

# Meeting Procedures and Standing Orders for Council Meetings and Standing Committees

Fraser Coast Regional Council

## CONTENTS

<b>DICTIONARY .....</b>	<b>3</b>
<b>PURPOSE .....</b>	<b>5</b>
<b>STANDING ORDERS.....</b>	<b>5</b>
1.    INTRODUCTION.....	5
<b>PROCEDURES FOR MEETINGS OF LOCAL GOVERNMENT .....</b>	<b>5</b>
2.    PROCEDURE FOR THE CHAIRPERSON .....	5
3.    ORDER OF BUSINESS .....	6
4.    AGENDAS .....	6
5.    MINUTES .....	7
6.    QUORUM AND LAPSE OF A QUORUM .....	7
7.    PETITIONS .....	8
8.    DEPUTATIONS .....	8
9.    PUBLIC PARTICIPATION AT MEETINGS.....	9
10.   PRESCRIBED CONFLICT OF INTEREST .....	9
11.   DECLARABLE CONFLICT OF INTEREST .....	10
12.   REPORTING A SUSPECTED CONFLICT OF INTEREST .....	12
13.   SPECIAL MEETING .....	12
<b>MOTIONS .....</b>	<b>12</b>
14.   MATTERS/MOTIONS WITH DUE NOTICE .....	12
15.   BUSINESS ARISING INCLUDING GENERAL BUSINESS .....	13
16.   MAYORAL MINUTE.....	13
17.   MOTION TO BE MOVED .....	13
18.   ABSENCE OF MOVER OF MOTION .....	14
19.   MOTION TO BE SECONDED .....	14
20.   AMENDMENT OF MOTION .....	14
21.   SPEAKING TO MOTIONS AND AMENDMENTS .....	14
22.   METHOD OF TAKING VOTE .....	15
23.   WITHDRAWING A MOTION .....	15
24.   REPEALING OR AMENDING RESOLUTIONS .....	16
25.   PROCEDURAL MOTIONS .....	16
26.   POINT OF ORDER .....	17
27.   QUESTIONS .....	18
<b>MEETING CONDUCT.....</b>	<b>18</b>
28.   DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING .....	18
29.   DEALING WITH UNSUITABLE MEETING CONDUCT BY A CHAIRPERSON IN A MEETING .....	19
30.   DEALING WITH A SUSPECTED CONDUCT BREACH INCLUDING THAT WHICH HAS BEEN REFERRED TO COUNCIL.....	20
31.   GENERAL CONDUCT DURING MEETINGS.....	21
32.   DISORDER.....	21
<b>ATTENDANCE AND NON-ATTENDANCE.....</b>	<b>21</b>
33.   ATTENDANCE OF PUBLIC AND THE MEDIA AT MEETINGS .....	21
34.   CLOSED MEETINGS.....	22
35.   TELECONFERENCING OF MEETINGS .....	23
36.   REVIEW .....	23
<b>VERSION CONTROL.....</b>	<b>23</b>

## DICTIONARY

**Attendee** means:

- (a) The Chief Executive Officer; or
- (b) An officer nominated by the Chief Executive Officer; or
- (c) An officer invited to a council or committee meeting by the Chairperson of that meeting; or
- (d) In the case of a Council meeting or a committee meeting, a person admitted to the meeting by the respective council or committee.

**Audio Link** means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places.

**Audio Visual Link** means facilities, including closed-circuit television, that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places

**Chairperson** means:

- (a) The Mayor in the case of a Council meeting; or
- (b) The person appointed by the Council pursuant to Section 267 (chairperson of committee) of the *Local Government Regulation 2012* as chairperson of the Standing committee; or
- (c) A person acting in the position of chairperson pursuant to these Standing Orders; or
- (d) The person who controls the order of the meeting.

**Chief Executive Officer** means the person appointed and employed by the Council as its Chief Executive Officer pursuant to Section 194 (Appointing a Chief Executive Officer) of the *Local Government Act 2009*.

**Councillor** refers to an individual duly elected as a Councillor or Mayor to the Fraser Coast Regional Council in accordance with the relevant legislation.

**Council Meeting** means the Ordinary or Special Meeting of the full Council.

**Declarable Conflict of Interest** refer Local Government Act 2009, Chapter 5B, Part 3.

**Conduct Breach** refer Local Government Act 2009, section 150K.

**LGA** means Local Government Act 2009

**LGR** means Local Government Regulation 2012

**Mayor** means the Mayor of the Council and includes any person acting in the position of the Mayor pursuant to the *Local Government Act 2009* or these Standing Orders.

**Member** means in the case of a Council or Standing committee meeting, a Councillor of the Fraser Coast Regional Council.

