



MEETING PROCEDURES LOCAL LAW 2021

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

CONTENTS

Part 1 - Preliminary.....	7
1.1 Short title.....	7
1.2 Commencement	7
1.3 Application and intent.....	7
1.4 Terms used	7
1.5 Repeal	9
Part 2 - Establishment and membership of committees	9
2.1 Establishment and appointment of committees	9
2.2 Types of committees.....	10
2.3 Delegation of some powers and duties to certain committees.....	10
2.4 Limits on delegation of powers and duties to certain committees.....	11
2.5 Appointment of committee members	11
2.6 Tenure of committee membership	12
2.7 Appointment of deputies.....	13
2.8 Resignation of a committee member.....	13
2.9 Register of delegations to committees.....	13
2.10 Committees to report.....	14
2.11 Reports of committees - questions	14
2.12 Permissible motions on committee recommendations	14
Part 3 - Meetings of Council	14
3.1 Ordinary and special council meetings.....	14
3.2 Calling Council meetings	14
3.3 Note: in the case of the TPRC, as a regional local government, the reference in this section to the ‘mayor or president’ is taken to be the chairman. Convening Council Meetings	15
3.4 Calling committee meetings.....	15
3.5 Public Notice of Meetings	16
Part 4 - Chairman and quorum	16
4.1 Who presides?	16
4.2 When the deputy chairman can act	17
4.3 Who acts if no chairman?.....	17
4.4 Election of presiding members of committees.....	18
4.5 Election of deputy presiding members of committees	19

4.6	(d) to “mayor or president” were references to “presiding member”.Functions of deputy presiding members.....	20
4.7	Who acts if no presiding member?.....	20
4.8	Quorum for meetings	20
4.9	Reduction of quorum for council meetings.....	20
4.10	Reduction of quorum for committee meetings	21
4.11	Procedure where no quorum to begin a meeting.....	21
4.12	Procedure Where Quorum Does Not Present During a Meeting	21
4.13	Names to be recorded	22
Part 5	- Business of a Meeting	22
5.1	Business to be specified	22
5.2	Order of Business	22
5.3	Reports of the CEO	24
5.4	Motions of which previous notice has been given	24
5.5	New business of an urgent nature	25
5.6	Questions by members of which due notice has been given.....	26
5.7	Adoption by exception resolution.....	26
5.8	Announcements by the chairman	26
5.9	Questions during debate	27
5.10	Restrictions on questions and answers	27
5.11	Grant of leave of absence.....	27
Part 6	- Public participation	28
6.1	Meetings generally open to the public	28
6.2	Meetings closed to the public	29
6.3	Question time for the public.....	30
6.4	Question time for the public at certain meetings.....	30
6.5	Minimum question time for the public	31
6.6	Procedures for question time for the public	31
6.7	Other procedures for question time for the public	32
6.8	Distinguished visitors.....	33
6.9	Deputations and statements.....	33
6.10	Petitions	34
6.11	Presentations.....	35
6.12	Participation at committee meetings	35
6.13	Council may meet to hear public submissions	35
6.14	Public inspection of agenda material	36
6.15	(2) Subregulation (1) does not apply if, in the CEO’s opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)’. Confidentiality of information withheld.....	37
6.16	Recording of proceedings	38
6.17	Media attendance	38

6.18	Prevention of disturbance.....	39
Part 7 - Conduct of members.....		39
7.1	Members to occupy own seats.....	39
7.2	Respect to the presiding member.....	39
7.3	Official titles to be used	40
7.4	Entering or leaving a meeting	40
7.5	Members who wish to speak	40
7.6	Priority of speaking	40
7.7	The presiding member may take part in debates	40
7.8	Relevance.....	41
7.9	Speaking twice.....	41
7.10	Duration of speeches.....	41
7.11	No speaking after conclusion of debate	41
7.12	No interruption	41
7.13	Personal explanation.....	42
7.14	No reopening of discussion.....	42
7.15	Offensive language	42
7.16	Withdrawal of offensive language	43
Part 8 - Preserving order		43
8.1	Presiding member to preserve order	43
8.2	Point of order	43
8.3	Procedures on a point of order.....	44
8.4	Calling attention.....	44
8.5	Ruling by the presiding member	44
8.6	Continued breach of order	44
8.7	Presiding member may adjourn meeting	45
Part 9 - Motions and amendments.....		45
9.1	Motions to be seconded	45
9.2	Unopposed business	45
9.3	Only one primary motion at a time.....	45
9.4	Order of call in debate	46
9.5	Limit of debate	46
9.6	Member may require motion to be read	46
9.7	Consent of seconder required for alteration.....	46
9.8	Order of amendments.....	46
9.9	Form of an amendment.....	46
9.10	Amendments must not negate original motion	46
9.11	Relevance of amendments	47
9.12	Mover of motion may speak on amendment.....	47
9.13	Effect of an amendment	47

