

**REDLAND SHIRE COUNCIL
SUBORDINATE LOCAL LAW
NO. 5
(MEETINGS)**

This subordinate local law is to be read with *Local Law No. 5 (Meetings)*.

Made by Council resolution on 13 November 2002.

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PART 1 - PRELIMINARY

1. Short title

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

2. Objects

The object of this subordinate local law is to provide for the detailed information called upon by *Local Law No. 5 (Meetings)* to provide specific rules and procedures for the orderly and proper conduct of local government meetings.

3. Repeal

This subordinate local law repeals *Local Law Policy No. 5 (Meetings)*.

4. Definitions

(1) All terms have the same meaning as those provided for in *Local Law No. 5 (Meetings)*.

(2) In addition, in this subordinate local law -

"committee meeting" means a meeting of any committee appointed by the local government under Section 452 of the *Local Government Act, 1993*.

"General Business segment" see section 8(4).

"local government meeting" means an ordinary meeting¹ of the local government and a special meeting of the local government.

"Mayoral Minute" see section 10(1).

"procedural motion" see section 29.

"procedural rule" means any rule governing the procedures of a meeting contained in any Act, Regulation, Local Law or Subordinate Local Law (including this subordinate local law).

"special meeting" means a meeting called in accordance with section 5 of *Local Law No. 5 (Meetings)*.

5. Giving notice

(1) Where -

(a) the Local Law or this subordinate local law requires the giving of notice; and

(b) the provision in the Local Law or this subordinate local law which requires that notice does not specify what notice is to be given,

¹ See section 3 of *Local Law No. 5 (Meetings)*

the person required to give notice must do so by giving notice in writing to the CEO at least two days before the day on which the thing for which notice is required, is to be done.

- (2) Where a period of notice needs to be given for -
 - (a) a local government meeting or a committee meeting; or
 - (b) an item of business at a local government meeting or a committee meeting,
the period will exclude -
 - (c) the day on which the notice is given; and
 - (d) the day of the meeting.
- (3) For the purpose of subsection (2), the period of notice includes both a business day and any other day.

PART 2 - PREPARATION FOR MEETINGS

6. Agenda

- (1) The CEO may include any item in the agenda for an ordinary meeting which the CEO considers appropriate.
- (2) The local government may by resolution -
 - (a) include any additional items on the agenda for a local government meeting;
or
 - (b) alter the agenda for a local government meeting except for alterations which are consistent with the Local Law.

PART 3 - STANDING ORDERS

7. Standing orders

For the purpose of section 20 of the Local Law, the standing orders for regulating the conduct of meetings of the local government or committees are set out in this Part.

Division 1 - Local Government Meetings

8. Order of business

- (1) The order of business at local government meetings will be decided by resolution of the local government from time to time. A motion to alter the order of business may be moved without notice.
- (2) Despite anything else contained in this subordinate local law, the minutes of a previous local government meeting which have not been previously confirmed will be considered and where appropriate confirmed as the first item of business at every ordinary meeting of the local government.

- (3) Business of which due notice has not been given may be brought forward at an ordinary meeting if the local government resolves that the business is urgent.
- (4) The local government may by resolution, set aside a period of time at any meeting, (a "General Business" segment) where Councillors may address the local government on any matter of public interest related to local government. The Chairperson will have total discretion to the time allocated for this segment, the time each Councillor has to talk and the number of speakers. The Chairperson may require the Councillor to cease making a submission or comment which is irrelevant, offensive, or unduly long.
- (5) To remove any doubt, a General Business segment must be conducted in accordance with Part 3 - Standing Orders.

9. Petitions

- (1) Any petition presented to a local government meeting will be in legible writing or typewritten and contain a minimum of 10 signatures.
- (2) A petition may be presented to the local government meeting by a Councillor who, before presenting the petition, will, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to the local government meeting will -
 - (a) state the nature of the petition; and
 - (b) read the petition.
- (3) Where a Councillor presents a petition to the local government meeting no debate in relation to it will be allowed and the only motion which may be moved is that -
 - (a) the petition be received and referred to a committee or officer for consideration and a report to the local government; or
 - (b) the petition not be received.

