



City of **HOBART**

Memorandum: **Acting Lord Mayor**
 Elected Members

Response to Question Without Notice

POINTS OF ORDER

Meeting: Finance and Governance Committee Meeting date: 16 March 2021

Raised by: Alderman Behrakis

Question:

Are statistics kept regarding points of order raised in meetings and the rulings of them?

If so, what proportion of points of order raised against the Lord Mayor have been upheld or dismissed by the Lord Mayor?

Given the potential perception of conflicts of interest in situations where the chair is ruling on themselves, what changes to council procedures can be made to address this issue without conflicting with the *Local Government Act*?

What measures / protocols do other Council's use to address this issue?

Response:

Statistics or records regarding points of order raised during debate at Council and Council Committee meetings are not recorded as there is no requirement under the *Local Government (Meeting Procedures) Regulations 2015* ("the Regulations") to do so.

All Council and Council Committee meetings are conducted in accordance with the Regulations which are very clear as to what constitutes a point of order:

- a) a councillor speaking raises an issue that is irrelevant to the motion being discussed; or
- b) a councillor speaking is being interrupted or distracted; or
- c) the councillor is of the opinion that a meeting procedure is contrary to the Act or the meeting procedure regulations; or
- d) the councillor has been misrepresented during the debate; or

- e) a statement is made by a councillor speaking that the councillor raising the point of order believes is, or is likely to be, offensive to a councillor or to another individual.

In accordance with the r23(3) of the Regulations, when a point of order is raised, the Chairperson is to immediately deal with the point of order which is not to be questioned and is binding on the meeting.

Contact has been made with Clarence, Launceston, Melbourne and Sydney councils with officers indicating their respective meeting procedure regulations are sufficient in dealing with points of order when they occur, with no further policy or protocols required to govern this. However it should be noted that in the case of Melbourne and Sydney, there are differences between Tasmanian and interstate meeting procedure regulations making it difficult to compare.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 14 April 2021
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