

Ipswich

City Council

*Subordinate Local Law No. 2.1
(Council Meetings) 2013*

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 2.1 (Council Meetings) 2013.

2 Object

The purpose of this subordinate local law is to supplement *Local Law 2 (Council Meetings) 2013*, which provides a framework for the orderly and proper conduct of meetings of the local government and its committees.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Council Meetings) 2013* (the authorising local law).

4 Definitions – the dictionary

The dictionary in the schedule (Dictionary) defines particular words used in this subordinate local law.

Part 2 Meetings of the Local Government

5 Times of meetings

- (1) For the purposes of section 5 (Times of meetings) of the authorising local law the local government may, by resolution, fix the days and times for its ordinary meetings¹.
- (2) If there is no resolution fixing the day and time for an ordinary meeting, the chief executive officer may fix the date and time for the meeting.
- (3) Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer will, if practicable, consult with the mayor about the proposed day and time for the meeting.

6 Notice and agenda for meetings

- (1) For the purposes of section 7 (Notice and agenda for meetings) of the authorising local law, a written notice of meeting will include an agenda listing the items to be discussed at the meeting.

¹ See section 257 (Frequency and place of meetings) *Local Government Regulation 2012*

- (2) Any notice of meeting or agenda may be given to a councillor either personally, by post, by facsimile machine or by electronic mail.
- (3) The agenda will include—
 - (a) any items required under the Act to be included on the agenda;
 - (b) items that are, by resolution of the local government, to be included on the agenda; and
 - (c) items whose inclusion on the agenda is requested by a councillor.

7 Business to be included on agenda

For the purposes of section 8 (Business to be included on agenda) of the authorising local law, matters not on the agenda or arising from the agenda for a local government meeting will not be considered at the meeting unless permission is given to consider the matter by agreement of the local government at the meeting.

8 Notice of matter to be included on agenda by a councillor

For the purposes of section 9 (Notice of matter to be included on agenda by a councillor) of the authorising local law, any councillor requesting a matter to be included on an agenda, must give notice in writing to the chief executive officer at least two (2) days before the notice of meeting is required to be given².

9 Petitions

- (1) For the purposes of section 10 (Petitions) of the authorising local law, where a councillor wishes to present a petition, the councillor must state the general nature of the petition and present it to the local government. No debate on the petition will be allowed and the only motion which may be moved is that the petition be received and referred to a committee or Council officer for consideration.
- (2) Every other petition received by the local government will be dealt with as though such petition was an item of correspondence.

10 Motions

- (1) For the purposes of section 11(a) (Motions) of the authorising local law, a motion or amendment to a motion, other than a procedural motion or a

² See section 258(Notice of meetings) *Local Government Regulation 2012* as to the requirements of giving a notice of meeting

motion adopting a report, brought before a meeting in accordance with the Act, must be in writing and put to the meeting by the chairperson. The chairperson may require a motion or amendment to a motion to be stated in full before permitting it to be received.

- (2) An amendment to a motion must not directly negative the motion.
- (3) No more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.
- (4) Where an amendment to a motion is before a meeting, no other amendment of the motion may be considered until after the first amendment has been determined.
- (5) A councillor who proposes or seconds a motion may propose or second an amendment to that motion.
- (6) The chairperson must call the notices of motion in the order in which they appear on the agenda unless the local government resolves otherwise, 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.
- (7) A motion on the agenda for a meeting must not be withdrawn from the agenda if a councillor at the meeting objects to it being removed.
- (8) When a motion has been moved and seconded, it may not be withdrawn by the mover and seconder without the agreement of the local government.

11 Absence of mover of motion

For the purposes of section 11(b) (Motions) of the authorising local law, if a councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be—

- (a) moved by another councillor at the meeting; or
- (b) deferred to the next meeting.

12 Motion to be seconded

For the purposes of section 11(c) (Motions) of the authorising local law, a motion or an amendment to a motion must not be debated at a meeting unless or until the motion or the amendment is seconded.

13 Speaking to motions and amendments

- (1) For the purposes of section 11(d) (Motions) of the authorising local law, a councillor may request the chairperson for further information before or after a motion or amendment is seconded.
- (2) Each councillor may speak no more than once to the same motion or same amendment, except as a right of reply.
- (3) The mover of a motion will have the right of reply. If a procedural motion that the motion be now put is passed, then the mover of the original motion will have the right of reply. If an amendment is moved, then the councillor who moved the amendment will have the right of reply prior to the amendment being put. If the amendment is passed, the councillor who moved the original motion will have the right of reply to the amended motion. Once the right of reply has been exercised, the debate is closed.
- (4) Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.
- (5) If two or more councillors wish to speak at the same time, the chairperson may determine who is entitled to speak first.