10. Mayoral minute

- (1) The Mayor may put to the local government meeting a written motion signed by the Mayor on any matter (called a "**Mayoral Minute**").
- (2) The Mayoral Minute must -
 - (a) be delivered to the CEO before the local government meeting at which it is intended to be put; and
 - (b) be copied by the CEO and a copy provided to all Councillors attending the local government meeting at which it is intended to be put; and
 - (c) take precedence over all other matters being considered at the meeting.
- (3) The motion comprising the Mayoral Minute -
 - (a) may be put to the local government meeting without being seconded; and

- (b) may be put at that stage in the local government meeting considered appropriate by the Mayor; and
 - (c) once passed becomes a resolution of the local government.
- (4) Where this section contains anything which is inconsistent with any other section in this subordinate local law, this section prevails.

Division 2 - Standing committees

11. Standing committees

- (1) The local government may distribute any item of business to a standing committee.
- (2) Each standing committee will be responsible to the local government for the business distributed to it.

12. Constitution of standing committees

- (1) The Mayor will be a member of each standing committee.
- (2) The local government by resolution will decide -
 - (a) whether to constitute a standing committee; and
 - (b) the number of members for each standing committee; and
 - (c) which Councillors to appoint as members of each standing committee; and
 - (d) who to appoint as Chairperson of each standing committee; and
 - (e) the tenure of office of one or more members of each standing committee; and
 - (f) the quorum required for meetings of each standing committee.
- (3) A standing committee will not conduct business about a matter which the local government has given to a special committee.

Division 3 - Special committees

13. Appointment of special committees

- (1) The local government may distribute a special matter or a particular item of business to a special committee.
- (2) Each special committee will be responsible to the local government for the business distributed to it.
- (3) The Mayor will be a member of each special committee.
- (4) The local government by resolution will decide -
 - (a) whether to constitute a special committee; and

- (b) the number of members for each special committee; and
- (c) which Councillors to appoint as members of each special committee; and
- (d) who to appoint as Chairperson of each special committee; and
- (e) the tenure of office of one or more members of each special committee; and
- (f) the quorum required for meetings of each special committee.

Division 4 - Committee meetings generally

14. Resignation from committee

A member of a committee may resign by giving written notice to the CEO.

15. Absence from committee meetings

Where a member of a committee -

- (a) is absent from three consecutive meetings of that committee; and
- (b) failed to obtain the minuted permission of the local government or the relevant committee to be absent from each of those committee meetings

that member will cease to be a member of that committee and their position on that committee will become vacant.

16. Reporting vacancies

Where a position on a committee has become vacant, the CEO will report that vacancy to the local government's next ordinary meeting.

17. Effect of vacancy

Where there is a quorum for a committee meeting, the committee can meet and validly conduct business despite one or more positions on the committee being vacant.

18. Notice of committee meeting

- (1) Each member of a committee will be given at least two days written notice of each committee meeting by the CEO.
- (2) Despite subsection (1), the Chairperson of a committee may, where the Chairperson is satisfied that an urgent committee meeting is required -
 - (a) shorten the period of notice to a period which the Chairperson considers reasonable; and
 - (b) authorise the CEO to notify members of the committee orally instead of in writing.

19. Committee reports

- (1) Where -
 - (a) a matter before a committee requires a decision; and
 - (b) the local government has not delegated decision making power for that matter to the committee;

the committee will decide on a recommendation to make to the local government.
- (2) The local government may refer -
 - (a) a matter; or
 - (b) a recommendation on a matter,

back to a committee for further consideration.

20. Committee communications

- (1) The CEO may effect communications between a committee and -
 - (a) the local government;
 - (b) any other committee; and
 - (c) any person or entity.

