

	PROCEDURES FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS	
	CATEGORY:	GOVERNANCE
	LG ACT 2019 REF:	Chapter 6
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

This policy has been developed to provide a structure for the orderly and efficient proceedings of meetings.

2. SCOPE

This policy applies to all Council meetings and meetings of committees of Council.

3. DEFINITIONS

Agenda	Means a list of items for consideration at the meeting together with reports and other attachments relating to those items.
Amendment	Means a motion moved as an alternative to the original motion.
CEO	The Chief Executive Officer of Wagait Shire Council.
Council	Means the Council of Wagait Shire Council.
Committee	Means a Committee established by the Council in accordance with Section 54 of the Local Government Act.
Confidential Information	<p>1) (For section 293(1) of the Act, the following information is prescribed as confidential:</p> <ul style="list-style-type: none"> (a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual; (b) information about the personal circumstances of a resident or ratepayer; (c) information that would, if publicly disclosed, be likely to: <ul style="list-style-type: none"> (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or (ii) prejudice the maintenance or administration of the law; or (iii) prejudice the security of the council, its members or staff; or (iv) subject to subregulation (3) – prejudice the interests of the council or some other person; Part 3 Administration Division 2 Confidential information and business <i>Local Government (General) Regulations 2021 33</i> (e) subject to subregulation (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest;

	<p>(f) subject to subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.</p> <p>(2) For subregulation (1)(f), the following information is no longer confidential after the complaint has been decided:</p> <p>(a) a decision notice in relation to the complaint;</p> <p>(b) a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.</p> <p>(3) Information mentioned in subregulation (1)(c)(iv) and (e) does not prejudice the interests of the council or some other person or is not contrary to the public interest if the information, if publicly disclosed, only causes:</p> <p>(a) embarrassment to the council, members or the council's staff; or</p> <p>(b) a loss of confidence in the council; or</p> <p>(c) discussion of a matter that is controversial in the council area; or</p> <p>(d) the council to be susceptible to adverse criticism.</p> <p>information subject to an obligation of confidentiality at law, or in equity;</p>
Confidential business	Business involving the discussion of confidential information is prescribed as confidential business. in accordance with Part 3, Division 2, Section 52 of the Local Government (General) Regulations 2021.
Councillor	Means an Elected Member of the Wagait Shire Council.
Deputation	Individuals and groups may request presentation time on the agenda of a Council meeting to make a formal address to the Council. Deputations provide an opportunity for members of the public to address Council on a specific issue.
Minutes	Means the record of proceedings at any meeting of the Council or its committees.
Motion	Is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
Officer	Means an employee of Council.
Ordinary meeting	Means a meeting of the Council that is usually the monthly meeting of the Council and not a special meeting of the council.
Petition	A petition is a formal request used to lobby a law-making body such as local government. It may request an amendment to general law or the review of an administrative decision. The petition is placed before the law-making body with the object of implementing the particular action or amendment. Petitioning is one of the traditional forms by which people can make requests direct to Council.
Principal Member	Means the President or Mayor of Wagait Shire Council or in their absence the appointed deputy.
Quorum	Means the minimum number of members needing to be present to constitute a valid meeting.
Resolution	Is a motion that has been passed by a majority of Councillors at the meeting.
Special meeting	Means a meeting of the Council that has been called in accordance with sections 58 and 59 of the Local Government Act

4. POLICY

4.1 Setting the dates, place and times for ordinary meetings.

- (1) The Council shall pass a resolution which sets the day, the time and the place each month, or every two months, for each ordinary meeting of the Council. The Council may set the same day each month for its ordinary meeting (e.g. the second Tuesday of every month).
- (2) The resolution for the setting of dates is normally confirmed at the first meeting following an election of the Council although it may be changed by resolution thereafter.

4.2 The order in which agenda is to be dealt with at an ordinary meeting.

- (1) The order in which agenda is to be prepared shall include:
 - (a) A list of the names of the members present at the meeting
 - (b) Apologies from members who have given reasons why that they will not be present at the meeting
 - (c) Members who wish to declare that they have a conflict of interest with any agenda item at the meeting
 - (d) A model resolution for council to confirm whether or not the minutes of the previous meeting are a true and correct record of that meeting
 - (e) Inward correspondence requiring a decision of council
 - (f) Councillor's reports
 - (g) Officer's reports
 - (h) Finance report
 - (i) Agenda items of which previous notification has been given
 - (j) Questions from members – with or without notice
 - (k) Questions from the public – with notice
 - (l) Petitions/deputations
 - (m) Confidential business
 - (n) Confirmation of the date and time of the next meeting.
 - (o) Closure of the meeting

The order of business at an ordinary meeting may be altered for a particular meeting if the members present at that meeting pass a motion to that effect.

