

WEIPA TOWN AREA LOCAL LAW NO. 5 (MEETINGS)

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PART 1^{3/4} PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 5 (Meetings).

Object

2. The object of this local law is to provide for the orderly and proper conduct of local government meetings.

Definitions

3. In this local law—

"**CEO**" means the local government's Chief Executive Officer;

"**chairperson**" of the local government or a committee means the person presiding at a meeting of the local government or committee;

"**ordinary meeting**" of the local government means—

- (a) a post election meeting; or
- (b) a periodic meeting the local government is required to hold under section 358 of the Act;

"**post election meeting**" means the meeting required under section 356 of the Act;

"**standing orders**" means local law policies regulating meetings of the local government or committees;

"**statutory notice of meeting**" means a notice of meeting to be given under section 364 of the Act (Notice of meetings);

PART 2³/₄ MEETINGS OF THE LOCAL GOVERNMENT**Division 1³/₄ Time of meetings****Times of ordinary meetings**

4. (1) The local government may, by resolution, fix dates and times for its ordinary meetings.¹

(2) If there is no resolution fixing the date and time for an ordinary meeting, the CEO must fix the date and time for the meeting.

(3) Before the CEO fixes the date and time for an ordinary meeting, the CEO must, if practicable, consult with the mayor about the proposed date and time for the meeting.

Special meetings

5. (1) The CEO must call a special meeting of the local government if—

- (a) the special meeting is required by a resolution of the local government; or
- (b) a written request for the special meeting is lodged with the CEO under subsection (2).

(2) A written request for a special meeting of the local government must—

- (a) be signed by the mayor or 3 or more councillors; and
- (b) specify the object of the special meeting; and
- (c) propose a day and time for the holding of the special meeting.

(3) The CEO calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each councillor.²

Division 2³/₄ Agenda for meetings

Agenda for meetings

6. (1) The CEO must ensure that each statutory notice of meeting includes an agenda listing the items to be discussed at the meeting.

(2) The agenda must include—

- (a) items required under the Act or a local law to be included on the agenda; and
- (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.

(3) A councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the CEO at least 2 days before the notice of meeting is given.

Division 3³/₄ Conduct of meetings

Presiding officer

7. (1) The mayor must preside at a meeting of the local government.

(2) If the mayor is absent or unavailable to preside, the deputy mayor must preside.

(3) If both the mayor and the deputy mayor are absent or unavailable to preside, a councillor chosen by the councillors present at the meeting must preside at the meeting.

Order of business

8. (1) The local government must proceed with its business at a meeting in the order indicated on the agenda for the meeting.

(2) However, the local government may, by resolution, alter the order in which it proceeds with the business for a particular meeting.

Procedure at meetings

9. (1) The procedure for dealing with business must be in accordance with the standing orders or, in the absence of a standing order governing a particular matter, as decided by the chairperson of the meeting.

(2) However, the local government may, by resolution—

- (a) suspend a standing order; or
- (b) overrule a decision on a procedural question made by the chairperson.

Admission of non-members to debate etc.

10. (1) The local government may allow a non-member to participate in the discussion of a particular item of business before the local government, on conditions decided by the local government.

(2) The local government may, as a mark of distinction, admit a non-member to a part of the local government chamber normally reserved for councillors during the conduct of local government business.

PART 3³/₄ MEETINGS OF LOCAL GOVERNMENT COMMITTEES**Division 1³/₄ Time of meetings****Times and places of ordinary meetings**

11. (1) A committee may, by resolution, fix dates, times and places for its meetings³.

(2) If there is no resolution fixing the date, time and place for a committee meeting, the CEO may fix the date, time and place for the meeting.

(3) Before the CEO fixes the date, time and place for a committee meeting, the CEO must, if practicable, consult with the chairperson of the committee.

Special meetings

12. (1) The CEO must call a special meeting of a committee if—

- (a) the special meeting is required by a resolution of the local government; or
- (b) a written request for the special meeting is lodged with the CEO under subsection (2).

