of members, chairpersons and deputy chairpersons and determination of the membership tenure of the standing committees; and

- (g) appointment of representatives of the local government to membership of organisations, statutory or otherwise, in respect of which the local government is entitled to appoint representatives; and
- (h) any other business as directed by the mayor.

## **6 Agenda for ordinary meetings**

- (1) The chief executive officer may include in the agenda any matter the chief executive officer considers should be brought before the meeting.
- (2) The business of a meeting may include, but is not necessarily restricted to—
  - (a) attendance, including leave of absence; and
  - (b) apologies; and
  - (c) business which the mayor wishes to have considered at the meeting without notice pursuant to section 14(1) (Mayoral minute) of this subordinate local law; and
  - (d) confirmation of minutes; and
  - (e) mayor's report; and
  - (f) clarification by members; and
  - (g) business arising out of the minutes of the previous meeting; and
  - (h) adjourned business; and
  - (i) presentations; and
  - (j) deputations; and
  - (k) reception and consideration of committee and other reports; and
  - (l) consideration of notified motions; and
  - (m) answers to questions of which notice has been given; and
  - (n) presentation of petitions; and
  - (o) consideration of breaches of the code of conduct; and
  - (p) any other business the local government determines by resolution from time to time; and
  - (q) general business.
- (3) The order of business is to be determined by a resolution of the local government from time to time.

- (4) A motion may be moved without notice at a meeting to alter the order of business of that meeting.
- (5) Unless otherwise amended by a resolution of the local government, business at an ordinary meeting is to be dealt with in the order specified in subsection (2).

## **7 Business papers**

- (1) The chief executive officer is to—
  - (a) prepare or have prepared a business paper; and
  - (b) ensure that the business paper is available for inspection by members at least 2 days prior to the meeting of the local government.
- (2) For the purposes of subsection (1), a business paper is a document which includes, but is not limited to, the following elements—
  - (a) matters requiring attention from the previous meeting; and
  - (b) officers reports; and
  - (c) matters or recommendations referred to the local government by a committee; and
  - (d) any other business the local government determines should be included in the business paper.

## **Division 2 Conduct of meetings of the local government**

### **8 Commencement of business**

- (1) The local government is to commence business—
  - (a) at the time appointed for holding the meeting; or
  - (b) as soon before the expiration of 30 minutes after the time appointed for holding the meeting as a sufficient number of members are present to constitute a quorum.
- (2) Business is not to be transacted at a meeting unless a quorum is present.

### **9 Ouster of the chairperson**

- (1) Subsection (2) does not apply if the mayor, deputy mayor or acting mayor is acting as chairperson of a meeting.
- (2) The deputy chairperson, or in the absence of the deputy chairperson a member appointed by the local government to act as chairperson, is to act as chairperson of a meeting until completion of the business which is before the meeting where the chairperson—

- (a) refuses to deal with a point of order when raised; or
- (b) refuses to accept a motion of dissent from any ruling made by the chairperson on a point of order; or
- (c) when following the carrying of a motion of dissent from any ruling made by the chairperson on a point of order, or at any other time during the meeting, fails to continue presiding over the meeting in accordance with the *Local Government Act 1993*, *Local Law No. 1 (Meetings) 2008* or this subordinate local law.

## **10 Attendance of members at meeting**

- (1) The members present at each meeting are to be recorded in the minutes of the meeting.
- (2) After a meeting has been formally constituted and the business of the meeting commenced, a member is not to enter, leave or withdraw from the meeting without first notifying the mayor.
- (3) A member is deemed to be present at a meeting if that member is within the room in which the meeting is being held.

## **11 Attendance of non-members at meetings**

- (1) Meetings are open to the public unless the local government resolves under section 463 (Closed meetings) of the *Local Government Act 1993* that the meeting is a closed meeting.
- (2) For meetings other than closed meetings—
  - (a) an area is to be made available to non-members for the purposes of observing the meeting; and
  - (b) reasonable accommodation, facilities and copies of the meeting agenda, excluding confidential items, are to be made available to representatives of the press, radio and television to report proceedings.
- (3) The number of non-members that are to be permitted to observe a meeting is to be limited to the number which can be reasonably accommodated in the area set aside.

## **12 Material personal interest**

If a councillor who has a material personal interest in a matter to be considered at a meeting of the local government is excluded from the meeting pursuant to section 244 (Exclusion from meeting of councillor with material personal interest) of the *Local Government Act 1993*, the councillor is to ensure that the councillor cannot—

- (a) see or hear the proceedings at the meeting; and

- (b) be seen or heard by other councillors at the meeting.