9.14	Withdrawal of motion and amendments.....	47
9.15	Right of reply.....	47
Part 10	- Procedural motions	48
10.1	Permissible Procedural Motions	48
10.2	No debate.....	48
10.3	Who may move?.....	48
10.4	Procedural motions - right of reply on primary motion	48
10.5	Debate to be adjourned	48
10.6	Meeting now adjourns	49
10.7	Motion be deferred.....	49
10.8	Motion to be now put	49
10.9	That the item be referred back to the CEO or a committee	49
10.10	Member to be no longer heard	50
10.11	Ruling of the presiding member be disagreed with	50
10.12	The meeting now be closed.....	50
Part 11	- Disclosure of interests	50
11.1	Disclosure of interests	50
Part 12	- Voting.....	50
12.1	Motion - when put	50
12.2	Voting	51
12.3	Majorities required for decisions.....	51
12.4	Method of taking vote	52
Part 13	- Minutes	52
13.1	Keeping of Minutes	52
13.2	Content of Minutes	52
13.3	(g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public'. Public Inspection of Unconfirmed Minutes.....	53
13.4	Confirmation of Minutes.....	53
Part 14	- Adjournment of Meeting.....	54
14.1	Meeting may be adjourned.....	54
14.2	Effect of adjournment	54
Part 15	- Implementing decisions.....	54
15.1	Requirements to revoke or change decisions	54
15.2	Procedure for moving a revocation motion	55
15.3	Limitations on powers to revoke or change decisions	55
15.4	Implementing a decision	56
15.5	Meaning of terms	56
Part 16	- Suspension of these Meeting Procedures	57
16.1	Suspension of these Meeting Procedures	57
16.2	Where Meeting Procedures do not apply	57

Part 17 - Miscellaneous	57
17.1 Representation on public bodies.....	57
17.2 Improper use of information.....	57
17.3 Application to committees.....	58
17.4 Cases not provided for in the local law	58
Part 18 - Enforcement	58
18.1 Penalty for breach.....	58
18.2 Who can prosecute?	58
Part 19 - Common Seal.....	58
19.1 Custody of the Common Seal	58
19.2 Use of Common Seal	58

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Tamala Park Regional Council resolved on 17 February 2022 to make the following local law.

Part 1 - Preliminary

1.1 Short title

- (1) This is the *Tamala Park Regional Council Meeting Procedures Local Law 2021*.
- (2) In the clauses that follow, this local law is referred to as ***this local law*** or ***these Meeting Procedures***.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Application and intent

- (1) These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its committees.
- (2) Meetings are to be conducted in accordance with the Act, the Regulations, the Model Code of Conduct and this local law.
- (3) These Meeting Procedures are intended to result in -
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Terms used

- (1) In this local law, unless the context requires otherwise -
absolute majority has the meaning given to it in the Act;

absolute majority -

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

[Section 1.4 of the *Local Government Act 1995*]

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the TPRC;

chairman means the chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

committee means a committee of the Council (established under section 5.8 of the Act);

Council means the Council of TPRC;

Council member, or ***member***, means a member of the Council;

deputy chairman means the deputy chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

employee means a person employed by the TPRC under section 5.36 of the Act;

Establishment Agreement means the Establishment Agreement of the TPRC approved by the Minister on 24 January 2006;

meeting means a meeting of the Council or of a committee;

member has the same meaning as ***Council member***;

Minister means the Minister responsible for administering the Act;

minor amendment, in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

Model Code of Conduct means the model code of conduct prescribed in the *Local Government (Model Code of Conduct) Regulations 2021*, as adopted by the TPRC under section 5.104 of the Act on 15 April 2021;

participant means a local government that is a party to the Establishment Agreement;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 4.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 4.4 and 4.5);

primary motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and

TPRC means the Tamala Park Regional Council.

- (2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and Regulations.

Notes:

1. In this local law -
 - (a) provisions of the Act and Regulations, and of other legislation, are reproduced in a boxed format; and
 - (b) notes are also included.
2. The purpose of reproducing these provisions, and of including the notes, is to assist the reader in the interpretation or administration of this local law.
3. The reproduced provisions of the Act and Regulations and other legislation, and the notes -
 - (a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and
 - (b) reproduce only the provisions, or refer only to the provisions, that were in force at the time that the council resolved to adopt this local law and, therefore, may not necessarily be accurate at a future date.

