



STATUTORY POLICY

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Standing Orders

- These Standing Orders apply to all meetings of Council and any standing Committees.
- Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

1.0 Purpose and Scope

Council meetings are where the key decisions are made. Council sets its policies, adopts its corporate plans, approves and adopts budgets, and make its local laws in meetings.

This policy is to be applied in accordance with the provisions of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Chapter 8 part 2 of the *Local Government Regulation 2012* provides the core requirements for the conduct of meetings of a local government and the committees of a local government.

Procedures for Meetings of Council

2.0 Presiding Officer

- The Mayor will preside at a meeting of Council.
- If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- If both the Mayor and the Deputy Mayor, or the Mayors' delegate, are absent or unavailable

to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

- Council will choose the Chairperson for a Committee meeting. This Chairperson will normally preside over meetings of the Committee.
- If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.

3.0 Frequency and location of meetings

Council must meet at least once a month. Richmond Shire Council meet on the third Tuesday of every month.

Council publishes in a newspaper at least once a year, and on Council's website, details of the days and times of its General Meetings. Changes in times and dates of any meetings are also advertised in this manner.

Meetings are held at Council's Board Room, 65 Goldring Street, Richmond, QLD, 4822. A resolution of Council is required to hold a meeting at another location.

4.0 Teleconferencing

A resolution of Council is required to allow a Councillor and another person/s to take part in a meeting by teleconference. Where Council has approved the teleconferencing arrangement, the Councillor must be able to hear and be heard by each other person at the same time during the meeting.

The Councillor who is teleconferencing must make suitable arrangements to observe the confidentiality of the matters discussed, particularly during a closed session of the meeting.

5.0 Meeting types

Councillors may participate in four types of formal meetings:

- Post-election meeting
- Ordinary local government or council meeting
- Budget meeting
- Special local government meeting—may be called to address an urgent item of business.

6.0 Closed meetings

Local Government and standing committee meetings are open to the public, except when the local government/committee resolves that matters are inappropriate to be discussed in a public meeting.

A local government or committee may resolve that a meeting be closed to the public under Section 275 of the *Local Government Regulation 2012* if its Councillors or members consider it necessary to discuss any of the following:

- a) appointment, dismissal, or discipline of employees

- b) industrial matters affecting employees
- c) the local government's budget
- d) rating concessions, or
- e) contracts proposed to be made by the local government, or
- f) starting or defending legal proceedings involving the local government
- g) any action to be taken by the local government under the Planning Act, including applications made to it under that Act
- h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

A resolution to close the meeting to the public must specify the nature of the matters which are to be considered while the meeting is closed. If these are known in advance, the agenda should clearly identify them as matters that will be considered while the meeting is closed to the public.

At the appropriate point during the meeting, Council must resolve to close the meeting to the public.

Council must not make a resolution (other than a procedural resolution) in a closed meeting.

7.0 Meeting preparation

Councillors should allow adequate time to read the agenda papers and accompanying reports and:

- identify matters of particular interest to them or which may be contentious
- identify any matters which need clarification or additional information to help inform their view, and contact the CEO or Mayor for assistance before the meeting
- identify any agenda items where they may have a material personal interest or conflict of interest and be ready to take appropriate action
- discuss their views with other Councillors.

It is recommended that Councillors allocate and schedule specific preparation time in their diaries once General Meeting dates have been set.

8.0 Conflict of interest

A conflict of interest (COI) is a conflict that:

1. is between a Councillors personal interests and the public interest
2. might lead to a decision that is contrary to the public interest (section 175D, LGA09).

A Councillor does not have a conflict of interest if:

- Council is considering an 'ordinary business matter' (see definitions) (Refer Note27)
- the Councillors interest is no greater than that of other persons in the local government area.

A Councillor also does not have a COI if he or she:

- is a member of, or has a personal connection with, a community group, club, school, church or political party. However, if the Councillor is an office holder in any of these, they must declare a conflict of interest.
- is nominated by the local government to be a member of a board or a corporation or other association merely because of the nomination or appointment as a member.

Councillors must inform a council of a personal interest (real or perceived conflict of interest) in a matter to be considered at a council meeting (for example that relates to a personal or family relationship or because of an election gift).

A Councillor who has informed the meeting of a personal interest may decide to leave the meeting room. If the Councillor does not leave the meeting, the remaining Councillors at the meeting must vote to decide whether the Councillor has a real or perceived COI and whether the Councillor must leave the meeting or may stay and participate in the meeting. This decision must be taken by resolution of the council.