### **13 Clarification by a member**

- (1) A member who feels aggrieved by anything which has transpired between the termination of a meeting and the commencement of a later meeting may raise a matter for clarification.
- (2) A member is not to raise a matter for clarification pursuant to subsection (1) without the notification and approval of the chairperson prior to the commencement of the later meeting.
- (3) If a member raises a matter for clarification pursuant to subsection (1) the matter must be raised immediately following the mayor's report.

### **14 Mayoral minute**

- (1) The mayor has the right of directing attention at a meeting to a matter or subject within the jurisdiction or official cognisance of the local government by a minute signed by the mayor (*mayoral minute*).
- (2) A mayoral minute, when introduced, is to take precedence over all business before or to come before the local government, and the adoption of the mayoral minute may be put by the mayor from the chair as a motion, without being seconded.
- (3) A recommendation in the mayoral minute may be adopted by the local government without referring the recommendation to a committee and, when adopted by the local government, is to be a resolution of the local government.

### **15 Adjournment of meetings**

- (1) The members present at a meeting may, from time to time, adjourn the meeting.
- (2) If, at a meeting, a quorum is not present within 30 minutes after the time appointed for that meeting, the meeting may be adjourned to a later hour of the same day or to any time not later than 14 days from the date of such adjournment by—
  - (a) the members present; or
  - (b) the majority of the members present; or
  - (c) only 1 member if that member is the only member present; or
  - (d) the chief executive officer if no member is present.
- (3) If there is not a quorum of members present at the meeting, then such circumstances, together with the names of the members present, is to be recorded in the minutes of the meeting.
- (4) If at any time during a meeting a quorum is not present, the mayor is to—

- (a) suspend the proceedings of the meeting for a period of 5 minutes; and
  - (b) record in the minutes of the meeting the names of those who are present if a quorum is not present at the end of the period of 5 minutes; and
  - (c) adjourn the meeting to a later hour of the same day or to any time not later than 14 days from the date of such adjournment.
- (5) If the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.
- (6) If a motion to adjourn a meeting is defeated, the chairperson is not bound to accept a further motion for adjournment within half an hour of the original motion being put.

## **16 Adjournment after 4 hours of continuous sitting**

Any member of the local government may, after a meeting has sat continuously for 4 hours, move for an adjournment until such time as may be fixed by resolution for the purpose, unless a majority of the members of the local government then present, on a question put from the chairperson without any formal motion, resolve to continue the sitting.

## **17 Confirmation of minutes of meeting**

- (1) The minutes of a preceding meeting whether of an ordinary meeting or a special meeting not previously confirmed are, subject to section 14 (Mayoral minute) of this subordinate local law, to be taken into consideration as the first business at every ordinary meeting, in order to proceed to their confirmation.
- (2) A motion or discussion other than a discussion as to their accuracy, is not to be permitted in respect of the minutes of a preceding meeting.
- (3) When confirmed, the minute is to be signed by the mayor in accordance with section 461 (Minutes) of the *Local Government Act 1993*.
- (4) The minutes of a preceding meeting may be confirmed at a special meeting.

## **18 Notice of general business to be given by a councillor**

- (1) Subject to subsection (2), if a member wishes to raise a matter during that part of the meeting set aside for general business the member must provide written notice of the matter to all members prior to the commencement of the meeting.
- (2) If a member wishes to raise a matter that has transpired during the course of a meeting the matter may be considered during that part of the meeting set aside for general business.

- (3) A member who proposes a general business item pursuant to subsection (1) or (2) must seek the approval of the local government to move the motion, prior to the motion being seconded.
- (4) A matter which is considered under general business is not to include any matter which—
  - (a) is not of a routine nature; or
  - (b) would properly be the subject of a committee report.

## **19 Committee reports**

- (1) If in the report of a committee, distinct recommendations are made, the decision of the local government may be taken separately on each recommendation.
- (2) A report of a committee, or a portion thereof, may be amended by the local government in any manner it may think fit, or may be referred back to the committee for further consideration.
- (3) A recommendation of a committee, when adopted by the local government, is to be a resolution of the local government.