1.5 Repeal

The *Tamala Park Regional Council Standing Orders Local Law 2006* published in the *Government Gazette* on 4 August 2006, is repealed.

Part 2 - Establishment and membership of committees

2.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.

Section 5.8 of the *Local Government Act 1995* states -

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -

- (a) the terms of reference or functions of the committee;
- (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

Note: *other person* means a person who is not a Council member or an employee

2.2 Types of committees

The types of committees are dealt with in the Act.

Section 5.9(2) of the *Local Government Act 1995* states -

A committee is to comprise –

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

Section 5.16 of the *Local Government Act 1995* states -

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

Section 5.17 of the *Local Government Act 1995* states -

- (1) A local government can delegate –
 - (a) to a committee comprising council members only, any of the council’s powers or duties under this Act except –
 - (i) any power or duty that requires a decision of an absolute majority of the council;
 - (ii) any other power or duty that is prescribed; and
 - (b) to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of –
 - (i) the local government’s property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

Section 5.10 of the *Local Government Act 1995* states -

- (1) A committee is to have as its members –
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Note: In the case of the TPRC, as a regional local government, the reference in this section to the 'mayor or president' is taken to be the chairman.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

Section 5.11 of the *Local Government Act 1995* states -

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the term of the person's appointment as a committee member expires; or

- (b) the local government removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day, whichever happens first.

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

Section 5.11A of the *Local Government Act 1995* states -

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
* Absolute majority required.
- (2) A person who is appointed as a deputy of a member of a committee is to be –
 - (a) if the member of the committee is a council member – a council member; or
 - (b) if the member of the committee is an employee – an employee; or
 - (c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

2.8 Resignation of a committee member

The resignation of a committee member is dealt with in the Regulations.

Regulation 4 of the *Local Government (Administration) Regulations 1996* states -

A committee member may resign from membership of the committee by giving the CEO or the committee’s presiding member written notice of the resignation.

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

Section 5.18 of the *Local Government Act 1995* states -

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

2.10 Committees to report

A committee -

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) is to prepare and submit to the Council a report containing recommendations.

2.11 Reports of committees - questions

Where a recommendation of a committee is submitted for adoption by the council, any council member may direct questions directly relating to the recommendation, through the presiding member of the council, to the presiding member of the committee or to any member of the committee in attendance.

2.12 Permissible motions on committee recommendations

A recommendation made by a committee may be -

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) amended, and adopted as amended, by the Council; or
- (d) referred back to the committee for further consideration.

Part 3 - Meetings of Council

3.1 Ordinary and special council meetings

- (1) Ordinary and special Council meetings are dealt in the Act.

Section 5.3 of the *Local Government Act 1995* states -

- ‘(1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure’.

- (2) An ordinary meeting of the Council, held on a bi-monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

Section 5.4 of the *Local Government Act 1995* states -

‘An ordinary or a special meeting of a council is to be held –

(a) if called for by either –

(i) the mayor or president; or

(ii) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting;
or

(b) if so decided by the council’.

3.3 Note: in the case of the TPRC, as a regional local government, the reference in this section to the ‘mayor or president’ is taken to be the chairman. Convening Council Meetings

(1) The convening of a Council meeting is dealt with the Act.

Section 5.5 of the *Local Government Act 1995* states -

‘(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours’ notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting’.

Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a council member by -

(a) personally, handing the notice to the member;

(b) sending it by post to the last known address of the member; or

(c) leaving it for the member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.

(2) Subject to subclause (3), the CEO is to give at least 72 hours’ notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the chairman or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held -

- (a) if called for in a verbal or written request to the CEO by the chairman or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

3.5 Public Notice of Meetings

Public notice of meetings is dealt with in the Regulations.

Regulation 12 of the *Local Government (Administration) Regulations 1996* states -

‘(1) In this regulation –

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held –

- (a) ordinary council meetings;
- (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.

(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made’.

Part 4 - Chairman and quorum

4.1 Who presides?

Who presides at a Council meeting is dealt with in the Act.

Section 5.6 of the *Local Government Act 1995* states -

‘(1) The mayor or president is to preside at all meetings of the council.

(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.

- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
- (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
- then, the council is to choose one of the councillors present to preside at the meeting’.

Note:

In the case of the TPRC, as a regional local government, the reference in this section to the ‘mayor or president’ is taken to be the chairman, and the references ‘deputy mayor or deputy president’ are to the deputy chairman.

4.2 When the deputy chairman can act

When the deputy chairman can act is dealt with in the Act.

Section 5.34 of the *Local Government Act 1995* states –

‘If –

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires’.

Note: In the case of the TPRC, as a regional local government, the references in this section to the ‘mayor or president’ are taken to be the chairman and the references to ‘deputy mayor’ and ‘deputy president’ are taken to be deputy chairman.

