



**CENTRAL
GOLDFIELDS
SHIRE
COUNCIL**

Code of Meetings Procedure 2015

CENTRAL GOLDFIELDS SHIRE COUNCIL CODE OF MEETINGS PROCEDURE

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CODE OF MEETINGS PROCEDURE

1. Introduction

The purpose of this Code is to regulate the proceedings of **Council Meetings** and **Meetings** of special committees established by **Council**.

2. Definitions

In this Code –

"**Act**" means the Local Government Act 1989;

"**Agenda**" means a document containing the date time and place of a **Meeting** and a list of business to be transacted at the **Meeting**;

"**Chairperson**" means the person who chairs a **Meeting**;

"**Chief Executive Officer**" means the person who is the **Chief Executive Officer** of the **Council** or any person acting in that position;

"**Code**" means the **Meetings** Procedure Code adopted by **Council** under **Council's Meetings** Procedure Local Law;

"**Council**" means the **Central Goldfields Shire Council**

"**Councillor**" means a **Councillor** of the **Council** and for the purposes of this Code, includes any member of a special committee notwithstanding that any such member is not a **Councillor** as defined in the Act;

"**Mayor**" means the Mayor of the **Council**;

"**Meeting**" means an **Ordinary Meeting**, a **Special Meeting**, or a **Special Committee Meeting**;

"**Minutes**" means the record of proceedings of a **Meeting**;

"**Notice of Motion**" means a notice setting out the text of a motion which a **Councillor** proposes to move at a **Meeting**;

"**Officer**" means an employee of the **Council**;

"**Ordinary Meeting**" means an Ordinary **Meeting** of **Council**"

"**Special Committee**" means a Special Committee established by the **Council** under the **Act**;

"**Special Meeting**" means a **Special Meeting** of **Council**.

3. Responsibilities of Chief Executive Officer

The responsibilities of the Chief Executive Officer under this Code are contained in Schedule 1.

4. Quorum

The quorum for a:

- (a) **Council Meeting** is a majority of **Councillors of the Council**; and
- (b) **Special Committee Meeting** is a majority of the total number of **Councillors** of that **Committee**.

5. Business at Meetings

No business can be dealt with at an **Ordinary Council Meeting** or a **Special Committee Meeting** unless:

- (a) it is contained on the **agenda**, or
- (b) **Councillors** who by number constitute a majority of the whole **Council** or **Committee** vote in favour of a matter being dealt with as urgent business.

6. Confirmation of the Minutes of a Meeting

- (1) When confirming the minutes of a **Meeting**, the **Chairperson** must ask:
“Is any item in the minutes opposed?”
- (2) Opposition can only be expressed in regard to items in the minutes on the basis that the record is incomplete or inaccurate.
- (3) The **Chairperson** must not allow discussion or motions on any other issue than the alleged omission from or inaccuracy of the minutes.
- (4) If no **Councillor** indicates opposition, the **Chairperson** must declare the **minutes** to be confirmed.
- (5) If any **Councillor** indicates opposition, he or she must specify the particular item or items in the **minutes** concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

7. Form of Motions

- (1) A motion or amendment which is proposed by a **Councillor** at a **Meeting** must be -
 - (a) Clearly expressed and unambiguous;
 - (b) Not defamatory or objectionable in nature; and
 - (c) Relevant to an item on the **agenda** (unless it relates to an item which has been agreed by the **Meeting** as urgent business).
- (2) Any motion or amendment which differs in wording from a recommendation or **notice of motion** which is on the **agenda** must if directed by the **Chairperson**, be **written** out by the proposer and given to the **Chairperson**.

- (3) Any motion or amendment which does not conform with sub-clause (1) may be rejected by the **Chairperson**.