## **20 Petitions**

- (1) Each petition is to be presented by a member, who as far as possible, is to make themselves acquainted with the subject matter of that petition.
- (2) The nature and prayer of each such petition is to be stated to the local government by the member presenting the same and, if required, is to be read.
- (3) A petition is not to be presented or received unless it—
  - (a) is worded in respectful language; and
  - (b) is typewritten or otherwise legible; and
  - (c) contains a minimum of 10 signatures; and
  - (d) contain the names and addresses of signatories.
- (4) On the presentation of a petition to the local government the only question which is to be entertained by the local government is—
  - (a) that the petition not be received; or
  - (b) that the petition be received and referred to a committee for consideration and report.

## **21 Deputations**

- (1) A person wishing to be received as a deputation by the local government is to, in the first instance, send to the chief executive officer a written request, setting out in concise terms—
  - (a) the subject matter to be raised by the deputation; and
  - (b) the name and address of the person authorised to receive notices on behalf of the deputation.
- (2) The written request is to be given to the chief executive officer at least 7 days before the meeting at which the deputation wishes to be heard.
- (3) The chief executive officer is to inform the chairperson of the receipt of a request for a deputation, and after consultation with the chairperson, determine if the delegation is to be received by the local government or a standing committee.
- (4) Where under subsection (3) the chief executive officer determines that the deputation will be received by the local government, the chief executive officer is to—
  - (a) list the hearing of the deputation on the appropriate meeting agenda; and
  - (b) give to the person specified in the request written notice of the time and date when the deputation is to be heard.
- (5) A deputation is not to exceed 5 persons in number and only 2 persons of the deputation are at liberty to address the local government except in reply to questions from members.
- (6) Unless the local government resolves otherwise, the appointed speakers are to restrict their respective addresses to not more than 5 minutes.
- (7) If a member of the deputation other than the appointed speakers interjects or attempts to address the local government, the chairperson may warn the deputation that a repetition may result in the deputation not being heard further.
- (8) The chairperson may call on next business if—
  - (a) there is a repetition after the chairperson has given a warning under subsection (7); or
  - (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained; or
  - (c) a person of the deputation uses insulting or offensive language.
- (9) Unless the local government resolves otherwise, the effect of calling on the next business is that the deputation is not to be heard at that meeting and a fresh

request is to be given to the chief executive officer if the deputation wishes to be heard at a subsequent meeting.

- (10) The subject matter raised by the deputation is not to be further considered by the local government until the deputation has withdrawn.

## **22 Questions**

- (1) A member may, via the chairperson, ask a question for reply by another member or a local government officer if the question is relevant to the business of the local government and arises during the course of discussion.
- (2) A question is to be asked categorically and as briefly as possible.
- (3) A member or local government officer to whom a question is directed without notice may—
- (a) refuse to answer the question; or
  - (b) request that the question be taken on notice for the next meeting.
- (4) A member may ask a question relating to the general work or procedure of the local government—
- (a) in general business, where the member is given the permission of the local government to ask the question; or
  - (b) by providing the question in writing to the chief executive officer at least 2 days prior to the issue of the notice of meeting for the meeting at which the question is to be asked.
- (5) The asking or answering of a question under this section does not constitute debate for the purposes of determining whether a member has spoken on the matter under consideration.
- (6) The chairperson may disallow a question which is considered to be inconsistent with good order.

## **23 Digression**

Members are to confine their remarks at all times to the matters immediately under consideration.

## **24 Resolutions**

- (1) In accordance with section 451(1) (Repeal or amendment of resolutions) of the *Local Government Act 1993*, a notice of intention to repeal or amend a resolution of the local government is to be given to each member at least 5 days before the meeting at which the proposal is to be made.

- (2) If a proposal to repeal or amend a resolution is taken to have been defeated in accordance with section 451(2) (Repeal or amendment of resolutions) of the *Local Government Act 1993*, a further notice of intention to repeal or amend that same resolution is not to be given to members until at least 3 months after the date on which the first mentioned notice of intention to repeal or amend a resolution was defeated.
- (3) The local government may resolve to defer consideration of the further notice of intention to repeal or amend a resolution to a subsequent meeting not more than 2 months after the first mentioned notice of intention is given to members.