Where a majority of Councillors inform the meeting they have a personal interest in a particular matter, the Councillors must delegate the decision-making process (unless an Act requires that the decision must be made by resolution of the local government).

In instances where the matter must be decided by resolution, approval must be sought from the Minister for Local Government before Councillors affected by a COI can take part in any associated discussions and decision-making processes.

The Minister may, by signed notice given to a Councillor, approve the Councillor participating in the meeting, or being present while a matter is being discussed and voted on, if:

1. the matter could not otherwise be decided at the meeting because the majority of Councillors have an interest in the matter; and
2. deciding the matter cannot be delegated under section 257 (Note 28).

9.0 Material personal interest at a meeting

A Councillor has a material personal interest (MPI) in a matter if a decision or action taken by the council meeting on that matter may result in a direct or indirect benefit or loss to any of the following:

1. the Councillor
2. a close relative (spouse, parent, child or sibling)
3. a person who is in a partnership with the Councillor
4. an employer of the Councillor (other than a government entity)
5. a body or organisation of which the Councillor is a member, and
6. another entity prescribed by regulation (Note 29).

However, a Councillor does not have a material personal interest if the:

1. Council meeting is considering an 'ordinary business matter' (such as setting rates and charges or adopting the council budget); or
2. Councillors interest is no greater than that of other person's in the local government area.

A Councillor with a material personal interest must tell the meeting about the interest and leave the chamber or meeting place, including any area set aside for the public, while the matter is discussed and a decision is made.

Where a majority of Councillors have a material personal interest in a particular matter, Councillors must delegate the decision-making process under section 257 of the LGA09 (unless and Act requires that the decision must be made by resolution of the local government).

In instances where the matter must be decided by resolution, approval must be sought from the Minister for Local Government before Councillors affected by the MPI can take part in any associated discussions and decision-making processes.

The Minister may, by signed notice given to a Councillor, approve the Councillor participating in a meeting, or being present while a matter is being discussed and voted on, if:

1. the matter could not be otherwise decided at the meeting because of the number of Councillors subject to obligation under section 175C (2) (b), *Local Government Act 2009*
2. deciding the matter cannot be delegated under section 257 (section 175F, *Local Government Act 2009*).

10.0 Order of Business

- Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
- The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Prayer
 - Confirmation of Minutes
 - Action items & Resolutions
 - Matters Arising
 - Officers Reports
- The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

11.0 Agendas

The Agenda may contain:

- Notice of meeting
- Minutes of the previous meetings
- Business arising out of previous meetings
- Business which the Mayor wishes to have considered at that meeting without notice
- Matters of which notice has been given
- Committees' reports to Council referred to the meeting by the CEO
- Officers' reports to Council referred to the meeting by the CEO
- Deputations and delegations
- Any other business Council determines by resolution be included in the agenda paper

Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each Committee.

12.0 Petitions

Any petition presented to a meeting of Council shall:

- be in legible writing or typewritten and contain a minimum of ten (10) signatures
 - include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
 - Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

13.0 Deputations

- A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) business days before the meeting.
- The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

- If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
- The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

14.0 Motions

Motion to be moved:

- A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
- Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

Absence of Mover of Motion

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

Motion to be seconded

- A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

Amendment of Motion

- An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

Speaking to motions and amendments

- The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- In accordance with Section 273 of the Local Government Regulation 2012, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Method of taking vote

- The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

Repealing or amending resolutions

- A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the Local Government Regulation 2012.
- Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three (3) months.

Procedural motions

A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:

- that the question/motion be now put
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the Chairpersons decision
 - that this report/document be tabled
 - to suspend the rule requiring that (insert requirement)
 - that the meeting stand adjourned.
- A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
 - The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no

date or time is specified:

- a further motion may be moved to specify such a time or date, or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
 - A procedural motion, that the question lie on the table, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that another Councillor:

- has failed to comply with proper procedures
- is in contravention of the Local Government Act/Regulations, or
- is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended pursuant to clause 10.2. The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising shall, until decided, suspend the consideration and decision of every other question.

- A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- A procedural motion, "to suspend the rule requiring that ...", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.

- A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillors time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

15.0 Conduct during Meetings

- Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
- No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

16.0 Questions

- A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
- A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

17.0 Maintenance of Good Order

Disorder

- The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

18.0 Attendance and Non-Attendance

Attendance of public and the media at meeting:

- An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 Local Government Regulation 2012. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

19.0 Public participation at meetings

- A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.

- Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

20.0 Procedure not provided for

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



Peter Bennett
CHIEF EXECUTIVE OFFICER