**Motion of Dissent** means a motion set out in these Standing Orders, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the Chairperson.

**Ordinary Business** means matters such as:

- The Councillors interest is no greater than a significant proportion of other community members (e.g. all people in a suburb, all people in a small town, all business owners, all dog owners)
- Councillor remuneration, expenses, superannuation or insurance
- Adoption of budget, rates and charges and cost-recovery fees
- Planning scheme or amendments for the whole council area

- Appointment of mayor, deputy mayor, councillor, committee member, or council representative of board or association

**Ordinary Meeting** of the Council means –

- (a) A post-election meeting of the Council which is required to be held under Section 175 (Post-election meetings) of the *Local Government Act 2009*; or
- (b) A periodic meeting of the Council which is required to be held under Chapter 8, Part 2, Division 1 (Requirements for meetings of a local government) of the *Local Government Regulations 2012*.

**Petition** means a formal written or electronic document signed by a minimum of 10 people that requests Council's action in a particular matter.

**Point of Order** means an objection to an action.

**Prescribed Conflict of Interest** refer Local Government Act 2009, Chapter 5B, Part 2.

**Procedural Motion** means a motion set out in these Standing Orders and is a specific resolution to control the conduct of the meeting to aid the effective transaction of business.

**Standing Committee** of Council, means a committee established under Section 264 of the *Local Government Regulation 2012* of Councillors that meets to discuss the topic decided by Council when establishing the committee

**Statutory Notice** of meeting means a notice of meeting to be given under the *Local Government Regulation 2012*.

**Teleconferencing** includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

## PURPOSE

The purpose of the Meeting Procedures is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Council meetings and standing committee meetings.

It is not intended that the Meeting Procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in Council to chair meetings and deal with the conduct of Councillors, conflict of interest of Councillors, loss of quorum and closed meetings.

In particular, as required under section 150F of the *Local Government Act 2009* (LGA) this document sets out:-

- The process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable meeting conduct by Councillors.
- The process for how the Councillors of a Local Government meeting may deal with the Chairperson's unsuitable meeting conduct.
- The process for how suspected conduct breach of a Councillor referred to the local government by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

## STANDING ORDERS

### 1. INTRODUCTION

- 1.1. These Standing Orders apply to all meetings of Council and any Standing Committees.
- 1.2. These Standing Orders do not apply to Audit and Risk Committee meetings.
- 1.3. Any provision, except where mandatory under the model meeting procedures, of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 1.4. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

## PROCEDURES FOR MEETINGS OF LOCAL GOVERNMENT

### 2. PROCEDURE FOR THE CHAIRPERSON

- 2.1. The Mayor will be the chairperson at a meeting of Council at which the Mayor is present..
- 2.2. If the Mayor is absent or unavailable to chair a meeting of Council, the meeting will be chaired by the Councillor to whom the Mayor has delegated their responsibility to chair the meeting.
- 2.3. If the Mayor is absent or unavailable to chair the meeting, and has not delegated another Councillor to do so, , the Deputy Mayor will be the chairperson.
- 2.4. If the office of Mayor becomes vacant, the Deputy Mayor acts as Mayor and Chairperson of the Local Government meetings.
- 2.5. If both the Mayor and the Deputy Mayor are prevented from chairing the meeting because of absence or temporary incapacitation, and no other Councillor has been delegated the responsibility or appointed to act as chairperson, the Council may, by resolution, appoint one of the Councillors present at the meeting to act as chairperson for the duration of the meeting.
- 2.6. Council may appoint the Chairperson for a Standing committee meeting. This Chairperson will preside over meetings of the committee.
- 2.7. If the Chairperson of a Standing committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the committee meeting.

### **3. ORDER OF BUSINESS**

- 3.1. Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
- 3.2. The order of business will be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.3. Unless otherwise altered, the order of business will be as follows:
  1. Opening Prayer
  2. Apologies and Leave of Absence
  3. Disclosure of Interests
  4. Mayoral Minute
  5. Confirmation of Minutes of Meetings
  6. Outstanding Actions
  7. Addresses/Presentations
  8. Deputations
  9. Petitions
  10. Committees' Reports
  11. Officers' Reports
  12. Matters/Motions of which due notice has been given
  13. Response to Questions on Notice
  14. General Business
  15. Confidential
  16. Late items

### **4. AGENDAS**

- 4.1. The Chief Executive Officer determines the business paper content for any meeting; including late items and items declared as confidential.
- 4.2. Business not on the Agenda or not fairly arising from the Agenda will not be considered at any Meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each committee.
- 4.3. A matter considered under sub-clause 4.2 above will be considered during that part of the meeting set aside for general business.
- 4.4. The notice of the meeting and the agenda must be given to each Councillor at least 2 days before the meeting unless it is impracticable to give the notice before that time.