## **25 Notice of motion**

- (1) A member may bring forward at a meeting such business as the member considers advisable, in the form of a motion, if—
  - (a) notice has been given in writing to the chief executive officer at the previous meeting; or
  - (b) at a subsequent time being not less than 7 days before the meeting at which the motion is brought forward.
- (2) A notice of motion is to relate to a matter affecting the constitution, administration or condition of the local government area and is within the jurisdiction of the local government.
- (3) The chairperson is to rule out of order a motion which does not comply with subsection (2).
- (4) A notice of motion is to be dated and recorded by the chief executive officer as received.
- (5) Subject to subsection (6), a motion—
  - (a) lapses if the member who gave notice of the motion, or some other member does not move the motion when called on; and
  - (b) which lapses is not to be introduced again without a subsequent notice of motion duly given as provided in subsection (1) unless the local government resolves to defer consideration of the motion to a later stage of the meeting or to a later date.
- (6) If a member who has given a notice of motion does not move a motion in respect of the matter comprised in the notice when the matter is called by the chairperson, another member may move the motion forthwith, notwithstanding that the member who gave the notice is present at the meeting.

## **Part 3                      Procedures for making determinations**

### **Division 1                Motions**

#### **26            Motion and amendments**

- (1)        A motion brought before a meeting of the local government or a committee is to 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 to be 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—
  - (a)        in the case of a local government meeting, the business paper; or
  - (b)        in the case of a committee meeting, the notice of the meeting.
- (4)        A notice of motion on the business paper, or notice of meeting for a committee meeting, must not be removed from the business paper or notice of meeting unless a majority of members agree that it should be removed.
- (5)        A member moving a motion or an amendment is to—
  - (a)        read it; and
  - (b)        state that the member moves it; and
  - (c)        not speak to it at that stage unless permitted by the chairperson.
- (6)        A motion or an amendment is not to be debated unless it has been seconded.
- (7)        Where no member wishes to speak against a motion, the chairperson may put the motion to the vote without discussion.
- (8)        A member moving a motion may speak in support of that motion for a period of 1 minute, or longer if permitted by the chairperson.
- (9)        A member may before or after the motion or an amendment is seconded, request the chairperson for further information.
- (10)       After a motion or an amendment is seconded, the mover may address the local government or committee.
- (11)       The order of debate following the seconding of a motion or an amendment is to be for the first speaker to be in favour of the motion or an amendment and subsequent speakers alternatively to be against and in favour of the motion or an amendment respectively, unless the chairperson rules otherwise.

- (12) Notice is not required to be given of an amendment.
- (13) An amendment to a motion must be in terms which retain the intent of the original motion and do not negate the motion.
- (14) If an amendment has been lost, then a further amendment may be moved to the motion to which the first amendment was moved and so on, provided that no more than one motion and one proposed amendment is to be before the local government or committee at any one time.
- (15) Despite subsection (14), the chairperson may permit a member to foreshadow a further amendment before or during the debate.
- (16) A member is not to move more than 1 motion or an amendment in succession without the chairperson's permission.
- (17) If a motion is amended by another motion, the original motion may not be put as a subsequent motion of amendment.
- (18) The mover of a motion has a right of reply, and is not to speak more than once to the same motion or more than once to the same amendment.
- (19) The mover of an amendment has no right of reply.
- (20) A member who has spoken to a motion may speak to an amendment of such a motion.
- (21) The mover of a motion and all other speakers are to restrict their address after a motion or an amendment is seconded to not more than 10 minutes.
- (22) The chairperson may allow a speaker to exceed by not more than 5 minutes the time set out in subsection (21).
- (23) When a motion has been moved and seconded, the motion becomes subject to the control of the local government or committee and is not to be withdrawn without the consent of the local government or committee and the mover and seconder of the motion.

## **27 Motions out of order to be rejected**

If the chairperson decides that any motion, amendment or other matter is out of order, the chairperson is to reject the motion, amendment or other matter.

## **28 Personal explanation**

- (1) A member may, with the permission of the chairperson, make a personal explanation in relation to some material part of the member's speech which the member considers may have been misunderstood or misrepresented.

- (2) If the chairperson permits a personal explanation, but another member is making a speech, then the member speaking may refuse to allow the personal explanation to be given until that member has finished speaking.
- (3) If a member gives a personal explanation, the member must not raise any new matter or argument.