14 Method of taking vote

- (1) For the purposes of section 11(e) (Motions) of the authorising local law, before any matter is put to the vote, the chairperson may direct the motion or amendment to be read again by the chief executive officer or other officer who is taking the minutes of the meeting. The chairperson must, in taking the vote on a motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (2) The local government will vote by a show of hands unless otherwise directed by the chairperson. Any councillor may call for a division on a question. If a division is taken, the names of the councillors voting in the affirmative and of those voting in the negative (including abstaining) will be recorded. The chairperson must declare the result of a vote or a division as soon as it has been determined.
- (3) Councillors have the right to request that their names and how they voted (including any abstention) be recorded in the minutes if they so request, for voting other than by division.

15 Procedural motions

- (1) For the purposes of section 11(f) (Motions) of the authorising local law, the following motions are determined to be procedural motions—
 - (a) that the motion be put;
 - (b) that the debate on the motion and/or amendment now before the meeting be adjourned;
 - (c) that the meeting proceed to the next item of business;
 - (d) that the question lie on the table or that the matter be taken from the table;
 - (e) that the chairperson's ruling be dissented from;
 - (f) that the meeting be closed/open to the public (in accordance with the provisions of the *Local Government Regulation 2012*);
 - (g) that the meeting stand adjourned.
- (2) Procedural motions are required to be seconded.
- (3) A procedural motion, "that the motion be put", may be moved in order to bring on the finalisation of a motion. Where such a procedural motion is carried, the chairperson must immediately put the motion, or amendment to that motion under consideration, subject to the right of reply pursuant to section 13(3) (Speaking to motions and amendments) of this subordinate law. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- (4) The procedural motion, that the debate on the motion and/or amendment now before the meeting be adjourned, may specify a time or date, to which the debate will be adjourned. A procedural motion must not adjourn debate on a matter the subject of a motion for a period more than two months after the date of that procedural motion.

Where no date or time is specified—

 - (a) a further motion may be moved to specify such a time or date; or
 - (b) the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- (5) Where a procedural motion, that the meeting proceed to the next item of business is carried, debate on the matter subject of the motion must cease

and may be considered again by the local government on the giving of notice in accordance with the authorising local law.

- (6) A procedural motion, that the question lie on the table, will 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 the local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the local government will proceed with the next matter on the agenda. A procedural motion, that the matter be taken from the table, may be moved at the meeting at which that procedural motion was carried or at any later meeting.
- (7) A councillor may move 'a motion of dissent' in relation to a ruling of the chairperson. Where such motion is moved, further consideration of any matter shall be suspended until after the motion is determined. Only the mover of the motion of dissent and the chairperson may speak to such a motion. Each may speak only once to such a motion with the mover speaking first and the chairperson second. Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where a motion of dissent is not carried, the ruling of the chairperson will stand.
- (8) Where a procedural motion, "that the Council resolve to close the meeting to the public for the purpose of" is passed, all members of the public must leave and not re-enter the room where the meeting is being held until a procedural motion "that the Council meeting be open to the public" is passed.
- (9) A procedural motion, that the meeting stand adjourned, may be moved by any councillor.
- (10) Where a procedural motion is lost, the chairperson must not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

16 Points of order

- (1) For the purposes of section 11(g) (Motions) of the authorising local law, any councillor may ask the chairperson to decide on a 'point of order' where it is believed that—
 - (a) another councillor has failed to comply with proper meeting procedures;
 - (b) a matter before the meeting is in contravention of the local laws or the Act; or
 - (c) a matter before the meeting is beyond the local government's jurisdictional power.

- (2) Where a 'point of order' is raised, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.
- (3) Upon a question of order arising during the process of a debate, a councillor may speak to a point of order, and thereupon the councillor against whom the point of order is raised, must immediately cease speaking when the point of order was submitted.
- (4) Notwithstanding anything contained in this subordinate local law and the authorising to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other motion or matter.