- 4.5. The Agenda for the Council must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. Any related reports for the Council meeting must also be included and available to the public excluding confidential reports.
- 4.6. If the related report is made available to Councillors or Committee Members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the Councillors or Committee Members unless the related report contains information confidential to the Council in accordance with Section 254D(3) of the LGR.
- 4.7. Matters on the Agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J of the LGR, will be clearly identified including the reasons why the session will be closed.

## **5. MINUTES**

- 5.1. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion will be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.
- 5.2. Amendments to the minutes may be made prior to confirming the minutes. This may be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed, the minutes can be amended.
- 5.3. All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.
- 5.4. Once the minutes are confirmed by resolution of the meeting they cannot be changed. If the Council needs to make a correction to the confirmed minutes, that can be done by passing a new motion that states what the correction is, but the original minutes remain as they are recorded.

## **6. QUORUM AND LAPSE OF A QUORUM**

- 6.1. A quorum at a Council Meeting is a majority of its Councillors.
- 6.2. However, if the number of Councillors is an even number, one-half of the number is a quorum.
- 6.3. A quorum of a standing committee is the number –
  - 6.3.1. Fixed by the Council; or
  - 6.3.2. If a number is not fixed by the Council – fixed by the standing committee.
- 6.4. If a quorum is not present within 15 minutes after the time set for the meeting to begin, the meeting may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present then the Chief Executive Officer.
- 6.5. In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:
  - 6.5.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the Local Government Act 2009;
  - 6.5.2. Defer the matter to a later meeting; or
  - 6.5.3. Not decide the matter and take no further action in relation to the matter.
- 6.6. All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 6.7. The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a conflict of interest in the matter.
- 6.8. If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the conflicted Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.
- 6.9. If during the conduct of a meeting, the Chairperson becomes aware that a quorum is no longer present, the meeting will be adjourned for 30 minutes. If after 30 minutes a quorum is still not present, the meeting will be

adjourned to a date and time to be determined by the Chairperson but no later than 14 days from the date of the adjournment.

- 6.10. However, the meeting may be adjourned to a later time on the same day.
- 6.11. When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.

## **7. PETITIONS**

- 7.1. A Councillor may present a paper petition or electronic petition where the petition meets the relevant Council petition requirements provided for in section 7.2.
- 7.2. Any petition presented to a meeting of Council must:
  - 7.2.1. Be in legible writing
  - 7.2.2. contain a minimum of ten signatures,
  - 7.2.3. Include the name and contact details for the Principal Petitioner (i.e., one person who is the organizer and who will act as the key contact for the issue),
  - 7.2.4. Include the postcode of all petitioners,
  - 7.2.5. Have the details of the specific request/matter appearing on each page of the petition;
  - 7.2.6. Be respectful and not contain any offensive language or content,
- 7.3. Notwithstanding section 7.2.4 and 7.2.5 above, an electronic petition may be received by the Council.
- 7.4. Petitions related to active development applications will be referred to the Chief Executive Officer and managed as per operational procedures.
- 7.5. Complaints against an individual/s is not considered a petition. Where a petition is received and the details of the request/matter is against an individual/s, it will be referred to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.
- 7.6. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that:
  - 7.6.1. the petition be received; or
  - 7.6.2. the petition be received and referred to a committee or Chief Executive Officer for consideration and a report to Council; or
  - 7.6.3. the petition not be received because it is deemed invalid.
- 7.7. Only the name of the chief petitioner, the petitioner's request and the number of signatories will be recorded in the minutes.
- 7.8. The Chief Executive Officer will arrange a written response to the Principal Petitioner in relation to all petitions. Petitions deemed invalid will be provided with the reason/s why the petition was deemed invalid.

## **8. DEPUTATIONS**

- 8.1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than twelve (12) business days before the meeting.
- 8.2. An application for a deputation must include:
  - 8.2.1. The presentation description of the deputation
  - 8.2.2. The names of all parties presenting the deputation
  - 8.2.3. If any supportive methods (e.g props, PowerPoint presentations, video) will be utilised. Supportive methods are subject to approval by the Chairperson.
- 8.3. The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the



determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.

- 8.4. For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 8.5. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may terminate the deputation.
- 8.6. The Chairperson may terminate an address by a person in a deputation at any time where:
  - 8.6.1. The Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting,
  - 8.6.2. The time period allowed for a deputation has expired, or
  - 8.6.3. The person uses insulting or offensive language or is derogatory towards Councillors or staff members
- 8.7. The Chief Executive Officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.
- 8.8. A Deputation will not exceed fifteen minutes unless otherwise agreed by the Chairperson.