## **Division 2            Procedural motions**

### **29            Procedural motions**

- (1) If a motion is under debate at a meeting, a further motion is not to be received except for a motion to the effect that—
  - (a) a report or a document be tabled; or
  - (b) a motion be amended; or
  - (c) debate be adjourned; or
  - (d) the local government or committee do adjourn; or
  - (e) the issue now be put; or
  - (f) a member be not further heard; or
  - (g) the local government or committee proceed with the next business; or
  - (h) the meeting be closed; or
  - (i) a ruling of the chairperson be suspended; or
  - (j) in the case of a local government meeting, a matter be referred to a committee; or
  - (k) in the case of a local government meeting, a provision of this subordinate local law be suspended.
- (2) A motion referred to in subsection (1) must be seconded and will be dealt with in accordance with section 26 (Motion and amendments) of this subordinate local law and section 30 (Motion that a report or document be tabled) to section 40 (Motion that a provision of this subordinate local law be suspended) of this subordinate local law.

### **30            Motion that a report or a document be tabled**

A motion to have a report or a document tabled may only be moved by a member who is speaking to the motion.

**31 Motion that a motion be amended**

- (1) A motion to amend a motion may only be moved by a member who is speaking to the motion other than the member who moved or seconded the original motion.
- (2) A motion to amend a motion must not substantially change the intent of the original motion.
- (3) If a motion is amended by an amending motion, the original motion must not be put as a motion to amend the amending motion.

**32 Motion that debate be adjourned**

- (1) A member may, at the conclusion of the speech of another member, move without notice that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the local government or committee not more than 2 months after the motion that the debate be adjourned is first moved.
- (2) Subject to subsection (3), on a motion that the debate be adjourned—
  - (a) the mover may speak for not more than 5 minutes; and
  - (b) no other debate is to be allowed.
- (3) In the case of a local government meeting, if the question before the local government is a recommendation from a committee, the chairperson of the committee concerned, or in the chairperson's absence a member of the committee, may speak for not more than 5 minutes.
- (4) A member must not, at the same sitting of the local government or committee, move more than 1 motion for the adjournment of the same debate.
- (5) If a debate is adjourned, whether by a motion or because of the lack of a quorum, the member speaking to the motion or an amendment at the time of the adjournment has the right to resume the debate if that member is present when the debate is resumed.

**33 Motion that the local government do adjourn**

- (1) A member may, at the conclusion of the speech of another member or on the conclusion of business, move without notice, that the local government or committee adjourn to a time and date to be stated in the motion.
- (2) On a motion to adjourn—
  - (a) the mover on the motion to adjourn and the mover of the motion which was under debate, if any, may speak for not more than 5 minutes; and
  - (b) no other debate is to be allowed.

- (3) If a motion to adjourn the local government or committee is lost, a similar motion cannot be moved until 30 minutes after the time the motion to adjourn the local government or committee was lost.
- (4) A member who has spoken on the question then before the local government or committee is not to move a motion to adjourn.
- (5) A member must not, at the same sitting of the local government or committee, move more than 1 motion to adjourn.
- (6) On a motion to adjourn the local government or committee being carried, the debate on the question, if any, under debate when that motion was moved is to be continued immediately upon the local government or committee resuming after the adjournment.
- (7) The chairperson may at any time adjourn the local government or committee to such time and date as the motion specifies.

#### **34 Motion that issue now be put**

- (1) A member may, as soon as a motion is moved or seconded or at the conclusion of the speech of another member, move without notice and without comment that the issue under consideration be put.
- (2) A motion that the issue under consideration be put is only to be moved by a member who has not already spoken on the issue.
- (3) When it is decided by the local government or committee that the issue under consideration be put—
  - (a) the mover of the motion under consideration is to be permitted to speak in reply for not more than 5 minutes before the issue is put if debate has ensued and the mover is entitled to speak in reply; and
  - (b) the issue is to be immediately put without debate.
- (4) If it is decided by the local government or committee that the issue be put, the issue to be put is to include the main issue as well as any amendment to the main issue.
- (5) If a motion that the issue under consideration be put is lost, debate on the original motion is to continue.

#### **35 Motion that a member be not further heard**

- (1) A member may at any time during the progress of a debate move that a member who is speaking be not further heard.
- (2) A motion that a member be not further heard is to be put from the chair without debate and in the event of the motion being carried, the member is to cease speaking and resume the member's seat.

- (3) A second motion that a member be not further heard is not to be made during the course of the same speech on the same issue unless, in the opinion of the chairperson, the character of the speech is materially altered.

**36 Motion that the local government or committee proceed with the next business**

- (1) A member may, at the conclusion of the speech of another member, move without notice that the local government or committee proceed with the next business.
- (2) A motion that the local government or committee proceed with the next business is to be immediately put without debate.
- (3) If the local government or committee decides to proceed with the next business, the issue which was then under discussion is to be considered as dropped.
- (4) During the same debate on an issue, a motion that the local government or committee proceed with the next business is not to be moved within 1 hour after a similar motion has been lost.