Division 5 - Procedure for meetings

21. Interpretation of division 5

- (1) Unless otherwise specified in this division, this division applies to all local government meetings and committee meetings.
- (2) In this division -
 - (a) unless it is otherwise clear from the context in which it is used, a reference to a meeting may be read as a reference to a local government meeting or a committee meeting; and
 - (b) a reference to a Councillor may be read as a reference to a member of a committee.

22. Motions

- (1) A motion at a meeting will be received and put to the meeting by the Chairperson.
- (2) The Chairperson may require a motion or an amendment to a motion to -
 - (a) be stated in full; or
 - (b) be in writing.

- (3) A motion on the agenda for a meeting will not be removed from the agenda where a Councillor objects to it being removed.
- (4) When a motion has been moved and seconded, it becomes subject to the control of the meeting and will not be withdrawn without the consent of the meeting.

23. Absence of mover of motion

Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be -

- (a) moved by another Councillor at the meeting; or
- (b) deferred to the next meeting.

24. Motion to be seconded

- (1) A motion will not be debated until the motion is seconded.
- (2) Subsection (1) does not apply to procedural motions.
- (3) Despite subsection (1), a Councillor who moves a motion may speak, with the permission of the Chairperson, for the purposes of clarification, before it is seconded.
- (4) A Councillor who seconds a motion may vote against the motion.

25. Amendment of motion

- (1) An amendment to a motion may be moved at any time and must be in terms which -
 - (a) retain the identity; and
 - (b) does not negate the intent,
of the original motion.
- (2) An amendment to a motion will not be debated until the amendment is seconded.
- (3) Despite subsection (2), a Councillor who moves an amendment may speak, with the permission of the Chairperson, for the purposes of clarification, before it is seconded.
- (4) Only one motion, or one proposed amendment to a motion, may be put before a meeting at any one time.
- (5) Where an amendment to a motion is before a meeting, no other amendment to the motion will be considered until the first amendment has been put.
- (6) Where a motion has been amended, a further amendment cannot be moved that has the effect of returning the motion to its original form.
- (7) A Councillor who proposes or seconds a motion will not propose or second an amendment to that motion.

26. Speaking to motions and amendments

- (1) The mover of a motion or amendment will read it and may state that it is so moved but will not speak to it until it is seconded.
- (2) A Councillor may request further information from the Chairperson before or after the motion or amendment is seconded.
- (3) After a motion or amendment has been seconded, the mover of the motion will be the first speaker and must be in favour of the motion or amendment. Each subsequent speaker must be alternatively against and then in favour of the motion or amendment.
- (4) The Chairperson may make a decision that subsection (3) does not apply.
- (5) The mover of a motion has a right to reply.
- (6) The mover of any amendment has no right of reply.
- (7) Each Councillor shall speak no more than once to the same motion or the same amendment except as a right of reply.
- (8) Each speaker will be restricted to no more than five minutes unless -
 - (a) the Chairperson rules otherwise; or
 - (b) a resolution is passed at the meeting to allow a longer period.
- (9) Where two or more Councillors rise to speak at the same time, the Chairperson will decide who is entitled to priority.

27. Method of taking vote

- (1) Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read.
- (2) The Chairperson will, when taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (3) The meeting will vote by a show of hands as directed by the Chairperson.
- (4) Any Councillor may call for a division on a vote. If a division is taken, the CEO will record the names of the Councillors voting in the affirmative and of those voting in the negative.
- (5) The Chairperson will declare the result of a vote on a division as soon as it has been determined.
- (6) Councillors may request that their names and how they voted be recorded in the minutes for any vote taken other than by division.

28. Rescinding or altering resolutions

- (1) Where a motion to rescind or alter a resolution is lost, that rescission motion or a motion of similar effect will not be moved until at least three months has passed after the date on which the first motion to rescind or alter was lost.
- (2) Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion. Any deferral will not be longer than three months.
- (3) Where a resolution of the local government relates to a matter which was the subject of a previous resolution passed by the local government more than three months earlier, the previous resolution is altered or rescinded to the extent that it is inconsistent with the later resolution.

