

COCOS (KEELING) ISLANDS SHIRE COUNCIL

STANDING ORDERS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Council of the Cocos (Keeling) Islands Shire Council hereby records having resolved on the 17/12/1998, to make the following local law.

1. SHORT TITLE

This Local Law may be cited as *Standing Orders Local Law 1997*.

2. COMMENCEMENT

This Local Law comes into effect 14 days after the date of its publication in the *Government Gazette*.

3. CONTENT AND INTENT

3.1 Content

This Local Law provides the rules and guidelines which apply to the conduct of Meeting of Council and Meeting of Committees of Council.

3.2 Intent

This Local Law is intended to result in:-

- a) better decision making by Council.
- b) the orderly conduct of meetings dealing with Council's business.
- c) the community understanding, the process of conducting meetings and dealing with the business of council.
- d) the more efficiency and effective use of time at meetings.

4. INTERPRETATIONS AND STANDING ORDERS

4.1 Proceedings and Conduct According to Standing Orders.

The meetings proceedings and business of the council shall be conducted in accordance with the Act or its legislation and where not specifically prescribed, according to this Local Law, the clauses of which shall be referred to as "The Standing Orders".

4.2 All Meetings Governed by Standing Orders.

The Proceedings of all Council meetings, committee meetings and other meetings of the Council as described in the Act shall be governed by these standing orders, except where specific exceptions apply either in the Act its regulations or in the standing orders.

4.3 Interpretations.

The following interpretations should be used in these Standing Orders, unless the context otherwise requires:-

“Act” means the Local Government Act, 1995 and amendments and successors;

“Clause” means a clause of these Standing Orders;

“Committee” means any committee appointed in accordance with the provisions of the act;

“Council” means the Council of the Cocos (Keeling) Islands Shire Council;

“President” means the President of the Council elected by the Council or the Deputy President acting in the absence of the president.

“C.E.O.” means the Chief Executive Officer of the Council or other officer who for the time being, is acting in that capacity.

“Councillor” means a person who holds office of Council other than the President.

“Meeting” means any ordinary or special meetings of Council.

“Absolute majority” is more than 50% of the total number of elected council.

“Officer” is an employed member of staff of the Council.

5. MEETING OF THE COUNCIL

5.1 President to preside

Subject to the Act, the President or in his absence the Deputy President or in his absence, a Councillor chosen by the Councillors present is to preside at any meeting of the Council (section 5.6).

5.2 Notice of Meetings

Before any ordinary or special meetings of the Council a notice signed by the Chief Executive Officer stating the place, time, date and time to hold the meeting and specifying the business to be translated with supporting reports, shall be delivered to each member at least 72 hours before the meeting (s5.5).

5.3 Special Meetings

Notice of each Special Meeting of the Council is to be given to all elected members of the Council in accordance with the Act at least 24 hours before the commencement of the meeting.

5.4 Business To Be Specified on Notice Paper

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the President or the approved of the majority of the councillors at present.

5.5 Availability of notice on paper

As prescribed under the act (s5.25(j)) the Notice Paper for an ordinary meeting of the Council is to be made available for inspection by members of the public at the office of Council and the Community Library.

6. MEETINGS - QUORUM.

6.1 Quorum at meetings

In accordance with the Act, the Quorum at all meetings of Council and its Committees shall be minimum of 50% of the total number of offices whether vacant or not (s5.19).

6.2 Quorum must be Present.

The Council shall not transact business at a meeting unless a quorum is present

6.3 Procedure where Absence Of Quorum

If a quorum has not been established within thirty (30) minutes after a meeting is due to begin, then the meeting is to be adjourned in accordance with the Act.

6.4 Count-Out/Adjournment

If at any time during meeting of the Council or its' Committees any Councillor or the Chief Executive Officer may call the attention of the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five (5) minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

7. MEETINGS/MINUTES

7.1 Recording And Reading of Minutes

Binding or pasting or otherwise permanently affixing the minutes to the leaves of the minutes book shall be a sufficient recording of the minutes in the book.

- 7.1.1.** Minutes of previous meeting shall be supplied to each member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

7.2 Confirmation of Minutes

Minutes are to be kept of each meetings proceedings, confirmed or amended at the next ordinary meeting of Council or Committee as the case requires, and signed and dated by the person presiding.

8. MEETING RECORDING BUSINESS

8.1 The order of business of an ordinary meeting of Council shall be:-

- i) Declaration of Opening/Announcement of Visitors
- ii) Record of Attendance
- iii) Response to Previous Public Questions Taken on Notice
- iv) Public Question Time
- v) Applications for Leave of Absence
- vi) Petitions/Deputations/Presentation
- vii) Confirmation of Minutes of Previous Meetings
- viii) Announcements by Presiding Member without Discussion
- ix) Reports of committees and officers
- x) Elected Members Motions of Which Previous Notice has been Given
- xi) Motion without Notice
- xii) Closure of Meeting

9. ADMISSION AND REMOVAL OF THE PUBLIC

9.1 The public is admitted to the meeting room on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use the discretion without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall withdraw from the meeting room. This direction by the President may not be challenged by moving decent with the voting and the President's ruling is final.

9.2 Any person not being a Member of the Council, who interrupt the orderly conduct of the business of the Council who does not withdraw immediately upon being called by the President to withdraw from the Meeting Room may, by order of the President be removed from the meeting room.