**37 Motion that the meeting be closed**

- (1) A member may, at the conclusion of the speech of another member or on the conclusion of business, move without notice, that the meeting be closed.
- (2) On a motion that the meeting be closed—
- (a) the mover and the mover of the motion then under debate, if any, may speak for not more than 5 minutes; and
  - (b) no other debate is to be allowed.
- (3) If a motion that the meeting of the local government or committee be closed is lost, a similar motion is not to be moved until after the issue then under discussion or the next issue on the agenda or another issue which may be allowed precedence has been disposed of.
- (4) A member who has spoken on the issue then before the local government or committee is not to move that the meeting be closed.
- (5) A member is not to move or second more than 1 motion that the meeting be closed at the same meeting of the local government or committee.
- (6) If a motion that the meeting be closed is carried, the debate on the issue, if any, under debate when the motion was moved stands adjourned to its place on the agenda for the next meeting of the local government or committee.

**38 Motion that a ruling of the chairperson be suspended**

- (1) A member may without notice move a motion to suspend a ruling of the chairperson.

- (2) If a motion to suspend a ruling of the chairperson is moved, further consideration of any matter is suspended until after the motion is resolved.
- (3) The member moving a motion to suspend a ruling of the chairperson may speak in support of the motion for not more than 5 minutes. No other person can speak in support of a motion to support the ruling of the chairperson.
- (4) A chairperson has a right of reply in respect of a motion to suspend a ruling of the chairperson. No other debate is to be allowed in respect of a motion to suspend a ruling of the chairperson.
- (5) If a motion to suspend a ruling of the chairperson is carried, the matter to which the ruling of the chairperson was made is to proceed as though that ruling had not been made.
- (6) If as a result of that ruling the matter was discharged as out of order, it is to be restored to the business paper or notice of meeting and dealt with in the normal course of business.

**39 Motion that a matter be referred to a committee**

- (1) A member may without notice move a motion that a matter be referred to a committee.
- (2) A motion that a matter be referred to a committee must include the matters specified in section 42 (Committees) of this subordinate local law.
- (3) The member moving the motion that a matter be referred to a committee may speak in support of the motion for not more than 5 minutes.
- (4) If a motion that a matter be referred to a committee is carried, the issue to be considered is not again to be introduced or brought before a meeting of the local government except on report of a meeting of the committee.

**40 Motion that a provision of this subordinate local law be suspended**

- (1) A member may without notice move a motion to suspend a provision of this subordinate local law pursuant to section 9(2) (Proceeding at meetings) or 17(2) (Procedure at meetings) of *Local Law No. 1 (Meetings) 2008*.
- (2) A motion to suspend a provision of this subordinate local law is to specify the duration of the suspension.

**Division 3 Voting on a motion**

**41 Method of taking vote**

- (1) Before any matter is put to the vote, a member may—
  - (a) request that the motion or amendment under discussion be read or stated again; and

- (b) request the production of any records of the local government with respect to the motion or amendment as are readily accessible.
- (2) The chairperson may decline a request pursuant to subsection (1) if the chairperson forms the opinion that the request was not made in good faith.
- (3) Members are to remain seated while a vote is being taken and, except if demanding a division, members are to remain silent while a vote is being taken.
- (4) The chairperson when taking the vote on a motion, is to put the question, first in the affirmative and then in the negative, and may do so as often as is necessary to enable the chairperson to form and declare an opinion as to whether the affirmative or the negative has the majority by a show of hands.
- (5) The local government is to vote by a show of hands but any member may call for a division on a motion.
- (6) When a vote or a division has been taken, the chief executive officer is to record the names of the members voting in the affirmative and of those voting in the negative in the minutes of the meeting.
- (7) The chairperson is to declare the result of a vote or a division as soon as it has been ascertained.
- (8) Members may request that their names and how they voted be recorded in the minutes.

## **Part 4 Meetings of local government committees**

### **Division 1 Operation of committees**

#### **42 Committees**

- (1) Subject to this subordinate local law, the business of the local government is to be distributed amongst such committees as the local government may from time to time appoint.<sup>1</sup>
- (2) The appointment of a committee is to be made by resolution of the local government and the motion to appoint the committee is to include the following—
  - (a) the duties proposed to be entrusted to the committee; and
  - (b) the term of the appointment of the committee; and

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<sup>1</sup> Section 452 (Appointment of committees) of the *Local Government Act 1993* provides that a local government may appoint standing committees, special committees and advisory committees.