4.3 Who acts if no chairman?

Who acts if there is no chairman is dealt with in the Act.

Section 5.34 of the *Local Government Act 1995* states -

‘If –

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires’.

Note: In the case of the TPRC, as a regional local government, the references in this section to the ‘mayor or president’ are taken to be the chairman and the references to ‘deputy mayor’ and ‘deputy president’ are taken to be deputy chairman.

4.4 Election of presiding members of committees

The election of committees is dealt with in the Act.

Section 5.12(1) of the *Local Government Act 1995* states -

‘(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –

- (a) to “office” were references to “office of presiding member”; and
- (b) to “council” were references to “committee”; and
- (c) to “councillors” were references to “committee members”.

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –

- (a) to “office” were references to “office of deputy presiding member”; and
- (b) to “council” were references to “committee”; and
- (c) to “councillors” were references to “committee members”; and
- (d) to “mayor or president” were references to “presiding member”.

Clauses 2 to 5 (inclusive) of Schedule 2.3, Division 1 of the *Local Government Act* states -

‘2. When council elects mayor or president

(1) The office is to be filled as the first matter dealt with –

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2) (5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election’.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

Section 5.12(2) of the *Local Government Act 1995* states -

‘(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule -

(a) to “office” were references to “office of deputy presiding member”; and

- (b) to “council” were references to “committee”; and
- (c) to “councillors” were references to “committee members”; and

4.6 (d) to “mayor or president” were references to “presiding member”’.Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

Section 5.13 of the *Local Government Act 1995* states -

‘If, in relation to the presiding member of a committee –

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member’.

4.7 Who acts if no presiding member?

Who acts if no presiding member is dealt with in the Act.

Section 5.14 of the *Local Government Act 1995* states -

‘If, in relation to the presiding member of a committee –

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting’.

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

Section 5.19 of the *Local Government Act 1995* states -

‘The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee’.

4.9 Reduction of quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

Section 5.7 of the *Local Government Act 1995* states -

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting’.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in accordance with in the Act.

Section 5.15 of the *Local Government Act 1995* states -

‘The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting’.

* *Absolute majority required.*

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

Regulation 8 of the *Local Government (Administration) Regulations 1996* states -

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

Note: in the case of the TPRC, as a regional local government, the references in this regulation to the ‘mayor or president’ is taken to be the chairman, and the references to the ‘deputy mayor or deputy president’ is taken to be the deputy chairman.

4.12 Procedure Where Quorum Does Not Present During a Meeting

If at any time during a meeting a quorum is not present -

- (a) the chairman is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the chairman may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the chairman is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

Part 5 - Business of a Meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the chairman or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the chairman or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that:
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of Business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -

1. Official opening.
2. Record of attendance, apologies and leave of absence.
3. Disclosure of interests
4. Public statement/question time
5. Announcements by the chairman
6. Petitions/deputations/presentations
7. Confirmation of minutes and business arising from minutes
8. Administration reports
9. Committee reports
10. Motions of which previous notice has been given
11. Members questions of which previous notice has been given
12. Urgent business approved by the chairman
13. General business
14. Matters behind closed doors
15. Closure

(2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of a committee is to be as follows -

1. Official opening.
2. Record of attendance, apologies and leave of absence.
3. Disclosure of interests.
4. Petitions/deputations/presentations
5. Confirmation of minutes and business arising from minutes.
6. Announcements by the presiding member.
7. Administration reports.
8. Motions of which previous notice has been given.
9. Members questions of which previous notice has been given.
10. Urgent business approved by the presiding member.
11. General business
12. Matters behind closed doors.

13. Closure.

- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Regulations relating to public question time (see clauses 6.3-6.5 below).

- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Reports of the CEO

- (1) The functions of the CEO, including to advise the Council and implement decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.

5.4 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a member may raise at a meeting such business of the Council or the committee (as the case may be) as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO or at the last Council or committee meeting.
- (2) A notice of motion under subclause (1) is to be given at least 15 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion must relate to a purpose for which the TPRC is established.
- (4) The CEO -
- (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
 - (c) may provide to the Council or the committee (as the case may be) relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, strategy, budget, and law.
- (5) A notice of motion is not out of order because the policy involved is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (9) The presiding member -
- (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (8); and
 - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

5.5 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), *cases of extreme urgency or other special circumstances* means matters -
- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the TPRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to -
 - (i) have a significant adverse effect (financially or otherwise) on the TPRC; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
- (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include -
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

5.6 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.
- (2) If the CEO considers that the question breaches or may breach these Meeting Procedures or any other law -
 - (a) the CEO is to refer the question to the chairman;
 - (b) the chairman is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (1) is to be included, if practicable, in the agenda of the meeting, or is otherwise to be tabled at the meeting.
- (4) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the chairman.

