

Gold Coast City Council



Local Law No. 1 (Meetings) 2008

It is hereby certified that this is a true and correct copy of
Local Law No. 1 (Meetings) 2008 made, in accordance with the *Local Government Act 1993*, by
the Council of the City of Gold Coast
Joe McCabe
Acting Chief Executive Officer

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Gold Coast City Council Local Law No. 1 (Meetings) 2008

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (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 (Dictionary) of this local law defines particular words used in this local law.

Part 2 Meetings of the local government

Division 1 Time of meetings

4 Days, times and places of ordinary meetings

- (1) The local government may, by resolution, fix dates and times for its ordinary meetings.¹
- (2) An ordinary meeting is to be held at the public office unless otherwise resolved at an ordinary meeting.
- (3) If there is no resolution fixing the date and time for an ordinary meeting, the chief executive officer is to fix the date and time for the ordinary meeting.
- (4) Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer is to, consult, if practicable, with the mayor about the proposed date and time for the ordinary meeting.

5 Special meetings

- (1) The chief executive officer is to call a special meeting of the local government if—

¹ The local government for a city must meet at least once in each month (see section 444(2) (Other meetings) of the *Local Government Act 1993*). 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 (Post election meetings) of the *Local Government Act 1993*).

- (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 chief executive officer pursuant to subsection (2).
- (2) A written request for a special meeting of the local government is to—
- (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 chief executive officer calls a special meeting by giving to each councillor written notice of the date and the time of the meeting and the business to be conducted at the meeting.²

Division 2 Agenda for meetings

6 Agenda for meetings

- (1) The chief executive officer is to ensure that each statutory notice of meeting includes an agenda listing the items to be discussed at the meeting.
- (2) The agenda is to include—
 - (a) the items required under the *Local Government Act 1993* or a subordinate local law to be included on the agenda; and
 - (b) the items that are by resolution of the local government to be included on the agenda; and
 - (c) the 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 is to give written notice of the nature of the business to the chief executive officer at least 3 days before the notice of meeting is given.

² The notice must be given, if practicable, at least 2 days before the day of the meeting (see section 450(1) (Notice of meetings) of the *Local Government Act 1993*). The only business that may be conducted at a special meeting is the business specified in the notice of meeting (see section 450(3) (Notice of meetings) of the *Local Government Act 1993*).

Division 3 Conduct of meetings

7 Presiding officer

- (1) The mayor is to preside at a meeting of the local government.
- (2) If the mayor is absent or unavailable to preside, the deputy mayor is to preside.
- (3) If both the mayor and deputy mayor are absent or unavailable to preside, and the local government has previously appointed another person to preside because it was known in advance that the mayor and deputy mayor would be absent or unavailable, the person so appointed is to preside.
- (4) If the mayor and deputy mayor are absent or unavailable to preside and subsection (3) does not apply, the members present are to appoint a member to preside at the meeting.

8 Order of business

- (1) The local government is to 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.

9 Procedure at meetings

- (1) The procedure for dealing with business is to be in accordance with a subordinate local law or, if a subordinate local law does not provide for a particular matter, as decided by the chairperson of the meeting.
- (2) However, the local government may by resolution—
 - (a) suspend a subordinate local law; or
 - (b) overrule a decision made by the chairperson on a procedural question.

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 chief executive officer may fix the date, time and place for the committee meeting.
- (3) Before the chief executive officer fixes the date, time and place for a committee meeting, the chief executive officer is to, consult, if practicable, with the chairperson of the committee.

12 Special meetings

- (1) The chief executive officer is to 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 chief executive officer under subsection (2).
- (2) A written request for a special meeting of a committee is to—
 - (a) be signed by—
 - (i) the chairperson or a majority of the members of the committee;
 or
 - (ii) if the number of members of the committee is 4 or less, by 2 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) (Committee meetings) of the *Local Government Act 1993*.

Division 2 Notice of meetings

13 Notice of meetings

- (1) The chief executive officer is to 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 is to be given, if practicable, at least 2 days before the day of the meeting.