## **9. PUBLIC PARTICIPATION AT MEETINGS**

- 9.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- 9.2. In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to Council. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- 9.3. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 9.4. For any matter arising from such an address, Council may take the following actions:
  - 9.4.1. Refer the matter to a committee.
  - 9.4.2. Deal with the matter immediately.
  - 9.4.3. Place the matter on notice for discussion at a future meeting.
  - 9.4.4. Note the matter and take no further action.
- 9.5. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks using respectful and courteous language.
- 9.6. Any person who is considered by the Council or the Chair to be unsuitably dressed may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

## **10. PRESCRIBED CONFLICT OF INTEREST**

Councillors are ultimately responsible for informing of a prescribed conflict of interest on matters to be discussed at a Council or Standing committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 10.1. A Councillor who has notified the Chief Executive Officer in writing of a prescribed conflict of interest in a matter to be discussed in a Meeting must also give notice during the Meeting.
- 10.2. A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Meeting must immediately inform the Meeting of the conflict of interest.
- 10.3. When notifying the Meeting of a prescribed conflict of interest, the following details must be provided:

- 10.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - 10.3.2. If it arises because of an application for which a submission has been made, the matters, the subject of the application and submission;
  - 10.3.3. The name of any entity other than the Councillor that has an interest in the matter;
  - 10.3.4. The nature of the Councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter;
  - 10.3.5. Details of the Councillor's and any other entity's interest in the matter.
- 10.4. The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on unless the subject Councillor has written notice of approval from the Minister to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 10.5. Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

## **11. DECLARABLE CONFLICT OF INTEREST**

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Standing committee meetings (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the *Local Government Act 2009*.

When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:

- 11.1. A Councillor who has notified the Chief Executive Officer in writing of a declarable conflict of interest in a matter to be discussed at a Meeting must also give notice during the Meeting.
- 11.2. A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Meeting must inform the meeting of the conflict of interest.
- 11.3. When notifying the Meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
  - 11.3.1. The nature of the declarable conflict of interest.
  - 11.3.2. If it arises because of the Councillor's relationship with a related party:
    - i. the name of the related party to the Councillor
    - ii. the nature of the relationship of the related party to the Councillor
    - iii. the nature of the related party's interests in the matter.
  - 11.3.3. If it arises because of a gift or loan from another person to the Councillor or a related party:
    - i. the name of the other person
    - ii. the nature of the relationship of the other person to the Councillor or related party
    - iii. the nature of the other person's interest in the matter
    - iv. the value of the gift or loan and the date the gift or loan was made.

- 11.4. After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 11.5. If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA.
- 11.6. The other eligible Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the Councillor should not participate in the decision and leave the Meeting while the matter is decided by the eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the Meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the eligible Councillors.
- 11.7. In deciding on a Councillor's declarable conflict of interest in a matter, only Councillors who do not also have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a quorum for the meeting consistent with section 150ET of the Local Government Act 2009.
- 11.8. The ability to make a resolution without a seconder applies when making a resolution under 150ES of the LGA.
- 11.9. The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the eligible Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the Meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the Meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 11.10. When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible Councillors should consider the particular circumstances of the matter including, but not limited to:
  - 11.10.1. how does the inclusion of the Councillor in the deliberation affect the public trust;
  - 11.10.2. how close or remote is the Councillor's relationship to the related party;
  - 11.10.3. if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - 11.10.4. will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
  - 11.10.5. how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
  - 11.10.6. how does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
  - 11.10.7. whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 11.11. If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the Meeting while the eligible Councillors discuss and vote on the matter as prescribed in 150ET(3) of the LGA.
- 11.12. A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the same matter, as prescribed in 150ET(4) of the LGA, unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Meeting about the same matter.
- 11.13. In making the decision under 11.6 and 11.10, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 11.14. A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

## **12. REPORTING A SUSPECTED CONFLICT OF INTEREST**

- 12.1. If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 12.2. The Chairperson then should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
- 12.3. If the Councillor believes they do not have a conflict of interest, they must inform the Meeting of that belief and their reasons for that belief.
- 12.4. The eligible Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the Meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above. If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillor's participation.
- 12.5. If the Councillors cannot reach a decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

## **13. SPECIAL MEETING**

- 13.1. The Chief Executive Officer must call a special meeting of the Council if –
  - 13.1.1. The special meeting is required by a resolution of the Council; or
  - 13.1.2. A written request for the special meeting is lodged with the Chief Executive Officer.
- 13.2. A written request for a special meeting of Council must –
  - 13.2.1. Be signed by the Mayor or three or more Councillors; and
  - 13.2.2. Specify the object of the special meeting; and
  - 13.2.3. Propose a day and time for the holding of the special meeting.
- 13.3. The Chief Executive Officer 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.
- 13.4. The notice must be given, at least two days before the day of the meeting, unless it is impracticable to give the notice before that time (Section 254C of the *Local Government Regulation 2012*). The only business that may be conducted at a special meeting is the business specified in the notice of meeting.