5.7 Adoption by exception resolution

- (1) In this clause *adoption by exception resolution* means -
 - (a) in respect of a resolution of the Council, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) in respect of a resolution of a committee, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
 - (a) that requires an absolute majority;
 - (b) in which a financial or proximity interest has been disclosed;
 - (c) that has been the subject of a petition;
 - (d) that is a matter on which a member wishes to make a statement or ask a question; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

5.8 Announcements by the chairman

Announcements by the chairman under item 5 of clause 5.2(1) and item 6 of clause 5.2(2) are -

- (a) to inform the Council of official duties performed, or functions attended, by the chairman, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise; and
- (c) to be completed within 10 minutes

5.9 Questions during debate

At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

5.10 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given by a member or an employee -
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (2) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

5.11 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

Section 2.25 of the *Local Government Act 1995* states -

- ‘(1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of –
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.

- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non attendance occurs –
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

Section 5.23 of the Act states -

- ‘(1) Subject to subsection (2), the following are to be open to members of the public –
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
- (a) a matter affecting an employee or employees; and

- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government; and

- (f) a matter that if disclosed, could be reasonably expected to –
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed’.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

6.2 Meetings closed to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried -
 - (a) the presiding member is to direct -
 - (i) all members of the public, other than a person specified in the resolution, to leave the meeting;

- (ii) any employee of TPRC unless specified in a resolution to leave the meeting; and
- (iii) any member or employee of a participant unless specified in the resolution to leave the meeting; and
- (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

Note: restrictions on the disclosure of information considered at a meeting closed to the public are set out in clause 6.15 below.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

Section 5.24 of the *Local Government Act 1995* states -

- ‘(1) Time is to be allocated for questions to be raised by members of the public and responded to at –
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations’.

Note: in the case of an electronic meeting of the Council or a committee, section 24 is modified as set out in regulation 14E(4) of the *Local Government (Administration) Regulations 1996*.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

Regulation 5 of the *Local Government (Administration) Regulations 1996* states -

‘For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty’.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

Regulation 6 of the *Local Government (Administration) Regulations 1996* states -

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4)’.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

Regulation 7 of the *Local Government (Administration) Regulations 1996* states -

- ‘(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires –
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or

- (c) a committee to answer a question that does not relate to a function of the committee.
 - (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to –
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question’.
- Note: For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4). ements for an electronic meeting held under regulation 14D, see regulation 14E(4).

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must -
 - (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that -
 - (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to -

- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (9) A response to a question -
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where -
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of these Meeting Procedures or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member -

- (a) may invite the distinguished visitor to sit beside the chair or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

6.9 Deputations and statements

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee, or wishes to make a statement, must -
 - (a) apply in writing to the CEO for approval prior to the meeting; and

- (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer to the presiding member a copy or summary of the application.
- (4) Unless the Council or a committee resolves otherwise -
 - (a) a deputation that complies with subclause (2) may address the Council or the committee for up to 5 minutes; and
 - (b) the presiding member may allow that period of 5 minutes to be shared between 2 or 3 members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 5 minutes).
- (5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or the committee until the deputation has completed its presentation.
- (7) Where a deputation is to be received by the Council or a committee, the person or group comprising the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 5.2(1) and 5.2(2).
- (8) Any item of business to be discussed at a Council or committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

6.10 Petitions

- (1) A petition must -
 - (a) be addressed to the chairman, a member or the CEO;
 - (b) be made by electors of the district;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law.
- (1) On the presentation of a petition -
 - (a) the member presenting it is confined to reading the petition; and

- (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (2) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

6.11 Presentations

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the presiding member, the presentation may take place at the relevant order of business under clause 5.2(1) and (2) or at the time of dealing with that particular item of business
- (2) The time allocated to the presentation and any questions from members will be determined by the presiding member according to the particular case or circumstance.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who -
 - (a) is entitled to attend a committee meeting;
 - (b) attends the committee meeting; and
 - (c) is not a member of the committee.

Note: a member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act.

- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) Unless otherwise resolved by the Council, the CEO and the chairman are to set the time and date of the meeting.
- (3) Where the Council resolves to meet at another time under clause 6.13(1) -

- (a) the CEO is to provide local public notice of the time and date of the meeting; and
 - (b) give a written invitation to attend the meeting to all members of the public who applied under clause 6.9 to make a deputation on the issue.
- (4) At a meeting held under this clause -
- (a) a person is to be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member;
 - (b) no resolutions are to be made by the Council;
 - (c) the presiding member is to ensure that minutes are kept; and
 - (d) once every member of the public has had the opportunity to make a submission, the presiding member is to close the meeting.
- (5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (6) The Council must not make a decision on a matter that is the subject of a meeting under this clause until it has received the CEO's report under clause 6.13(5)
- (7) A meeting held under clause 6.13(1) shall be conducted only to hear submissions, the Council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (8) At a meeting held under clause 6.13(1), each person making a submission shall be provided with the opportunity to fully state their case.
- (9) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the chairman.
- (10) Once every member of the public has had the opportunity to make a submission the chairman is to close the meeting.

6.14 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

Regulation 14 of the *Local Government (Administration) Regulations 1996* states -

'(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which –

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

6.15 (2) Subregulation (1) does not apply if, in the CEO’s opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)’. Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -

- (a) identified in the agenda of a Council or committee meeting under the item “Matters behind closed doors”;
- (b) marked “Confidential” in the agenda; and
- (c) kept confidential by members and employees until the Council or committee resolves otherwise.

(2) A member or an employee who has -

- (a) confidential information under subclause (1); or
- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not prevent a member or employee from disclosing information -

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
- (c) that is already in the public domain;
- (d) to an officer of the department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

Clause 21 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* states -

‘(1) In this clause –

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member –
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information –
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

6.16 Recording of proceedings

- (1) Unless otherwise decided by the meeting -
 - (a) the CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
 - (b) the CEO may also record the proceedings of a meeting in any other way that he or she considers to be appropriate.
- (2) Unless with the written authorisation of the presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) If an authorisation is given under clause 6.16(2), the presiding member is to advise the meeting, immediately before the recording commences, that the authorisation has been given and the nature and extent of the authorisation.

6.17 Media attendance

Media representatives

- (a) may attend meetings of the Council; and
- (b) must be seated in that part of the Council chamber or meeting room (if any) that is set aside for their use; and
- (c) must leave the meeting during any period when the meeting is closed to the public.

6.18 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts contrary to this clause, or to these Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the chair may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Section 75 of the Criminal Code states -

‘Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000’.

Part 7 - Conduct of members

7.1 Members to occupy own seats

- (1) At Council meetings, members must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in those positions that are closest to the presiding member followed by other members.
- (3) The CEO is to sit beside the presiding member

7.2 Respect to the presiding member

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

7.3 Official titles to be used

A speaker, when speaking or referring to the presiding member, or to a presiding member or employee, must use the title of that person's office.

7.4 Entering or leaving a meeting

During a meeting, a member must not enter or leave the meeting without first giving an appropriate indication to the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

Note: regulation 11(b) of the Regulations requires the content of minutes of a meeting of a council or committee to include -

'(b) where a member enters or leaves a meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting ...'

7.5 Members who wish to speak

(1) A member who wishes to speak at a Council meeting -

(a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and

(b) when invited by the presiding member to speak, and unless otherwise determined by the Council, must address the meeting through the presiding member.

(2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

7.6 Priority of speaking

(1) At a Council meeting, where 2 or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) At a committee meeting, the presiding member is first to invite committee members to speak followed, at the discretion of the presiding member, by other members and attendees.

(3) A decision of the presiding member under this clause is not open to discussion or dissent.

(4) A member is to cease speaking immediately after being asked to do so by the presiding member.

7.7 The presiding member may take part in debates

Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the presiding member may take part in a discussion of any matter before the meeting.

7.8 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to-
 - (i) any irrelevant, repetitious, offensive or insulting remarks by a member; or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause 7.8(2) by immediately ceasing to speak.

7.9 Speaking twice

- (1) A member must not address the Council or a committee more than once on any motion or amendment except -
 - (a) as the mover of a primary motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.10 Duration of speeches

- (1) A member must not speak on any matter for more than 5 minutes without the consent of the meeting to extend which, if given, is to be given without discussion.
- (2) A member's total speaking time on any matter must not exceed 10 minutes.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the question has been put.

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or

- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(f)).

7.13 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

7.14 No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 15).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) use an expression that is offensive or objectionable
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes

Note: clause 5 of Schedule 1 to the *Local Government (Model Code of Conduct) Regulations 2021* states -

5. Relationship with others

- (1) A council member, committee member or candidate should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment

7.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member -
 - (a) reflects adversely on the character or actions of another member or employee;
 - (b) imputes any motive to a member or employee; or
 - (c) uses an expression that is offensive or objectionablemust, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under clause 7.15(2), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

Note: clause 8.5 applies where a member fails or refuses to comply with a direction by the presiding member under this clause.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member rises or speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause 8.1(2) is not to be used by the chairman to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of -
 - (a) any of these Meeting Procedures; or
 - (b) any other written law.
- (2) Examples of valid points of order are -
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.8); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.15).
- (3) Despite anything in these Meeting Procedures to the contrary, a point of order -
 - (a) takes precedence over any discussion; and

- (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until -
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

8.4 Calling attention

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

8.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause 8.5(2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.8(2)(b), 7.15 or 8.5(3)(b)),

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.7 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.
- (2) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.
- (3) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 15.1 below).