Division 3 Conduct of committee meetings

14 Function of committees

- (1) The function of a committee is to consider, report upon and make recommendations to the local government in respect of matters comprised within or related to the business with which that committee is charged by the local government.⁴
- (2) The reports and recommendations of every committee are to be submitted to the local government for consideration, except if power has been delegated to the committee to implement its decisions.
- (3) This section does not limit the power of the local government itself to deal with any matter which has been referred to or delegated to a committee.

15 Transfer of business

- (1) The local government may, by resolution, from time to time change any business with which any committee is charged including transferring such business to another committee.⁵
- (2) The local government may refer any matter to a committee or to any special committee constituted for the purpose and may at any time withdraw, extend or modify any reference to a committee or transfer any reference from one committee to another.

16 Chairperson

- (1) The chairperson of a committee is to preside at a meeting of a local government committee.

⁴ However, a committee can also exercise powers of the local government if those powers have been delegated to the committee by the local government under section 472(2)(b) (Delegation by local government) of the *Local Government Act 1993*.

⁵ Powers of the local government which have been delegated to a committee may also be withdrawn from that committee and delegated to another committee under section 472 (Delegation by local government) of the *Local Government Act 1993*.

- (2) In the absence of the chairperson, the deputy chairperson is to preside at the meeting.
- (3) If neither the chairperson nor deputy chairperson are available, the members present may appoint a chairperson for the meeting.

17 Procedure at meetings

- (1) The procedure for dealing with business at a committee meeting is to be—
 - (a) in accordance with a procedure, as prescribed in a subordinate local law, in so far as it is specifically stated is for a committee meeting; or
 - (b) if there is no relevant procedure under subsection (1)(a), in accordance with the procedure which applies to a meeting of the local government including the procedure specified for a committee meeting in a subordinate local law; or
 - (c) if there is no relevant procedure under subsections (1)(a) or (b), as determined by the chairperson of the committee meeting.
- (2) However, despite subsection (1), the local government may by resolution vary the procedure for a committee meeting or committee meetings generally.

18 Quorum

- (1) A committee quorum is to be a majority of the committee membership.
- (2) However if a committee membership excluding any ex officio member is 4 or less, the quorum is to be 2 members.⁶

19 Lack of a quorum

If, on the expiration of 30 minutes after the time at which any committee meeting is appointed to be held a quorum is not present, the meeting is not to take place and is to stand adjourned until the day and the time fixed for the next ordinary meeting of the committee, unless the chairperson convenes a special meeting of the committee for the transaction of the business standing adjourned.

20 Tenure of committee membership

- (1) Subject to a resolution to the contrary, if a committee is appointed for a particular purpose or for a limited time, the committee is abolished and the appointment of members to the committee is terminated upon the fulfilment of that purpose or the expiration of that time.

⁶ A quorum of a committee is the number fixed by the local government or, if a number is not fixed by the local government, the number fixed by a committee (see section 455 (Quorum) of the *Local Government Act 1993*).

- (2) If a member of a committee is absent from 3 consecutive meetings without having obtained a leave of absence from the local government or the committee, the member's continued membership of that committee is to be referred to the local government for determination.

21 Vacancies on committees

- (1) The local government may fill a vacancy in a committee at its first meeting after the vacancy has arisen.
- (2) Subject to any law prescribing a quorum, the existence of a vacancy upon a committee does not affect the validity of any act or proceeding of the committee.

Part 4 Maintenance of good order

22 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 the committee, including a statement which impugns the character of a councillor or which implies improper motives by another councillor; or
 - (e) refuses or wilfully fails to comply with a direction given by the chairperson of the meeting; or
 - (f) at a meeting contravenes or breaches any relevant provision of a subordinate local law.
- (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 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 is to be put to the vote immediately and the only discussion allowed is to be the right of reply of the councillor to whom the motion refers, together with such other speakers as the chairperson allows; and
- (b) if the motion is passed, the member is to immediately leave the meeting place and is to remain away from the meeting place for the period of the suspension.

23 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 committee.

Maximum penalty for subsection (1)—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 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 meeting place and must remain away from the meeting place until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—50 penalty units.