10. ROLE OF PRESIDENT

10.1 Direction by the President

10.1.1 At any meeting of the Council the President shall have the right to direct attention to any matter of interest or relevance to the business of the Council or proposed a change to the order of the business.

10.1.2 Any member may move that a change in order of business proposed by the President not to be accepted and if carried by a simple majority of members present, the proposed change in order will not take place.

10.2 The President to take part in debates

Subject to the provisions of the Standing Orders, the President may take part in a discussion upon any question before the Council, provided that like other Members in accordance with the Standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

11. CONDUCT OF MEMBERS DURING DEBATE

11.1 Members to Speak

Every member of the Council wishing to speak shall indicate by raising their hands. When invited by the President to speak, members shall address the Council through the President.

11.2 President need not to show hands.

It shall not be a requirement for the President to show of hands to address the Councillors.

11.3 Who Shall Speak

In the event of two or more members of the Council wishing to speak at the same time, the President shall decide which member is entitled to be heard. The President decision is final.

11.4 Limitation of Duration of Speeches.

All addresses shall be limited to a maximum of three (3) minutes. Extensions of the time is only allowed by the majority of Councillors present.

11.5 Members Not to Speak After Conclusion of Debates.

No member of the Council may speak to any question after it has been put by the Chair.

11.6 Members Not to Interrupt

No members of the Council shall interrupt another member of the Council whilst speaking unless:-

- i) to raise a point of order
- ii) to call attention to the absence or a quorum.

11.7 Smoking

Smoking in Council or Committee meetings is prohibited.

12. PROCEDURE FOR DEBATE OF MOTIONS

12.1 Any members of the Council who intends to submit an amendment to a substantive motion shall read the text before speaking to it.

12.2 To Be Seconded

No motion or amendment to a substantive motion shall be in order, or be open to delicate until it has been seconded.

12.3 Limit of Debate

The President may after the right of reply and put the motion to the vote of the President believes sufficient dismissing has taken place.

13. PROCEEDURAL MOTIONS

13.1 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

13.2 Procedural Motions - Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

13.3 Procedural Motions - Majority Required

Any procedural motion shall be carried upon the Simple Majority of members present.

14. EFFECT OF PROCEDURAL MOTIONS

14.1 That the Council Proceed to the Next Business - Effect of Motion

If the motion have been carried the debate cease immediately and for the Council to move to the next item on the agenda of the meeting.

15. DECISION MAKING PROCEDURES

15.1 Voting and decisions - Majority to Determine

All acts of the Council and all questions coming before the Council may be decided by a simple majority of the members of the Council present and voting at a properly constituted meeting.

15.2 All members to vote

At every meeting of the Council, except where the Acts provides otherwise, every member present shall vote, and if any member who is entitled to vote fails to vote, the President shall call upon that member to vote.

15.3 Breaking Down of Complex Questions

The President may order a complex questions to be broken down and put in the form of several motions which shall be put in sequence.

15.4 Member May Require Questions to be Read.

Any member of the Council may require the question or matter under decision to be read at any time during a debate, but not as to interrupt any other member while speaking.

15.5 Recording of Votes

If a member of Council or Committee specifically requests that there be recorded.

- a) his/her vote; or
- b) the vote of all members present;

on a matter voted on at a meeting of the Council or a Committee, the votes shall be recorded in the minutes.

15.6 Number for and Against to Be Recorded

The numbers voting in favour and against each motion shall be recorded in the minutes.

16. POINT OF ORDER

16.1 Points of Order - Ruling

The President shall give a decision on any point of order after the point has been raised by other upholding or rejecting the Point of Order.

16.2 Point of Order - Ruling Conclusive, Unless Decent motion is moved

The ruling of the President upon any question of order shall be final, unless a simple majority of the Members of the Council support a motion of dissent with the ruling.

17. ADJOURNMENT OF MEETING

17.1 Meeting May Be Adjourned

The Council may upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of the adjournment.

17.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member.

17.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

18. COMMITTEE OF COUNCIL

18.1 Committee

The Council may appoint such standing and occasional Committees as it requires to perform any duty which maybe lawfully entrusted by the Council to a Committee.

Committees of the Council shall be convened and shall operate in accordance with the Act and it's regulations and shall meet at such frequency and times as determined by agreement of a small majority of the Council or when called upon to meet by the Chief Executive Officer in response to a request from the President.

18.2 Standing Orders to Apply to Committee

These Standing Orders shall apply generally to the proceeding of Committees of the Council except that requirements for Members to speak only once shall not apply in meetings of Council.

18.3 Power and Duties of Committees

The powers and duties of Committees shall be clearly defined and specifically delegated to them by resolution of the Council and shall be recorded in a policy manual.

19. ADMINISTRATIVE MATTERS

19.1 Election of Deputy President

At the first meeting of the Council held after the Ordinary Election, the Members shall by secret ballot, elect one of their Councillors to appoint the Deputy President, in accordance with the Act.

19.2 Copies of Acts and Standing Orders and Papers to Members of the Council.

The Chief executive officer shall provide to each Member of the Council as soon as convenient after being elected to office, a copy of the Acts and Local Laws regulating and governing the Administration of the district of the Council.

19.3 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach of the Standing Orders, even if it requires interrupting any person speaking.