29. Procedural motions

- (1) A Councillor at a meeting may, during the debate of a matter, move as a procedural motion without the need for a seconder, the following motions -
 - (a) that the question or motion be now put; or
 - (b) that the motion and amendment now before the meeting be adjourned; or
 - (c) that the meeting proceed to the next item of business; or
 - (d) that the question lie on the table; or
 - (e) that the matter be taken from the table; or
 - (f) a motion of dissent; or
 - (g) a point of order; or
 - (h) a motion of dissent against a point of order; or
 - (i) this report or document be tabled; or
 - (j) to suspend the rule requiring that ...; or
 - (k) that the meeting stand adjourned; or
 - (l) deferring a motion to another meeting; or
 - (m) that the local government or committee be resolved into Open Forum.
- (2) A procedural motion, "*that the question be put*" may be moved at any time. Where that procedural motion is carried, the Chairperson will immediately put the question to the motion or amendment under consideration. Where the procedural motion is lost, debate on the motion or amendment will continue.
- (3) A procedural motion, "*that the motion and amendment now before the meeting be adjourned*", may specify a time or date to which the debate will be adjourned. A

procedural motion will not adjourn debate for a period of more than three months from the date of the procedural motion.

- (4) Where there is a procedural motion of the kind referred to in subsection (3) and no date or time is specified for the adjournment -
 - (a) a further motion may be moved to specify a time or date to which the debate will be adjourned; or
 - (b) the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- (5) Where a procedural motion, "*that the meeting proceed to the next item*" is carried, debate on the matter will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- (6) A procedural motion, "*that the question lie on the table*", will only be moved where the Chairperson or a Councillor -
 - (a) requires additional information on the matter under consideration; or
 - (b) the result of some other action of the local government or a person is required,before the matter can be concluded.
- (7) Where a procedural motion of the kind referred to in subsection (6) is passed, the local government will proceed with the next matter on the agenda. A motion, "*that the matter be taken from the table*", may be moved at the meeting at which that procedural motion was carried or at any later meeting.
- (8) A Councillor may move a "*motion of dissent*" in relation to a ruling of the Chairperson or a point of order. Where a procedural motion of that kind is moved, further consideration of any matter will be suspended until after a ruling is made.
- (9) Where a "*motion of dissent*" is carried -
 - (a) the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made; and
 - (b) where, as a result of the Chairperson's ruling the matter was discharged as out of order, it will be restored to the agenda and the order of business; and
 - (c) the matter to which the ruling of the Chairperson was made will continue to be dealt with in the normal course of business; and
 - (d) the meeting will proceed as if the Chairperson's ruling had not occurred.
- (10) A procedural motion, "*that this report or document be tabled*", may be used by a Councillor to introduce a report or other document to the meeting. On tabling the document it ceases to be a confidential document and is available for public scrutiny.

- (11) A procedural motion, "*to suspend the rule requiring that...*", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a procedural rule must specify the duration of the suspension.
- (12) A procedural motion, "*that the meeting stands adjourned*", may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking, and must be put without debate. Where the procedural motion is lost, the Chairperson must not accept a similar motion until the expiration of 30 minutes after the time the motion was lost.
- (13) A procedural motion of the kind referred to in subsection (12) must specify a time for the resumption of the meeting and on the resumption the meeting must continue with the business before the meeting at the point it was adjourned.
- (14) Any Councillor may ask the Chairperson to decide on a "*point of order*" where it is believed that another Councillor -
 - (a) has failed to comply with proper procedures (including a procedural rule); or
 - (b) is in contravention of the *Local Government Act 1993*, a Local Law or a Subordinate Local Law; or
 - (c) is beyond, or is proposing something which is beyond, the jurisdictional power of the local government.
- (15) "*Points of order*" will not be used as a means of contradicting a statement made by the Councillor speaking.
- (16) Where a "*point of order*" is moved -
 - (a) consideration of the matter to which the motion was moved will be suspended; and
 - (b) the Chairperson will determine whether the point of order is upheld.
- (17) Where a question of order arises during a debate, a Councillor may raise a "*point of order*" and the Councillor against whom the point of order is raised, will then immediately cease speaking and sit down. The Councillor raising the point of order will state his point, will not make any other comment and will then resume their seat and await the ruling of the Chairperson.
- (18) Every "*point of order*" will, until decided, take precedence over every other matter or question before the meeting.
- (19) A procedural motion "*that Council (or the committee) be resolved into Open Forum*" may be used to provide a greater degree of informality into part of a meeting. Section 30 governs that part of a meeting which has been resolved into Open Forum.
- (20) A procedural motion "*that Council (or the committee) resolve out of Open Forum*" if passed, brings the Open Forum to an end and the local government meeting or committee meeting will then proceed in accordance with all of the Standing Orders.