17 Conduct of meetings

- (1) The order of business will be determined by resolution of local government from time to time. The order of business may be altered for a particular meeting if the councillors, at that meeting, pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- (2) The local government must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- (3) The local government may, by resolution overrule a decision on a procedural question made by the chairperson.
- (4) Unless otherwise altered, the business and order of business will be as follows—
 - (a) Opening of Meeting
 - (b) Welcome to country or acknowledgement of country
 - (c) Opening Prayer
 - (d) Apologies and Leave of Absence
 - (e) Condolences and Memorials
 - (f) Petitions and Presentations
 - (g) Confirmation of Minutes
 - (h) Reception and consideration of Committee Reports
 - (i) Consideration of Notified Motions

- (j) Reception of Notices of Motion for Future Meetings
 - (k) Questions
 - (l) Officers' Reports
 - (m) Consideration of Items Placed on the Agenda by a Councillor in accordance with section 6(3)(c) (Notice and agenda for meetings) and 8 (Notice of matter to be included on agenda by a councillor) of this subordinate local law.
- (5) The minutes of a preceding meeting not previously confirmed will be taken into consideration in order that such minutes may be confirmed and no discussion will be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.
 - (6) After a meeting of local government has been formally constituted and the business commenced, a councillor must not enter or leave from such meeting without first acknowledging the chairperson.
 - (7) Councillors may stand and address the chairperson while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion or replying to any question, or addressing the local government for any other purpose.
 - (8) Councillors will speak of each other during the local government meetings by their respective titles, "Mayor" or "Councillor" and in speaking of or addressing officers will designate them by their respective official or departmental title and will confine their remarks to the matter then under consideration.
 - (9) Councillors must remain seated and silent while a vote is being taken except when calling for a division. Councillors will act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner. The chairperson may specify orally, or in writing, appropriate standards of decorum which must be observed by all councillors and other persons attending a meeting.
 - (10) A councillor must not make personal reflections on or impute improper motives to any other councillor.
 - (11) A councillor who is speaking must not be interrupted except upon a point of order being raised either by the chairperson or by a councillor.
 - (12) When the chairperson speaks during the process of a debate, the councillor then speaking or offering to speak, must immediately cease speaking and each councillor present must preserve strict silence so that the chairperson

may be heard without interruption.

18 Questions

- (1) For the purposes of section 11(i) (Motions) of the authorising local law, a councillor may, at a local government meeting, ask a question for reply by another councillor or the chief executive officer regarding any matter under consideration at the meeting. The question must be reduced to writing and provided to the relevant councillor or chief executive officer.
- (2) The question must be asked categorically and without argument and no discussion will be permitted at the meeting of the local government in relation to a reply or a refusal to reply to the question. A councillor or the chief executive officer to whom a question is asked without notice may request that the question be taken on notice for or prior to the next meeting.
- (3) Any councillor wishing to ask a question relating to the general work or procedure of the local government or any matter under the jurisdiction of the officer or councillor but not related to any matter under consideration at that meeting, shall provide the question in writing to the chief executive officer at least four days prior to the meeting at which it is to be asked.
- (4) A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- (5) The chairperson may disallow a question which the chairperson considers is inconsistent with good order, provided that a councillor may move a motion of dissent against a ruling, and if such a motion is carried, the chairperson must allow such question.

Part 3 Meetings of Local Government Committees

19 Attendance at committee meeting

- (1) For the purposes of section 12 (Attendance at committee meetings) of the authorising local law, any councillor of the local government may attend a meeting of a committee and may address the committee in accordance with any procedures established by the chairperson of the committee.
- (2) An area will be made available at a place where any committee is to take place for members of the public to attend the meeting and as many people as reasonably can be accommodated in that area may be permitted to attend the meeting

Part 4 Maintenance of Good Order

20 Business of objectionable nature

For the purposes of section 18 (Business of an objectionable nature) of the authorising local law, if at a meeting the chairperson or a councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the local government, the chairperson may, on the chairperson's own volition or at the request of another councillor, declare that the matter not be considered further.

Schedule - Definitions

Section 3

chairperson of the local government or a committee means the person presiding at a meeting of the local government or committee.

committee means a committee appointed by a local government under section 264 of the *Local Government Regulation 2012*

committee meeting means a meeting of a committee.

councillor has the same meaning as given in the Schedule 4 of the Act.

local government meeting means—

- (a) a post election meeting; and
- (b) an ordinary or a special meeting;
- (c) but does not include a committee meeting.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

meeting means a local government meeting or a committee meeting.

motion is a formal proposal to be discussed and voted on in a meeting.

ordinary meeting means a meeting that the local government is required to hold pursuant to section 257 of the *Local Government Regulation 2012*.

post election meeting means the meeting required under section 175 of the Act.

procedural motion means a motion that the local government determines by subordinate local law to be a procedural motion.

special meeting has the same meaning as section 258(3) of the *Local Government Regulation 2012*.

the Act means the Local Government Act 2009.

Endnotes

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2 Date to which amendments incorporated

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law – no amendments

5 List of Legislation

Original Subordinate Local Law

Subordinate Local Law No.2.1 (Council Meetings) 2013

date of gazettal 5July 2013

6 List of annotations