## **MOTIONS**

### **14. MATTERS/MOTIONS WITH DUE NOTICE**

- 14.1. Any Councillor wishing to give notice of any matters/motions, must give notice in writing to the Chief Executive Officer at least 3 business days before the meeting at which the business is to be discussed.

Additionally, a Councillor should give notice to Council of their intention to raise a motion, and details of its nature, at or before the Agenda Forum meeting, whether verbally or in writing, so as to allow for questioning or requests for further information to be made at that meeting.
- 14.2. Matters or motions must include a brief statement outlining the reason for the Motion. Motions submitted without this information will not be accepted.

- 14.3. Matters/motions relating to but not limited to amending and changing disbursement of funds, budgets, operational plan activities, capital work priorities, and policy decisions will be subject to a Council report prior to any Council resolution.
- 14.4. If the Council determines the matter/motion is an operational issue, refer to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.
- 14.5. Matters/motions that will revisit an existing Council decision are not permitted in this section within a period of 3 months of that decision. The avenue for these motions is either through a Mayoral Minute or in general business as per section 4.2 and 4.3.

## **15. BUSINESS ARISING INCLUDING GENERAL BUSINESS**

- 15.1. Matters raised under General Business will require a resolution of the Council to permit discussion, except in cases of bereavement, where condolence motions may be moved without the need for Council permission.
- 15.2. Council recognises that every bereavement is a tragedy for the family and friends who suffer the loss of a loved one and expressions of sympathy are always appreciated. Councillors wanting to express condolences can raise a motion in general business. As a mark of respect a minute's standing silence will be observed by those at the meeting.
- 15.3. Matters raised during General Business are subject to sections 14.3 and 14.4.

## **16. MAYORAL MINUTE**

- 16.1. The Mayor may, by a signed minute, introduce a matter for consideration at a meeting. The matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

Note: A Mayoral minute upon being moved is dealt with in the same manner as any other motion.

## **17. MOTION TO BE MOVED**

- 17.1. A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- 17.2. When a motion has been moved and seconded, it will become subject to the control of Council and cannot be withdrawn without the consent of the Council.
- 17.3. An amendment can be made with consent of the mover and seconder of the original motion.
- 17.4. Where the consent to an amendment of a motion is not provided by the mover and seconder of the original motion, the proposed amendment to the motion must be moved, seconded and determined by Council.
- 17.5. Where consent to an amendment of a motion is not provided by the mover and seconder of the original motion and is successful, the mover of the amendment is taken to have moved the motion and can speak to the motion and have the right of reply.
- 17.6. Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 17.7. A motion brought before a meeting of Council in accordance with the Local Government Act 2009 or these Standing Orders will be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 17.8. The Chairperson may refuse to accept a motion if it is not within the Meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 17.9. The Chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is taken to a motion being taken as a formal motion and the motion is then seconded, the Chairperson may put the motion to the vote without discussion.
- 17.10. Not more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

## **18. ABSENCE OF MOVER OF MOTION**

- 18.1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- 18.1.1. Moved by another Councillor at the meeting with written consent from the Councillor who gave notice of the motion, or
  - 18.1.2. Deferred to the next meeting.

## **19. MOTION TO BE SECONDED**

- 19.1. A motion or an amendment to a motion will not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

## **20. AMENDMENT OF MOTION**

- 20.1. An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 20.2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 20.3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion will be considered until after the first amendment has been voted on, however before the debate is conducted a Councillor may foreshadow another amendment should the motion be lost.
- 20.4. A Councillor may foreshadow an amendment to a motion should the motion be lost. The foreshadowed amendment does not require a seconder.
- 20.5. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

## **21. SPEAKING TO MOTIONS AND AMENDMENTS**

- 21.1. The mover of a motion or amendment will read it but will not speak to it until it is seconded.
- 21.2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 21.3. Councillors must first state whether they are speaking in favour or against the motion before speaking.
- 21.4. A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded this includes asking a question for reply by a Councillor or an officer of Council, but only regarding the matter under consideration at the Meeting. The Council officer can be assisted by an external party if deemed necessary to provide clarification to Councillors.
- 21.5. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which will be signified without debate, and a Councillor will not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 21.6. The mover of a motion or amendment has the right to reply if another Councillor has spoken against the motion. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 21.7. Each speaker shall be restricted to not more than five minutes unless the Chairperson rules otherwise.
- 21.8. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson will determine who is entitled to priority.