- (c) the membership of the committee, including the councillors and, if applicable, persons who are not councillors; and
  - (d) the chairperson of the committee.
- (3) The chairperson of the committee is to be a councillor, unless the local government resolves otherwise.
  - (4) Each committee is to be responsible to the local government for the laws and local laws administered by it, and the business controlled and supervised by it.
  - (5) The functions of a standing committee may be amended from time to time by resolution of the local government.
  - (6) Once the committee has completed its functions or duties, the local government may dissolve the committee.

#### **43 Constitution of committees**

- (1) The mayor of the local government is to be a member of each committee.
- (2) Subject to this subordinate local law, the personnel, tenure of office and quorum of a committee is to be determined by a resolution of the local government.

### **Division 2 Conduct of committee meetings**

#### **44 Public in committee meetings**

- (1) No person other than a member of the local government may take part in a committee debate unless the chief executive officer invites the person to address the committee on the matter before it.
- (2) A person wishing to be heard personally or as a deputation on any matter relevant to a committee is to make a written application to the chief executive officer requesting to address the committee at least 7 days before the meeting at which the person or deputation wishes to be heard.
- (3) A written application made under subsection (2) is to set out—
  - (a) the subject matter to be raised by the person or deputation; and
  - (b) the name and address of the person, or the person authorised by a deputation to receive notices on its behalf.
- (4) Following consultation with the chairperson, the chief executive officer is to determine whether the matter will be heard.
- (5) A deputation or personal address may not exceed 10 minutes unless otherwise agreed by the chairperson.

- (6) A deputation is not to exceed 5 persons in number and only 2 persons of the deputation are at liberty to address the committee except in reply to questions from members.
- (7) If a member of the deputation other than the appointed speakers interjects or attempts to address the committee, the chairperson may warn the deputation that a repetition may result in the deputation not being heard further.
- (8) The chairperson may call on next business if—
  - (a) there is a repetition after the chairperson has given a warning under subsection (7); or
  - (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained; or
  - (c) the person, or a member of the deputation, uses insulting or offensive language.
- (9) Unless the committee resolves otherwise, the effect of calling on the next business is that the deputation is not to be heard at that meeting and a fresh request is to be given to the chief executive officer if the deputation wishes to be heard at a subsequent meeting.
- (10) The subject matter raised by the person or the deputation is not to be further considered by the committee until the person or the deputation has withdrawn.

#### **45 Address by non members**

- (1) If an address or a comment by a non-member is, in the opinion of the chairperson, irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- (2) A person addressing the committee is to stand, act and speak with decorum and frame any remarks in respectful and courteous language.

#### **46 Adjournment**

- (1) A member of a committee may, after a meeting has sat continuously for 4 hours, move for an adjournment until a time fixed by a resolution for the purpose, unless a majority of the members of the committee then present by vote on a question put from the chair, without any formal motion, resolve to continue the sitting.
- (2) Notwithstanding subsection (1), a committee may by resolution adjourn from time to time.

#### **47 Attendance at committee meetings or inspection meetings**

- (1) Any member of the local government may attend and address a committee meeting or inspection if the member so desires but is not, unless appointed by the local government to that committee, entitled to vote at the committee meeting.

- (2) A member is not deemed to be present at any meeting unless the member is inside the meeting room.

#### **48 Attendance at committee meetings by local government officers**

A committee may, before entering into discussion on any matter, call on the relevant director or the director's nominee to be present at the discussion, and the director or the director's nominee is to attend the meeting.

#### **49 Reports**

- (1) A committee, unless otherwise resolved by the local government pursuant to section 458 (Reports) of the *Local Government Act 1993*, is to submit reports to the chief executive officer who will list them on the agenda for the next available meeting of the local government.
- (2) If in a report of a committee distinct recommendations are made, the decision of the local government may be taken separately on each recommendation or as otherwise determined by the local government.