8. Procedures for Motions and Amendments

- (1) A **Councillor** who is proposing a motion or amendment must first state briefly the nature of the motion or amendment and then move it, without speaking to it.
- (2) The **Chairperson** must then call for the motion or amendment to be seconded and after it is seconded (by any **Councillor** other than the mover), the mover may then speak to it or may with the consent of the **Chairperson** defer speaking on it until later in the debate.
- (3) Any motion or amendment which is not seconded lapses.
- (4) The **Chairperson** may ask after a motion or amendment is moved and seconded whether it is opposed and if no opposition is indicated he or she may then put it to the vote, without debate and, similarly, the **Chairperson** may ask at any time during the debate whether the motion or amendment before the **Meeting** is opposed or is further opposed and if no opposition or no further opposition is indicated, he or she may put it to the vote, without further debate.
- (5) The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- (6) The mover of an amendment has no right of reply.
- (7) Apart from the mover's right of reply referred to in subclause (5), a **Councillor** may only speak once on the motion and once on each amendment of a motion.
- (8) Any **Councillor** including the mover or seconder of a motion or an amendment may move or second any amendment or any further amendment.
- (9) When any amendment is put to the vote and is declared carried by the **Chairperson** it thereupon becomes the motion and can be further amended.
- (10) Only one amendment can be before the **Meeting** at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the **Chairperson** another amendment or a new motion can be foreshadowed by any **Councillor** stating in brief terms the nature of it.
- (11) A **Councillor** may request at any time before a vote is taken on a motion or amendment which is in two or more parts, that each part be put to the vote separately. The **Chairperson** may agree with or refuse such a request.

- (12) When the mover of a motion has a right of reply under **subclause (5)** and has exercised that right the **Chairperson** must then put the motion to the vote without making comment or any further comment on it or without permitting any further comment on it.
- (13) A motion or amendment must otherwise be put to the vote when the **Chairperson** believes that the issues have been reasonably canvassed in the debate.
- (14) A **Councillor** calling a point of order or foreshadowing a new motion or further amendment or making a request under subclause (10) is not deemed to be speaking on the motion or amendment before the **Meeting**.
- (15) Once a motion or amendment is seconded it cannot be withdrawn, except with the leave of the **Chairperson**.
- (16) If the mover or seconder of a motion or of an amendment indicates that he or she wishes to withdraw from moving or seconding the motion or amendment, the **Chairperson** may seek another mover or seconder (as the case requires), but if no **Councillor** indicates his or her willingness to be the (substitute) mover or seconder, the motion or amendment lapses.
- (17) Despite any other provisions of this Local Law, before putting a motion or amendment to the vote, the **Chairperson** may require the **Chief Executive Officer** or the Minute Clerk at the **Meeting** to read out the text of the motion or amendment.

9. Revocation and Amendment

- (1) Motions to revoke or amend a previous resolution can be made in the following ways:-
 - (a) by **Notice of motion**; or
 - (b) by Report by **Officers** on the **agenda**.
- (2) Any notice of motion that proposes the revocation or amendment of a previous resolution of the **Council** must be included on an **agenda** for the **Meeting** at which it is to be considered and cannot be proposed as an item of urgent business.
- (3) A previous resolution can only be revoked or amended if it has not been acted upon.

10. Formal Motions

The form and effect of and procedure with respect to formal motions is set out in **Schedule 2**.

11. Points of Order

- (1) A **Councillor** may take a point of order by stating briefly the matter which is the subject of the point of order and if related to this Local Law by stating the **clause** or **clauses** that relate thereto.
- (2) A **Councillor** may take a point of order by drawing the **Chairperson's** attention to an act of disorder or to a **Councillor** allegedly being out of order.
- (3) When a point of order is called the **Councillor** speaking at the time must stop and be seated (unless asked by the **Chairperson** for an explanation), until the **Chairperson** rules upon it.
- (4) The **Chairperson** may take a point of order from any **Councillor**.
- (5) The **Chairperson** may adjourn the **Meeting** to consider a point of order which has been taken and must rule upon it as soon as possible and before the business of the **Meeting** proceeds further.
- (6) The **Chairperson** must, when ruling upon a point of order state the provision of this Local Law or other legislation, rule, custom or practice upon which he or she is basing the ruling.