4.3 Agenda papers for ordinary meetings.

- (1) The CEO must prepare and distribute to members, at least three business days before each ordinary meeting and at least four hours before each special meeting, an agenda which complies with the Local Government Act and include the unconfirmed minutes of the previous meeting.
- (2) Copies of the agenda must be made available to the public at the council office.

4.4 Notice to be given of agenda items for an ordinary meeting.

- (1) Members shall give notice to the CEO, at least five days before the meeting, of important agenda items for a meeting.
- (2) The notice must be in writing by the member who wished the matter to be considered and the notice may include a petition.

4.5 Procedures for General Business at an ordinary meeting.

- (1) The CEO or a member may give notice at the beginning of a meeting requesting that matters to be considered during the part of the meeting be set aside and take place during general business.
- (2) Before giving notice, members or the CEO, must have regard to the nature of the matter and whether it requires a decision or is for information only.
- (3) Members must only give notice of matters for decision by Council in the event of the matter not requiring much deliberation.
- (4) Where a matter requires reasonable consideration or analysis the Council shall consider deferring it to the next meeting.

4.6 Petitions

- (1) A petition may be presented to a meeting of the Council by a member.
- (2) Before presenting the petition, the member must, as far as practicable, become acquainted with the subject matter of the petition.
- (3) The member must state the nature of the petition and then read the petition.
- (4) The petition must be worded in a respectful language.
- (5) Each page of the petition must restate the whole of the petition.
- (6) The signature on a page not complying with subclause (5) must not be taken into account by the council when considering the petition.
- (7) A person must not attach to a petition –
 - (a) A signature purporting to be that of another person; or
 - (b) The name of another person.
- (8) If a petition is presented at a meeting of the Council and was not included in the agenda for the meeting –
 - (a) A person present at the meeting and associated with the petition, may make a statement, explanation, submission or comment regarding the petition only if first invited to do so by the Principal Member; and
 - (b) No debate on or in relation to the petition must be allowed and the only motion that may be moved is that:
 - (i) The petition be received and noted; or
 - (ii) To be referred to a committee or officer for consideration and a report to the Council.

4.7 Deputations

- (1) A deputation wishing to attend and be heard at a meeting must apply in writing to the CEO not less than 5 business days before the meeting.
- (2) The application must state why the deputation wishes to attend and be heard.

- (3) The CEO, on receiving the application, must notify the Principal Member of the application.
- (4) The Principal Member must determine whether the deputation may be heard and notify the CEO accordingly.
- (5) The CEO must –
 - (a) Inform the deputation of the Principal Member’s determination; and
 - (b) If the Principal Member has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the Council.
- (6) Only 2 persons in the deputation may address the meeting unless the members determine otherwise by resolution.
- (7) A person in the deputation who is addressing the meeting must be temperate in speech and matter and must not use insulting or offensive language.
- (8) The deputation must be given adequate opportunity and facility to explain the purpose of the deputation.
- (9) The Principal Member may halt an address by a person in a deputation if –
 - (a) The Principal Member is satisfied that the purpose of the deputation has been sufficiently explained to the members; or
 - (b) The person is severe in speech or manner or uses insulting or offensive language.

4.8 Motions to be dealt with in the order they appear in the agenda papers unless otherwise determined.

- (1) That Principal Member shall ask members present at the meeting to move motions in the order that agenda items appear in the agenda papers (as well as any other motions that arise during consideration of those items) unless otherwise determined by resolution by Council at the meeting.

4.9 Motions to have a mover and a seconder for debate to commence and members must speak about the agenda item.

- (1) A member who moves a motion may speak in support of the motion before it is seconded.
- (2) The Principal Member shall only allow debate on a motion if it is seconded, requesting initially for a member that may wish to speak against the motion and thereafter with members wanting to speak either for or against the motion.
- (3) A motion that is not seconded must be recorded in the minutes as having lapsed.
- (4) A member speaking about a motion must confine his or her remarks to the matter being considered.
- (5) In the event there are no motions to amend the original motion the Principal Member shall put the motion to the vote.