### **Part 5 Maintenance of good order at local government meetings and committee meetings**

#### **50 Conduct during local government meetings and committee meetings**

- (1) A speaker other than the mayor is to—
- (a) rise in their place and stand while speaking unless prevented by sickness or bodily infirmity; and
  - (b) address themselves to the chair.
- (2) A speaker, in referring to another person present is to, if appropriate, designate that person as—
- (a) Mr mayor or Madam mayor; or
  - (b) Mr chairperson or Madam chairperson; or
  - (c) councillor followed by the councillor's surname; or
  - (d) Mr chief executive officer or Madam chief executive officer; or
  - (e) in the case of a council officer other than the chief executive officer, Mr or Madam followed by the surname of the council officer.
- (3) Members are to remain seated and silent while a vote is being taken except when requesting a division.
- (4) If the chairperson rises during a debate—

- (a) any member who is speaking or offering to speak must immediately be seated; and
- (b) all members present at the meeting must be silent.

## **51 Priority at speaking**

If two or more members rise to speak at the same time, the chairperson is to decide who of them is entitled to priority, and the chairperson's decision is not to be open to question.

## **52 Conduct and discipline**

- (1) The chairperson may call the attention of the local government or a committee to an act of disorder and may direct such member, if speaking, to discontinue their speech and thereupon the member is to cease speaking and is to resume the member's seat.
- (2) A member, without the permission of the chairperson, is not to—
  - (a) walk out of, or across, the meeting place when a question is being put; or
  - (b) whilst another member is speaking, pass between the speaker and the chair; or
  - (c) enter or leave from the meeting place after the business of the meeting has commenced.
- (3) The chairperson is to maintain order and may call a member to order whenever, in the chairperson's opinion, there is some cause for doing so.
- (4) When a member is requested by the chairperson to withdraw a remark, the member is to do so immediately and without qualification or explanation.
- (5) The chairperson may adjourn a meeting for a period of 30 minutes if the chairperson is of the opinion that a state of general disorder exists.
- (6) A state of general disorder is deemed to exist if the chairperson finds that a majority of the members at a meeting are not prepared to continue with the orderly conduct of the meeting, and the chairperson rules accordingly.
- (7) Upon the recommencement of the meeting at the expiration of the 30 minute period the chairperson is to move, without notice and without comment, to proceed with the business of the local government or committee.
- (8) If the motion to proceed with the business of the local government or committee is lost, the debate on the issue, if any, under debate when the motion was moved is to stand adjourned to its place on the agenda for the next meeting of the local government or committee.

**53 Raising a point of order**

- (1) A member may interrupt a member who is speaking by raising a point of order.
- (2) A point of order is to be dealt with immediately by the chairperson.
- (3) When recognised by the chairperson, the person raising the point of order is to state the matter complained of and the grounds constituting the point of order.
- (4) The chairperson or any member may raise a point of order at any time during the course of the meeting.
- (5) If a point of order is raised, the member who is speaking is to resume the member's seat and remain silent until the point of order has been disposed of.
- (6) Only one point of order may be placed by a member before the meeting at any one time, however, once a point of order is properly ruled upon a further point of order may be raised and the chairperson is to determine how the debate is to be resumed.
- (7) If a member who is called to order seeks permission to explain, retract or apologise, the chairperson may grant or refuse such request.
- (8) If an explanation, retraction or apology is made under subsection (7), the chairperson is to rule on whether such explanation, retraction or apology is sufficient.

**Part 6 Record of meetings**

**54 Audio and video recording of meetings**

- (1) The chief executive officer is to make an audio tape recording of the proceedings of a local government meeting.
- (2) Members and local government officers are permitted to hear the audio tape at any time.
- (3) The local government may, by resolution, authorise the audio or video recording of the proceedings of a local government meeting or a committee meeting by the media.
- (4) The local government may, by resolution, authorise other audio or video recordings of a local government meeting or a committee meeting.

## Schedule            Dictionary

*code of conduct* has the meaning given in the *Local Government Act 1993*.<sup>2</sup>

*point of order* means an objection to an action which—

- (a) is in contravention of the *Local Government Act 1993*, *Local Law No. 1 (Meetings) 2008* or this subordinate local law; or
- (b) is irrelevant; or
- (c) was a matter the subject of discussion at a closed meeting; or
- (d) otherwise prejudices the interests of the local government.

*procedural motion* means a motion identified in section 29 (Procedural motions) of this subordinate local law.

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<sup>2</sup> *code of conduct* for a local government is defined in Schedule 2 (Dictionary) of the *Local Government Act 1993* as meaning the code of conduct for councillors adopted, or taken to have been adopted, by the local government under chapter 4, part 3A of the *Local Government Act 1993*.