- 21.9. In accordance with Section 254H of the Local Government Regulation 2012, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an employee engaged to provide services of the Council the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. Section 254H applies to either or both of the following decisions:
- a) The decision is about entering into a contract the total value of which is more than the greater of the following:
    - i. \$200,000 exclusive of GST;
    - ii. 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report;
  - b) The decision is inconsistent with a policy of the local government, or the approach ordinarily followed by the local government for the type of decision.
- 21.10. Where the Council makes a decision about any matter at a Council meeting that is inconsistent with a recommendation or advice given to Council by an employee engaged to provide services of Council, the Chief Executive Officer must record a statement of the reasons for the inconsistency in the minutes of the meeting.

## **22. METHOD OF TAKING VOTE**

- 22.1. The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. Councillor names in favour and against the motion will be recorded in the minutes unless carried unanimously.
- 22.2. A Councillor must advise the Chairperson if they intend to abstain from the vote and the reason for abstaining.
- 22.3. If a Councillor does not vote for or against a motion, they will be taken to have abstained from voting and their vote will be recorded in the negative i.e. against the motion.
- 22.4. Subject to chapter 5B of the LGA, each Councillor present has a vote on each motion to be decided and, if the votes are equal, the person presiding at the meeting has a casting vote.
- 22.5. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. The Chairperson shall declare the result of a vote or a division as soon as it has been determined. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. A division requires the Councillors to vote by standing.
- 22.6. Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 22.7. Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 22.8. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

## **23. WITHDRAWING A MOTION**

- 23.1. A motion or amendment may be withdrawn by the mover with the consent of the Council, by resolution, which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Meeting for its withdrawal.

## 24. REPEALING OR AMENDING RESOLUTIONS

- 24.1. A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the Local Government Act 2009 or the Local Government Regulation 2012.
- 24.2. Motions to repeal or amend a previous resolution can be made:
- 24.2.1. By a notice of intention to repeal or amend delivered to the Chief Executive Officer;
  - 24.2.2. By recommendation contained in a report by an Officer and included in the agenda.
- 24.3. A Councillor may propose a notice of motion to repeal or amend a previous resolution provided that:
- 24.3.1. The resolution proposed to be repealed or amended has not been acted on.
  - 24.3.2. The effect of repealing or amending the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations.
  - 24.3.3. The notice of repeal or amendment sets out:
    - a) The resolution to be repealed or amended; and
    - b) The meeting and date at which the resolution was made.
- 24.4. Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

## 25. PROCEDURAL MOTIONS

- 25.1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
- that the question/motion be now put (*see 25.2*)
  - that the motion or amendment now before the meeting be adjourned (*see 25.3*)
  - that the meeting proceeds to the next item of business (*see 25.4*)
  - that the matter lie on the table (*see 25.5*)
  - that the matter be taken from the table (*see 25.6*)
  - a motion of dissent against the Chairpersons decision (*see 25.7*)
  - that this report/document be tabled (*see 25.8*)
  - that standing orders be suspended (*see 25.9*)
  - that standing orders be resumed (*see 25.10*)
  - that the meeting be adjourned (*see 25.11*)
  - that the meeting be reconvened (*see 25.12*)
  - that the speaker no longer be heard (*see 25.13*)
  - a point of order (*see 26*)
- 25.2. A procedural motion, ***that the question/motion be put***, may be moved and where such a procedural motion is carried, the Chairperson will immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion will resume.

The Chairperson has the discretion as to whether to accept the motion to ensure that the matter has been reasonably debated. It may not be moved or seconded by a person who has already moved, seconded or spoken about the main motion or any amendment.