(2) A written request for a special meeting of a committee must—

- (a) be signed by the chairperson or 3 or more members of the committee; and
- (b) specify the object of the special meeting; and
- (c) propose a day, time and place for the holding of the special meeting.

Division 2³/₄ Notice of meetings**Notice of meetings**

13. (1) The CEO must give written notice of a committee meeting setting out the date, time and place of the meeting, and the business to be conducted at the meeting, to each member of the committee.

(2) The notice must be given, if practicable, at least 2 days before the day of the meeting.

Division 3³/₄ Conduct of committee meetings**Chairperson**

14. The chairperson of a committee must preside at a meeting of a local government committee.⁴

Procedure at meetings

15. (1) The procedure of a committee for dealing with business must be in accordance with—

- (a) procedural directions given to the committee by resolution of the local government; or
- (b) if there is no procedural direction governing a particular matter, the chairperson's decision.

(2) However, a committee may, by resolution, overrule a decision on a procedural question made by the chairperson.

PART 4³/₄ MAINTENANCE OF GOOD ORDER

Acts of disorder by members of the local government or a committee

16. (1) A member of the local government or a committee commits an act of disorder at a meeting of the local government or the committee if the member—

- (a) obstructs or interrupts the proper conduct of the meeting; or
- (b) uses indecent or offensive language; or
- (c) makes a statement reflecting adversely on the reputation of the local government or the committee; or
- (d) makes an intemperate statement reflecting adversely on the character or motives of a member or officer of local government or the committee; or
- (e) refuses or wilfully fails to comply with a direction given by the chairperson of the meeting.

(2) If a member of the local government or a committee has, in the chairperson's opinion, committed an act of disorder, the chairperson may direct the member to make a retraction or apology.

(3) If the member does not comply immediately with a direction under subsection (2), the chairperson may immediately move a motion (a "**suspension motion**") that the member be suspended for the remainder of the meeting or a lesser time fixed by the chairperson.

(4) If the chairperson moves a suspension motion—

- (a) the motion must be put to the vote immediately without discussion; and
- (b) if the motion is passed, the member must immediately leave the meeting place and must remain away for the period of the suspension.

(5) If a member contravenes subsection (4)(b), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the member, and to keep the member away, from the meeting place.

Acts of disorder by non-members

17. (1) A person who is not a member of the local government or a committee must not interrupt or obstruct the proper conduct of a meeting of the local government or a local government committee.

Maximum penalty—50 penalty units.

(2) If a person (other than a member) interrupts or obstructs the proper conduct of a meeting of the local government or a local government committee, the chairperson may ask the person to withdraw from the meeting place.

(3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and must remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty—50 penalty units.

(4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

PART 5³/₄ RECORD OF MEETINGS

Minutes of meetings

18. Minutes of a meeting of the local government or a committee must include—

- (a) a copy of any report adopted by the meeting; and
- (b) a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting.

Audio and video recording of meetings

19. (1) The local government may direct that an audio or video recording of a meeting of the local government or a local government committee be made for the purpose of verifying the accuracy of the minutes of the meeting.

(2) An audio or video recording made under this section—

- (a) may only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- (b) after being used for that purpose, must be destroyed or dealt with as directed by the local government.

PART 6³/₄ LOCAL LAW POLICIES

Local law policies

20. The local government may make local law policies for the purposes of this local law.

¹ The local government for a city or town must meet at least once in each month and for a shire at least once in each period of 3 months (See section 358(2) of the Act). A post election meeting must be held within 14 days after the conclusion of the triennial elections and each fresh election of the local government's councillors (See section 356 of the Act).

² The notice must be given, if practicable, at least 2 days before the day of the meeting (See section 364(1) of the Act). The only business that may be conducted at a special meeting is the business specified in the notice of meeting (See section 364(3) of the Act).

³ See section 371(1) of the Act.

⁴ If the chairperson is not present at a meeting, the members present may appoint a chairperson for the meeting (See section 370(2)).