

Model Local Law No. 2 (Meetings) 2008

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 2 (Meetings) 2008*.

2 Object

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

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

Part 2 Meetings of the local government

Division 1 Standing orders

4 Standing orders

The local government may, by resolution, make standing orders to regulate the conduct of meetings of the local government or committees.

Division 2 Time of meetings

5 Times of ordinary meetings

- (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.

6 Special meetings

- (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

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 444(2) of the Act). A post election meeting must be held within 14 days after the conclusion of the quadrennial elections and each fresh election of the local government's Councillors (See section 442 of the Act).

- (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 3 Agenda for meetings

7 Agenda for meeting

- (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 required under the standing orders to be included on the agenda; and
 - (c) items that are by resolution of the local government to be included on the agenda; and
 - (d) 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 4 Conduct of meetings

8 Order of business

- (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.

² The notice must be given, if practicable, at least 2 days before the day of the meeting (See section 450(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 450(3) of the Act).

9 Procedure at meetings

- (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.

10 Admission of non-members to debate etc.

- (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 3 Meetings of local government committees

Division 1 Time of meetings

11 Times and places of ordinary meetings

- (1) A committee may, by resolution, fix dates, times and places for its meetings.³
- (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.

12 Special meetings

- (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.

³ See section 457(1) of the Act.

Division 2 Notice of meetings

13 Notice of meetings

- (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 3 Conduct of committee meetings

14 Chairperson

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

15 Procedure at meetings

- (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 4 Maintenance of good order

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

- (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 the local government or a committee; or

⁴ If the chairperson is not present at a meeting, the members present may appoint a chairperson for the meeting (See section 456(2) of the Act).

- (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.

17 Acts of disorder by non-members

- (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—20 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 remain away until the end of the meeting or for a lesser period fixed by the chairperson.
Maximum penalty—20 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 5 Record of meetings

18 Minutes of meetings

- (1) 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.

- (2) The material to be included in the minutes under this section is in addition to the material required under section 461(2) of the Act.

19 Audio and video recording of meetings

- (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 6 Authorised persons

20 Appointment

- (1) A local government may appoint any of the following persons as authorised persons for this local law—
 - (a) employees of the local government;
 - (b) other persons who are eligible for appointment as authorised persons under Chapter 15, part 5 of the Act⁵.
- (2) An appointment of a person as an authorised person under this part must state the provisions for which the person is appointed as an authorised person.
- (3) A local government may appoint a person as an authorised person under this part only if—
 - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
 - (b) the person has satisfactorily finished training approved by the local government for the appointment.

21 Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment.

22 Authorised person's appointment conditions

- (1) An authorised person holds office on the conditions stated in the instrument of appointment.

⁵ Chapter 15, part 5 (Enforcement of Local Government Acts).

- (2) An authorised person—
 - (a) if the instrument provides for a term of appointment—ceases holding office at the end of the term; and
 - (b) may resign by signed notice of resignation given to the local government; and
 - (c) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the *main office*).
- (3) However, an authorised person may not resign from the office of authorised person (the *secondary office*) under subsection (2)(b) if a term of the authorised person's employment to the main office requires the authorised person to hold the secondary office.

23 Authorised person's identity card

- (1) A local government must give each authorised person an identity card.
- (2) The identity card must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the local government; and
 - (d) include an expiry date.
- (3) A person who ceases to be an authorised person must return the person's identity card to the local government within 21 days after the person ceases to be an authorised person.
Maximum penalty—10 penalty units.
- (4) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

24 Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
 - (a) first produces his or her identity card for the other person's inspection; or
 - (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

25 Offence

A person must not pretend to be an authorised person.

Maximum penalty—50 penalty units.

26 Protection from liability

- (1) This section applies to—
 - (a) an authorised person; and
 - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Part 7 Miscellaneous

27 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

Schedule Dictionary

section 3

authorised person means a person authorised by the local government to exercise the powers of an authorised person under 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 444 of the Act;

post election meeting means the meeting required under section 442 of the Act.

standing orders means procedural rules governing the conduct of proceedings in meetings of the local government and its committees.

statutory notice of meeting means a notice of meeting to be given under section 450 of the Act (Notice of meetings).

the Act means the *Local Government Act 1993*.