4.10 Motions not be withdrawn without consent

- (1) When a motion has been moved and seconded, it becomes subject to the control of the ordinary meeting and may not be withdrawn without the consent of members.

4.11 A member may move an amendment to a motion so long as it still relates to that motion.

- (1) When a motion has been moved and seconded, a member may move an amendment to it.
- (2) A member who moves or seconds a motion must not move or second an amendment to a motion.
- (3) Any amendment so moved, must not negate the intent of the original motion.
- (4) The principal member shall reject any proposed amendment that attempts to negate a motion, or replace an amended motion with the original motion.

4.13 Council may only deal with one amendment to a motion at a time.

- (1) Once an amendment has been moved, no further amendment can be considered until that amendment is disposed of, either because it lapses, or is seconded and put to the vote.

4.14 The amendment, if voted on and carried, becomes the motion.

- (1) Once an amendment is put to the vote and carried, the motion as amended, then becomes the motion before the ordinary meeting.
- (2) Following the carriage of an amended motion (and subsequent debate if any), the Principal Member shall put the amended motion to the vote of members present at the meeting.

4.15 Dealing with further amendments to motions.

- (1) If an amendment to a motion is lost, then further amendments may be considered until a motion is carried (be it the original motion or some variation of it) or all motions are exhausted.

4.16 Limitation as to the number and duration of speeches

- (1) Except with the consent of members present at the meeting, the mover of an original motion, in his or her opening speech, must not speak for more than ten minutes.
- (2) Except with the consent of members present at the meeting, a member, other than the mover of the original motion, must not speak for more than five minutes at any one time.
- (3) A member, who is the mover of an original motion, has a right of general reply (and may speak for up to five minutes once all debate is completed) to all observations which have been made in reference to the motion and every amendment involved in respect of it.
- (4) A member, other than the mover of an original motion, has a right to speak once to the motion and any amendment proposed to it.

4.17 Principal Member to maintain order, to decide who can speak first and to have priority when speaking.

- (1) The Principal Member must maintain order, and may, without the intervention of any other members, call any member to order whenever, in his or her opinion, it is necessary to do so.
- (2) If two or more members attempt to speak at the same time, the Principal Member must decide which of the members may speak first.
- (3) The Principal Member may, at any time during the debate on the matter, indicate an intention to speak.
- (4) If the Principal Member indicates an intention to speak, a member speaking or proposing to speak to the debate must be silent until the Principal Member has been heard.

4.18 Members must address other members and council officers properly at meetings, and may request the Principal Member to bring order to the meeting.

- (1) Members must comply with the adopted Code of Conduct at meetings.
- (2) A member who considers that another member is out of order may call upon the Principal Member to maintain order.
- (3) The call for order must be dealt with immediately, without further discussion, in accordance with a council's code of conduct.

4.19 How the Principal Member shall deal with calls for order from members.

- (1) Where a member calls for order, the Principal Member must rule on the call by determining whether the comments made by a member are out of order.
- (2) Where the Principal Member rules that a member is out of order on more than three occasions at a meeting the Principal Member may request the member to leave the meeting.
- (3) If the Principal Member decides that any motion, amendment or other matter (including a matter he or she considers is objectionable) is out of order, it must be rejected and not be considered further.

4.20 Rescinding or altering resolutions

- (1) A resolution of the Council may be altered or rescinded if a notice of motion is carried at a meeting to have the matter dealt with at another meeting, and this is done within three months of the original notice of resolution being passed.
- (2) The CEO shall ensure that any notices of motion, once carried, are included in the agenda for future meetings of the Council.