9.2 Unopposed business

- (1) Immediately after a primary motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) A motion carried under subclause 9.2(2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting (see Part 15).

9.3 Only one primary motion at a time

- (1) The Council or committee -
 - (a) is not to accept a primary motion while another primary motion is being debated; and
 - (b) is not to consider more than one primary motion at any time.

- (2) The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.5 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

9.6 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.7 Consent of seconder required for alteration

The mover of a primary motion may not alter the wording of the motion without the consent of the seconder.

9.8 Order of amendments

Any number of amendments may be proposed to a primary motion, but when an amendment is moved to a primary motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.9 Form of an amendment

An amendment must add, delete, or substitute words to the primary motion.

9.10 Amendments must not negate original motion

An amendment to a primary motion cannot negate the original motion or the intent of the original motion.

9.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.13 Effect of an amendment

If an amendment to a primary motion is carried, the motion as amended then becomes the primary motion, on which any member may speak and any further amendment may be moved.

9.14 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member, in which case discussion on the motion or amendment is to continue.
- (2) If either paragraph (a) or (b) of subclause (1) applies, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The mover of any amendment to a primary motion has a right of reply.
- (3) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion - at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion - at the conclusion of the discussion on the primary motion and any amendments.
- (4) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Note: under clause 10.4 of these Meeting Procedures, the carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

Part 10 - Procedural motions

10.1 Permissible Procedural Motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the debate now be adjourned;
- (b) that the meeting now adjourn;
- (c) that the motion be deferred;
- (d) that the motion now be put;
- (e) that the item be referred back to the CEO or a committee;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the meeting be closed to the public (see clause 6.2);
- (i) that the meeting be now closed;

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (e), (f), (h), (i) or (j) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (d) or (g) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move?

With the exception of 10.1(g) a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

10.5 Debate to be adjourned

- (1) A motion “that the debate be adjourned” -

- (a) Is to state the time to which the debate is to be adjourned; and
 - (b) If carried, has the effect that all debate on the primary motion or amendment ceases immediately, but continues at the time stated in the motion.
 - (c) Must not be moved in respect of the election of the chairman or deputy chairman.
- (2) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

10.6 Meeting now adjourns

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment of a meeting, the presiding member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution (see clause 5.7).
- (3) A motion “that the meeting now adjourn” -
- (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause 10.6(3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

10.7 Motion be deferred

- (1) If a motion “that the motion be deferred” (and the reasons for the motion), is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be re-submitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of the chairman or deputy chairman.

10.8 Motion to be now put

- (1) If the motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 That the item be referred back to the CEO or a committee

- (1) Is a motion “that the item be referred back to the CEO or a committee” (and the reasons for the motion), is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the CEO or a committee for further consideration.

- (2) If the motion in clause 10.9(1) is lost, debate on the primary motion or amendment is to continue.

10.10 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

10.11 Ruling of the presiding member be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.12 The meeting now be closed

- (1) If a motion “that the meeting now be closed”, is carried, then -
 - (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting.
- (2) If the motion “that the meeting now be closed” is carried at a meeting of the Council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.9 (speaking twice) apply when the outstanding business is resumed.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Regulations, the Model Code of Conduct Regulations and the TPRC Code of Conduct.

Part 12 - Voting

12.1 Motion - when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -
 - (a) is to put the motion to the meeting; and
 - (b) if requested by a member, is again to state the terms of the motion.
- (2) A member must not leave the meeting or cross the meeting room when the presiding member is putting any motion.

12.2 Voting

Voting is dealt with in the Act and Regulations.

Section 5.21 of the *Local Government Act 1995* states -

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded –
 - (a) his or her vote; or
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Regulation 9 of the *Local Government (Administration) Regulations 1996* states -

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

Section 5.20 of the *Local Government Act 1995* states -

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections –
 - (a) by a council of the local government's mayor or president under section 2.11; or

- (b) by a council of the local government's deputy mayor or president under section 2.15; or
- (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12'.