- 25.3. A procedural motion, ***that the motion or amendment now before the meeting be adjourned***, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:
- 25.3.1. A further motion may be moved to specify such a time or date, or
  - 25.3.2. The matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.
- 25.4. Where a procedural motion, ***that the meeting proceeds to the next item*** is carried, debate on the matter that is the subject of the motion will cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- 25.5. A procedural motion, ***that the matter lie on the table***, will only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting. A motion to lie a matter on the table must specify the additional information required on the matter. Where such a procedural motion is passed, the Council will proceed with the next matter on the business paper. If a motion to take the matter from the table is not moved before the end of the meeting, the matter will lapse and will have to be brought forward as a new matter at a future meeting at the discretion of the Chief Executive Officer.
- 25.6. A procedural motion, ***that the matter be taken from the table***, may be moved at the meeting at which the procedural motion was carried.
- 25.7. A procedural motion, ***a motion of dissent against the Chairpersons decision***, may be used in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- 25.8. A procedural motion, ***that this report/document be tabled***, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 25.9. A procedural motion, ***that standing orders be suspended***, 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 rule shall specify the duration of such a suspension.
- 25.10. A procedural motion, ***that standing orders be resumed***, will be made to resume the standing orders.
- 25.11. A procedural motion, ***that the meeting be adjourned***, may be made by any Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council will continue with the business before the meeting at the point where it was discontinued on the adjournment.
- 25.12. A procedural motion, ***that the meeting be reconvened***, will be made after an adjournment to identify the recommencement of the meeting.
- 25.13. A procedural motion, ***that the speaker no longer be heard***, may be moved by a Councillor while another Councillor is speaking if the mover of the motion determines that the speaker is being repetitive. Where the Chairperson allows the procedural motion to be put, it will be voted on without debate. If the motion is carried the speaker will resume their seat and not speak to the motion again.

## 26. POINT OF ORDER

- 26.1. Any Councillor may ask the Chairperson to decide on a ***point of order*** where it is believed that another Councillor:
- 26.1.1. Has failed to comply with meeting procedures and standing orders;
  - 26.1.2. Is in contravention of the Local Government Act/Regulations; or
  - 26.1.3. Is beyond the jurisdiction power of Council.
- 26.2. Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved will be suspended pursuant to clause 20.2. The Chairperson will determine whether the point of order is upheld.

- 26.3. Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and then the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

## **27. QUESTIONS**

- 27.1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any item contained in the agenda. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice has the right to take the question on notice for the next meeting via a written response.
- 27.2. A Councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 27.3. The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson will allow such question.
- 27.4. Any requests that the response be in the form of a Council Standard report, must be dealt with in accordance with Motions of which due notice has been given.

## **MEETING CONDUCT**

### **28. DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING**

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 28.1. The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 28.2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, subclause 28.7 applies.
- 28.3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- 28.3.1. Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct.
  - 28.3.2. Apologising for their conduct.
  - 28.3.3. Withdrawing their conduct.
- 28.4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 28.5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.
- 28.6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 28.7. If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides that a warning is not appropriate under 28.3, the Chairperson may make one or more of the orders below:
- 28.7.1. An order reprimanding the Councillor for the conduct.
  - 28.7.2. An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting. (section 150I(2)(b) of the LGA)

- 28.8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer (section 150I(2)(c) of the LGA). The meeting must be adjourned whilst the Councillor is being removed.
- 28.9. Following the completion of the meeting, the Chairperson must ensure:
- 28.9.1. Details of any order issued is recorded in the minutes of the meeting. (section 150I(3) of the LGA)
  - 28.9.2. If it is the third or more order within a 12-month period made against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of Council as a suspected conduct breach pursuant to section 150J of the LGA.
  - 28.9.3. The Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register (section 150DX of the LGA)
- 28.10. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 27.3, 28.4, 28.7 and 28.8 above.

## **29. DEALING WITH UNSUITABLE MEETING CONDUCT BY A CHAIRPERSON IN A MEETING**

- 29.1. If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor may raise the matter in the meeting by point of order.
- 29.2. The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct. The Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 29.3. The Chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and leave the place where the meeting is being held, including any area set aside for the public during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out above for declarable conflict of interest.
- 29.4. For the debate and vote on the motion that the Chairperson has engaged in unsuitable meeting conduct, a Councillor other than the Councillor that moved the motion, is to act as the Chairperson.
- 29.5. If the original Chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible Councillors, they can put forward their reasoning about their conduct, and respond to questions through the acting Chairperson from the eligible Councillors.
- 29.6. The acting Chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the Chairperson has engaged in unsuitable meeting conduct (the acting Chairperson will have a casting vote on the resolution if required).
- 29.7. If it is decided that the Chairperson has engaged in unsuitable meeting conduct, the Councillors can decide to make an order reprimanding the Chairperson for the conduct.
- 29.8. Once the councillors make a decision, the Chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting Chairperson.
- 29.9. The Chairperson then resumes the role of chairperson, and the meeting continues.
- 29.10. Details of any reprimand order issued must be recorded in the minutes of the meeting. (section 150I(3) of the LGA)
- 29.11. The Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register (section 150DX of the LGA).
- 29.12. If it is the third or more order within a 12-month period made against the Chairperson, the conduct that led to the orders being made, taken together, becomes a conduct breach.
- 29.13. If the conduct of a Councillor, including a Chairperson, at the meeting becomes a conduct breach by virtue of section 29.12, the Council is not required to notify the Independent Assessor about the conduct, and may deal with the conduct at the next meeting of Council.