4.21 Motions to improve the handling of matters at a meeting

- (1) A member may move a motion to have a matter put to the vote only after the Principal Member has –
 - (a) First queried whether members wish to speak for, or against, the particular motion to do with the matter, and

- (b) At least two members have had the opportunity to do so.
- (2) If the motion to put a matter to have the vote is lost, debate on the matter must be allowed to continue for at least ten minutes before the presiding member can allow a similar motion for the matter to be put to the vote.
- (3) If the motion to put the matter to the vote is carried, the Principal Member must immediately put the motion to do with the matter to the vote.
- (4) A member may move a motion to have debate on a matter put off to the next Council Meeting and have the Meeting move to the next item of business, and
 - (a) If the motion is carried, the CEO must ensure the matter is included in the agenda for the next meeting; or
 - (b) If the motion is lost, the Principal Member must continue to allow debate on the matter until it is put to the vote.
- (5) A member may move a motion to have a meeting put off for a short period and
 - (a) If the motion is carried, the meeting must continue with the matter before the meeting at the point where it was delayed, and
 - (b) If the motion is lost, the presiding member must not accept a similar motion within 30 minutes after the motion was lost.

4.22 Member absences from, and attendances at, ordinary and special meetings

- (1) If a quorum of members is not present at a meeting in accordance with clause 64 of the Local Government Act, the Principal Member must postpone the meeting to a date, time and place as the Principal Member thinks fit.
- (2) Members may attend ordinary, special or committee meetings by technological means so long as there are no members of the public in attendance when confidential matters are discussed and undue influence is not exercised over members by members of the public during the meeting.
- (3) If a member is absent from 2 consecutive ordinary meetings of council without the permission of council the member shall cease to hold office as outlined in Section 39(d) of the Local Government Act

4.23 Public Attendance and participation at meetings.

- (1) Members of the public, including journalists, shall be allowed to attend ordinary, special or committee meetings unless Council chooses to close them for confidential business.
- (2) A member of the public must not take part, or attempt to take part, in the proceedings of a meeting without notice as outlined in either Section 7 or Section 4.23(4).
- (3) No members of the public shall ask questions of invited guests under any circumstances.
- (4) A member of the public who wishes to ask a question must do so in writing to the CEO at least 7 business days prior to the meeting.
- (5) A question on notice from a member of the public must be included in the agenda for the next meeting of the Council or otherwise answered administratively.

4.24 Confidential Information and Business.

At the conclusion of the consideration of confidential business at a meeting, the council must decide, in accordance with its policy, whether the type of confidential information considered is:

- (a) the type of confidential information that should no longer be confidential after a specified period of time,
OR
- (b) the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.

4.25 The Principal Member is to maintain order when the public is participating in Ordinary, Special or Committee Meetings.

- (1) Members of the public that submit questions The Principal Member may invite questions, submissions or comments from members of the public at a meeting of the council but is not obliged to do so.
- (2) If the Principal Member considers a question comment, or statement of a member of the public at a meeting of the council is offensive, irrelevant, unduly long or deals with a confidential matter, the Principal Member may rule the matter out of order and proceed to deal with it or the next item of business.
- (3) On receiving a comment or submission from a member of the public, the council must:
 - (a) Refer it to a committee
 - (b) Request it be included in the agenda for the next council meeting
 - (c) Deal with it under general business at the Meeting of the Council, or
 - (d) Note it and take no further action.

4.26 Procedures for Council Committees

- (1) Committees of Council shall follow the same procedures as provided for Council Meetings unless the committee resolves otherwise.
- (2) Minutes of committee meetings shall be included in the agenda of Council Meetings as recommendations and Council may adopt them in whole, or part, or be simply noted with no further action required.
- (3) When conferring a power or function on a committee the Council shall have regard to its annual budget and plans it has adopted as a basis for providing direction for its committees.

4.27 Changing these procedures

- (1) The Council may change these procedures by resolution at a Meeting.

5. ASSOCIATED DOCUMENTS

P03 Casting Vote of Chair

P25 Emergency Management Committee Terms of Reference

P29 Audit Committee Terms of Reference

6. REFERENCES AND LEGISLATION

Local Government Act 2019

Local Government General Regulations 2021

7. REVIEW HISTORY

Date Approved: 20/10/2009	Approved By Council	Resolution No	Date for review: 17/02/2011
Date Approved: 19/02/19	Approved By Council Moved: Cr Michael Vaughan Seconded: Vice-President Tom Dyer Vote: AIF	Resolution No 2019/326	Date for review: 19/02/22
Date Approved: 19/10/2021	Approved By Council Moved: Vice President Tom Dyer Seconded: Cr Noeletta McKenzie Vote: AIF	Resolution No 2021/186	Date for review: Next term of Council