12. Time Limits for Debate

A **Councillor** must not speak on any one motion or amendment or other matter before a **Meeting** for a time longer than that stated below unless granted an extension by the **Chairperson**:

- (a) the mover of a motion or an amendment 5 minutes;
- (b) any other **Councillor** 3 minutes, and
- (c) the mover of a motion exercising a right of reply 2 minutes

13. Mode of Address

A **Councillor** or any other person who addresses a **Meeting** must do so in a courteous manner.

14. Miscellaneous Rules of Debate

- (1) A **Councillor** must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- (2) If such a statement or comment is made, the **Chairperson** may require the **Councillor** to withdraw it and if that is required the **Councillor** concerned must immediately and unreservedly do so.
- (3) In cases where there is competition for the right to speak at a **Meeting** then the **Chairperson** must decide the order in which **Councillors** may speak.

- (4) If a debate is adjourned by formal motion, then the **Councillor** who moved the adjournment has the right to speak first when the debate is resumed.
- (5) A **Councillor** must not be interrupted except by the **Chairperson** or upon a point of order being taken.
- (6) The **Chairperson** may remain seated when speaking at any **Meeting** and he or she may speak on any matter under discussion.
- (7) When exercising a right of reply, a **Councillor** must not introduce a new matter.
- (8) No resolution may be discussed after it has been adopted, unless the **Chairperson** allows it.

15. Divisions

- (1) At any **Meeting** a division may be called by a **Councillor** immediately after the **Chairperson** has put any motion, amendment or other question to the vote and has announced the result of that vote.
- (2) A division cannot be called after the **Meeting** has commenced to consider the next item on the agenda after that to which the call for a division relates.
- (3) The calling of a division sets aside the result of the voting announced by the **Chairperson**.
- (4) When a division has been called, the **Chairperson** must ask **Councillors** voting in the affirmative by a show of hands, then announce the names of those **Councillors**. The **Chairperson** must then ask for those voting in the negative by a show of hands and announce the names of those **Councillors**. The **Chairperson** must then ask for any **Councillors** abstaining from voting and announce the names of those **Councillors**. The names of **Councillors** voting in the affirmative, in the negative and abstaining from voting, must be recorded in the **minutes** of the **Meeting**.
- (5) No **Councillor** is prevented from changing his or her original vote on the division, and the voting by division will determine whether the motion or amendment is carried or is lost.
- (6) The **Chairperson** must announce the result of the vote immediately after the division is taken.

16. Recording of Opposition to a Vote

At any **Meeting** a **Councillor** may ask that his or her name be recorded in the **minutes** as having voted in the negative, immediately after the **Chairperson** has put any motion, amendment or other question to the vote and has announced the result of that vote.

17. Chairperson's Ruling

- (1) Where this Code does not provide for a procedure for a **Meeting**, the Chairperson shall decide the procedure to be followed.
- (2) When the **Chairperson** makes a ruling during a **Meeting** a **Councillor** may move a motion to the effect that the **Meeting** dissent from the **Chairperson's** ruling.
- (3) When a motion of dissent is moved and is seconded the following procedures must be followed -
 - (a) The **Chairperson** asks the mover, then the seconder to speak to their motion and the matter is then further debated as required. The matter is put to the vote and the **Chairperson** announces the result; and
 - (b) The **Chairperson** is bound by the result of the motion of dissent - if it is passed then his or her previous ruling is changed so that it conforms with the motion of dissent, if it is defeated then his or her previous ruling stands.
- (4) The defeat of the **Chairperson's** ruling is not a vote of no-confidence in the **Chairperson** and must not be so regarded by the **Meeting**.

18. Criticism of Council Staff

A **Councillor**, who proposes to express criticism of an **officer** or **Council** staff at a **Meeting**, must raise the matter by no later than 6 hours before the **Meeting** with the **Chief Executive Officer** and the **Chief Executive Officer** must respond to that **Councillor** before the **Meeting**.