- (21) If any method of dealing with a procedural matter is not provided for in a Local Law or Subordinate Local Law, the way in which the matter is dealt with may be decided by a resolution passed at the meeting at which the matter is proposed to be dealt with.

30. Open Forum

- (1) Where the local government or a committee has resolved into Open Forum, the following procedural motions and other provisions of this subordinate local law do not apply -
- (a) Section 28(1)(a) (A procedural motion that the question or motion now be put);
 - (b) Section 29(1)(b) (That the motion now before the meeting be adjourned);
 - (c) Section 29(1)(c) (That the meeting proceed to the next item of business);
 - (d) Section 29(1)(j) (Deferring a motion to another meeting);
 - (e) Section 31(3) (That no discussion will be permitted at a meeting in relation to a reply or a refusal to reply to a question.); and
 - (f) Section 32(1)(a) (Requiring Councillors to stand and address the Chairperson at the local government meetings).
- (2) Where the local government or a committee has resolved into Open Forum, the meeting will remain open to the public unless a separate resolution has been passed in accordance with Section 463 of the *Local Government Act 1993*.
- (3) The local government or a committee may receive, consider and vote on any motions when resolved into Open Forum.

Division 6 - Keeping order

31. Questions

- (1) A Councillor may, at a meeting, ask a question for reply by -
- (a) other Councillors;
 - (b) an officer; or
 - (c) any other person present,
- regarding any matter under consideration at the meeting.
- (2) A question asked at a meeting will be stated clearly and without argument.
- (3) No discussion will be permitted at a meeting in relation to a reply or a refusal to reply to a question.
- (4) A Councillor or officer to whom a question is asked without notice, may request that the question be taken on notice for the next meeting.

- (5) A Councillor who asks a question at a meeting, whether or not on notice, will be deemed not to have spoken to the debate of a motion to which the question relates.
- (6) The Chairperson may disallow a question which the Chairperson considers is inconsistent with good order.
- (7) Despite subsection (6), a Councillor may move a motion disagreeing with the Chairperson's ruling and if that motion is carried, the Chairperson must allow the question.

32. Conduct during meetings

- (1) At a local government meeting, Councillors will -
 - (a) unless they are incapacitated, or it is otherwise unreasonable for them to do so, stand and address the Chairperson while -
 - (i) moving any motion or amendment; or
 - (ii) seconding any motion or amendment; or
 - (iii) taking part in any discussion; or
 - (iv) replying to any question; or
 - (v) addressing the local government meeting; and
 - (b) address each other and any officers by their respective titles.
- (2) At any local government meeting or committee meeting, after the meeting has commenced -
 - (a) a Councillor will not enter or leave the meeting without first notifying the Chairperson; and
 - (b) Councillors will remain seated and silent while a vote is being taken except during a division; and
 - (c) no Councillor will make personal reflections on or impute improper motives to any other Councillors; and
 - (d) no Councillor who is speaking will be interrupted except upon a point of order from the Chairperson or a Councillor; and
 - (e) when the Chairperson rises during the process of a debate, all Councillors will sit down and maintain strict silence so that the Chairperson can be heard without interruption; and
 - (f) the Chairperson may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or a breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue their speech, and the Councillor will then stop speaking and sit down; and