24 Bringing placards to a meeting place

- (1) A person who is not a member of the local government or a committee must not bring on to a meeting place prior to, or during, a meeting any of the following items—
 - (a) a placard, sign or screen; or
 - (b) any item which, in the opinion of the chairperson, could be used as a projectile.

Maximum penalty for subsection (1)—50 penalty units.

- (2) If a person, other than a member, brings on to a meeting place an item specified in subsection (1), 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 meeting place and must remain away from the meeting place until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—50 penalty units.

Part 5 Record of meetings

25 Minutes of meetings

The minutes of a meeting of the local government or a committee is to 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.

26 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 committee be made.
- (2) A person, other than the local government, is not to use an electronic recording or transmitting device or a mobile phone in the public gallery of a meeting place of the local government or a committee, without the written approval of the local government.

Maximum penalty for subsection (2)—50 penalty units.

Part 6 Administrative provisions

27 Defences

It is a defence to any breach or non-compliance of any provision contained in this local law if a person has a lawful excuse or defence.

Example—

It is a defence to any breach or non-compliance of any provision contained in this local law if a person was not criminally responsible in accordance with Chapter 5 of the Criminal Code.

Part 7 Subordinate local laws

28 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) items required to be included in the agenda pursuant to section 6(2)(a) (Agenda for meetings) of this local law; and
- (b) the procedure for dealing with business at a meeting of the local government pursuant to section 9(1) (Procedure at meetings) of this local law; and
- (c) the procedure for dealing with business at a committee meeting pursuant to section 17(1)(a) (Procedure at meetings) of this local law; and

- (d) the standards of conduct and behaviour of councillors at a local government meeting and a committee meeting pursuant to section 22(1)(f) (Acts of disorder by members of the local government or a committee) of this local law; and
- (e) such other matters as are provided for in this local law.

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.⁷

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

chief executive officer means the person appointed and employed by the local government as its chief executive officer pursuant to section 1129 (Employment of staff) of the *Local Government Act 1993*.

ex officio member means a member of a committee who is not an elected councillor of a local government.

meeting place means any venue, room or area used for the purposes of conducting a local government meeting, a local government committee meeting or advisory committee meeting, and includes the area made available for non-members or members of the public for the purposes of observing a meeting.

member means in the case of—

- (a) a local government meeting, a councillor of the local government; and
- (b) a local government committee meeting, a councillor of the local government appointed to the local government committee by the local government; and
- (c) an advisory committee, a person appointed to the advisory committee by the local government.

non-member means—

- (a) the chief executive officer; or
- (b) an officer nominated by the chief executive officer; or
- (c) an officer invited to a local government meeting, committee meeting or advisory committee meeting by the chairperson of that meeting; or
- (d) in the case of a local government meeting, committee meeting or

⁷ Section 21 (Appointments) of *Local Law No. 3 (Administration) 2008* provides for the local government to appoint a person to a position provided for under a local law and authorises a person appointed by the local government to a position provided for under a local law to exercise the powers attaching to that position under the local law unless otherwise stated in the appointment.

advisory committee meeting, a person admitted to the meeting by the respective local government, committee or advisory committee; or

- (e) in the case of a committee meeting or advisory committee meeting, a councillor who is not a member of that 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 (Other meetings) of the *Local Government Act 1993*.

placard means any board or object which is used to display any wording or image.

post election meeting means the meeting required under section 442 (Post-election meetings) of the *Local Government Act 1993*.

publicise means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

public office has the meaning given in the *Local Government Act 1993*.⁸

sign means a device which publicises a matter.

statutory notice of meeting means a notice of meeting to be given under section 450 (Notice of meetings) of the *Local Government Act 1993*.

suspension motion means a motion moved in accordance with section 22(3) (Acts of disorder by members of the local government or a committee) of this local law.

⁸ **public office** of a local government is defined in the *Local Government Act 1993* as meaning the premises kept as its public office under section 37. Section 37 of the *Local Government Act 1993* provides that a local government must keep premises for use as its public office and the public office must be in the local government's area or within a reasonable distance outside its area.