12.4 Method of taking vote

- (1) In taking the vote on any motion , the presiding member -
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is subject to this clause, is to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member specifically requests that there be recorded -
 - (a) their vote; or
 - (b) the vote of all members present on a matter voted on at a meeting of the Council or a committee, the presiding member is to cause the vote of votes, as the case may be, to be recorded in the minutes.

Part 13 - Minutes

13.1 Keeping of Minutes

The keeping and confirmation of minutes are dealt with in the Act.

Section 5.22 of the *Local Government Act 1995* states -

- '(1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation'.

13.2 Content of Minutes

The content of minutes is dealt with in the Regulations.

Regulation 11 of the *Local Government (Administration) Regulations 1996* states -

'The content of minutes of a meeting of a council or a committee is to include –

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest; and

13.3 (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public’. Public Inspection of Unconfirmed Minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

Regulation 13 of the *Local Government (Administration) Regulations 1996* states -

- ‘(1) The CEO must publish on the local government’s official website –
- (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
 - (b) if a council or committee meeting is closed to members of the public – that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.
- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held’.

13.4 Confirmation of Minutes

- (1) The CEO is to give to each member -
- (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting - within 5 clear working days after the meeting.

- (2) When minutes of a meeting of Council or a committee are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the CEO a written copy of the alternative wording to amend the minutes no later than 7 working days before the next meeting of the Council or committee.
- (3) At the next meeting of Council or a committee, the member who provided the alternative wording is to, at the time for confirmation of minutes -
 - (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes
- (4) A member must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Note: documents associated with meetings (including notice and agenda papers, minutes and records) are to be retained in accordance with TPRC's record keeping plan under the State Records Act 2000.

Part 14 - Adjournment of Meeting

14.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting -

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law -

- (a) the names of members who have spoken on the matter prior the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 7.9 (speaking twice) apply when the debate is resumed.

Part 15 - Implementing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

Regulation 10 of the *Local Government (Administration) Regulations 1996* states -

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

15.2 Procedure for moving a revocation motion

- (1) A motion to revoke or change a decision made at a meeting must -
- (a) be in writing in a form prescribed by Council
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;
 - (e) specify the date of the meeting of Council or a committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 5.4.
- (2) A notice of revocation motion given to the CEO must be dealt with in accordance with clause 5.4

15.3 Limitations on powers to revoke or change decisions

- (1) Subject to clause 15.3(2), the Council or a committee is not to consider a motion to revoke or change a decision -
- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.4 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in clause 15.3(1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.4 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Note: one of the statutory functions of the CEO under section 5.41(c) of the Act is to “cause council decisions to be implemented”.

15.5 Meaning of terms

In this Part -

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a motion to revoke or change a decision that -

- (a) complies with the requirements of the Act, Regulations and the Meeting Procedures and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

Part 16 - Suspension of these Meeting Procedures

16.1 Suspension of these Meeting Procedures

- (1) A member may, at any time, move that the operation of one or more of the clauses of these Meeting Procedures be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried by absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Meeting Procedures do not apply

- (1) In situations where -
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these Meeting Procedures, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

Part 17 - Miscellaneous

17.1 Representation on public bodies

When the Council is required to appoint or nominate a member or other person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the Council is by resolution to determine the appointment or nomination.

17.2 Improper use of information

Improper use of information is dealt with in the Act

Section 5.93 of the *Local Government Act 1995* states -

‘A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years’.

17.3 Application to committees

- (1) Unless otherwise provided in the local law, the provisions of this local law are to apply to meetings of committees with the exception of -
- (a) clause 7.1 (seating); and
 - (b) clause 7.9 (speaking twice).

17.4 Cases not provided for in the local law

Where there is no provision or insufficient provision is made in the local law, the presiding member is to determine the procedure to be observed.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

18.2 Who can prosecute?

Who can prosecute is dealt with in the Act.

Section 9.24(2) of the *Local Government Act 1995* states -

‘A prosecution for an offence against a local law may be commenced by –

- (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
- (b) a person who is authorised to do so by the local government or regional local government that made the local law’.

Part 19 - Common Seal

19.1 Custody of the Common Seal

The CEO is to have charge of the common seal of TPRC and is responsible for the safe custody and proper use of it.

19.2 Use of Common Seal

The use of the common seal is dealt with in the Act.

Sections 9.49A and 9.49B of the *Local Government Act 1995* state -

‘9.49A. Execution of documents

- (1) A document is duly executed by a local government if –
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
 - (a) the mayor or president; and
 - (b) the CEO,
 each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

9.49B. Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.
- (3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

Dated:

The Common Seal of the Tamala Park Regional Council was affixed by authority of a resolution of the Council in the presence of:

.....
 BIANCE SANDRI
 CHAIR

.....
 JON MORELLINI
 CHIEF EXECUTIVE OFFICER