- (g) when the Chairperson is putting a question, a Councillor will -
 - i) not walk out of or across the meeting room; and
 - ii) whilst another Councillor is speaking, pass between the speaker and the Chairperson; and
- (h) the Chairperson will maintain order, and may call a Councillor to order whenever in the Chairperson's opinion, there is cause for doing so; and
- (i) when a Councillor is required by the Chairperson to withdraw a remark the Councillor will do so immediately and without qualification or explanation; and
- (j) a Councillor will not reflect adversely on a resolution of the local government except on a motion that the resolution be rescinded; and
- (k) a Councillor will not make personal reflections on the Chairperson or an officer of the local government; and
- (l) Councillors will confine their remarks to the matter under consideration.

33. Disturbance of meetings

- (1) A Councillor will not make a noise or disturbance or converse aloud while another person is addressing the meeting.
- (2) A Councillor who at a meeting -
 - (a) commits a breach of the *Local Government Act 1993* or a Local Law; or
 - (b) addresses or attempts to address the meeting on any subject which is irrelevant to the business before the local government; or
 - (c) addresses the meeting in a manner which is inconsistent with good order and decorum; or
 - (d) says or does anything calculated to bring the local government, the Chairperson or a Councillor into contempt; or
 - (e) obstructs or interrupts the orderly conduct of business; or
 - (f) shows disrespect for the Chairperson or, on being called to order, disregards the direction of the Chairperson,

will have interrupted or obstructed the proper conduct of the meeting.

34. Business of objectionable nature

- (1) If at any meeting the Chairperson or a Councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government or a committee, the Chairperson may on a motion from -
 - (a) the Chairperson; or

- (b) another Councillor,

declare on a point of order that the matter not be considered further.

35. Disorder

The Chairperson may, where disorder arises at a meeting, adjourn the meeting for 30 minutes. When the meeting resumes, the Chairperson will move a motion, which will be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the Chairperson will declare the meeting closed, and any outstanding matters will be referred to a future meeting.

PART 4 - PUBLIC PARTICIPATION

36. Attendance of public and media at meetings

- (1) An area will be made available at the place of every local government meeting and every committee meeting for members of the public to attend and as many members of the public as can reasonably be accommodated in that area will be permitted to attend the meeting.
- (2) An area will also be made available for the media at the place of every local government meeting and every committee meeting.

37. Public participation at meetings

- (1) Except for a post-election meeting, Council (or committee) may by resolution set aside a maximum of 15 minutes to permit members of the public to address the local government on matters of public interest relating to local government. The time given to each member of the public for their address will not exceed 5 minutes and the maximum number of speakers will be decided by the Chairperson. The right of any member of the public to address the local government will be at the absolute discretion of the local government.
- (2) If any address or comment made by a member of the public addressing a meeting is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease their address.
- (3) Where a matter arises from an address given to an ordinary meeting by a member of the public, the local government may decide by resolution to take the following actions -
 - (a) refer the matter to a committee or the local government; or
 - (b) deal with the matter immediately; or
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- (4) Any person addressing a meeting will -
 - (a) unless they are incapacitated or it is otherwise unreasonable for them to do so, stand; and

- (b) speak with decorum; and
 - (c) frame any remarks in respectful and courteous language.
- (5) Any person seeking to address a meeting who is considered by the Mayor or the Chairperson of the meeting to be unsuitably dressed, may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Where a person fails to comply with that direction they may have interrupted or obstructed the proper conduct of the business of the meeting.

CERTIFICATION

This and the preceding 18 pages bearing my initials is a certified copy of Subordinate Local Law No. 5 (Meetings) 2002, made in accordance with the provisions of the Local Government Act 1993, by the Redland Shire Council by resolution dated 13 November 2002.

Susan Rankin
Acting Chief Executive Officer
Redland Shire Council