19. Conduct at Meetings

- (1) **Visitors** at a **Meeting** must not interject or take part in the debate.
- (2) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the **Meeting**) at all times during a **Meeting**.
- (3) If any **visitor** is called to order by the **Chairperson** for any improper or disorderly conduct and thereafter again acts in breach of this Local Law, the **Chairperson** may order him or her to leave the **Meeting** room or building.
- (4) The **Chairperson** may adjourn a disorderly **Meeting**.

20. Suspension of Standing Orders

- (1) Any provision of this Code except that relating to a quorum may by resolution be suspended for any part of a **Meeting**.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the **Chairperson** during such suspension.

SCHEDULE 1

The responsibilities of the Chief Executive Officer under this Code are to ensure that –

1. Notice of the date, time and place of **Council Meetings** and **Special Committee Meetings** including adjourned **Council** and **Special Committee Meetings** is given to the public.
2. An agenda for all meetings is prepared and given to **Councillors** at least 48 hours before a **Meeting**.
3. The minutes of all meetings are taken and that a copy is given to **Councillors** at least 48 hours prior to the subsequent **Meeting** at which those minutes are to be confirmed.
4. Notices of motion received at least 6 days prior to a **Meeting** must be included on the agenda for that **Meeting**.
5. A register of notices of motion is kept.
6. **Meetings** are conducted in conformity with the Act and the Code.
7. The election of the Mayor –
 - (a) must be by show of hands; and
 - (b) is to be conducted as follows -

Only Two Candidates

The candidate who receives a majority of votes is declared elected;

More than Two Candidates

- If no candidate initially receives a majority of votes, the candidate who receives the fewest votes is declared defeated and, if there is an equality of fewest votes, the matter is to be determined by lot;
- Each Councillor then votes for the remaining candidates, repeating the above procedure if necessary to eventually arrive at the elected candidate who receives a majority of votes.

SCHEDULE 2 (Clause 10)

FORMAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of the Mayor or chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking (c) When the matter is one in respect of which a call of the Council has been made	Motion on any amendment postponed but may be resumed at any later Meeting if on agenda	Debate continues unaffected
3. Adjournment of Meeting to later hour or date	That the Meeting be adjourned to *am/pm and/or *date	Any Councillor	Any Meeting	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected
4. Adjournment of Meeting indefinitely	That this Meeting be adjourned until further notice	Any Councillor	Any matter except election of the Mayor or chairperson	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking (c) During a Meeting which is a call of the Council	Meeting adjourns until an agenda is delivered	Debate continues unaffected
5. The closure	That the motion now be put	Any Councillor	Any matter	During nominations for Mayor or chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected
6. Laying question on the table	That the question lie on the table	Any Councillor	Any matter	(a) During the election of the Mayor or chairperson (b) During a Meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a) Council resolves to take from the table at the same Meeting	Debate continues unaffected

SCHEDULE 2 (Clause 10)

FORMAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
					(b) The matter is placed on an agenda and Council resolves to take the question from the table	
7. Previous question	That the question be not now put	Any Councillor	Any matter except: (a) Election of the Mayor or chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking (c) When the matter is one in respect of which a call of the Council has been made (d) When an amendment is before the Meeting	(a) No vote or further discussion on the motion until it is placed on an agenda for a later Meeting (b) Proceed to next business	Motion (as amended up to that time) is put immediately without further amendment or debate
8. Proceeding to next business	That the Meeting proceed to the next business NOTE: this motion: (a) may not be amended (b) may not be debated; and (c) must be put to the vote as soon as seconded	Any Councillor	Any matter except: (a) election of the Mayor or chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of the Mayor or chairperson (b) When another Councillor is speaking (c) When the matter is one in respect of which a call of the Council has been made	If carried in respect of: (a) an amendment, the Meeting considers the motion without reference to the amendment (b) a motion, no further discussion on the motion until it is placed on an agenda for a later Meeting	Debate continues unaffected