### **30. DEALING WITH A SUSPECTED CONDUCT BREACH INCLUDING THAT WHICH HAS BEEN REFERRED TO COUNCIL**

30.1. Pursuant to Chapter 5A, Division 5 of the LGA, a referral from the Independent Assessor of a conduct breach or an instance of a suspected conduct breach may arise from circumstances under paragraph 28.9.2 of this document.

In either case, Council must complete an investigation into the alleged conduct:

- Consistent with any recommendations from the Independent Assessor; and
- Consistent with the Council's investigation policy; or
- In another way decided by resolution of the Council.

30.2. After the completion of the investigation, the Council must decide in a Council meeting whether the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision to the Mayor under section 257(2)(a) of the LGA.

30.3. When dealing with an instance of a suspected conduct breach which has been referred to Council by the Independent Assessor, the Council must be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected conduct breach in an open meeting of Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J(3)(f) of the Local Government Regulation 2012 (LGR) to discuss the allegation.

30.4. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.

30.5. Where the Council makes a decision about a conduct breach matter at a Council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting in accordance with section 254H(2) of the LGR.

30.6. The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the Meeting during a debate about whether the Councillor engaged in a conduct breach and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the Meeting for the debate is on the condition that the subject Councillor must leave the place where the Meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.

30.7. Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in this document. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the Meeting during the debate and vote on the matter the other Councillors must decide how to deal with the conflict of interest under section 10 of this document. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.

30.8. The Council must debate the issue and decide whether the accused Councillor engaged in a conduct breach. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.

30.9. If a decision is reached that the accused Councillor has engaged in a conduct breach, the Councillors must decide what penalty or penalties from the orders detailed in 30.10, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous conduct breach of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.

30.10. The Council may order that no action be taken against the Councillor or make one or more of the following:

- 30.10.1. An order that the Councillor make a public admission that the Councillor has engaged in a conduct breach;
- 30.10.2. An order reprimanding the Councillor for the conduct breach;

- 30.10.3. An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - 30.10.4. An order that the Councillor be excluded from a stated Council Meeting;
  - 30.10.5. An order that the Councillor is removed, or must resign, from a position representing Council, other than the office of Councillor, for example that the Councillor is orders to resign from an appointment representing the Council on a State board or committee;
  - 30.10.6. An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; or
  - 30.10.7. An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's conduct breach .
- 30.11. A Council may not make an order, in relation to a person who is no longer a Councillor.
- 30.12. The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision made by Council and if relevant any orders they have made.
- 30.13. The Council must ensure the meeting minutes reflect the resolution made.

## **31. GENERAL CONDUCT DURING MEETINGS**

- 31.1. Councillors will conduct themselves in accordance with the principles of the Local Government Act 2009 and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 31.2. After a meeting of Council has been formally constituted and the business commenced, a Councillor will not enter or leave from such meeting without first notifying the Chairperson.
- 31.3. Councillors will speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers will designate them by their respective official or departmental title and will confine their remarks to the matter then under consideration.
- 31.4. No Councillor who is speaking will be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 31.5. When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak will immediately cease speaking, and each Councillor present will preserve strict silence so that the Chairperson may be heard without interruption.

## **32. DISORDER**

- 32.1. The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson will move a motion, which will be put without debate, to determine whether the meeting will proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

# **ATTENDANCE AND NON-ATTENDANCE**

## **33. ATTENDANCE OF PUBLIC AND THE MEDIA AT MEETINGS**

- 33.1. A designated area will be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 33.2. Any individual who declines to remain in the designated public area during the meeting shall be instructed to relocate to the appropriate section or vacate the public gallery.

- 33.3. No conversation/ comments among audience members should take place during the meeting. Should conversation/ comments occur which disrupts the meeting, the Chairperson may request the person/s to cease making the submission or comment. The Chair may adjourn the meeting where disorder arises until order has been restored.
- 33.4. All individuals without a Council-issued identification, are to sign the Visitor Register prior to entering the public gallery.
- 33.5. Audio and/or video recording of a Council meeting is not permitted unless approved by the Chairperson.
- 33.6. Any individual who is considered by the Chairperson to be conducting themselves in an unsuitable manner, may be requested to cease the behaviour. Failure to comply with such a request may be considered an act of disorder.
- 33.7. When the Council is sitting in Closed Session, the public and representatives of the media will be excluded.
- 33.8. The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 254J of the Local Government Regulation 2012. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

#### **34. CLOSED MEETINGS**

- 34.1. Council and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:
  - 34.1.1. Appointment, dismissal or discipline of the CEO
  - 34.1.2. Industrial matters affecting employees
  - 34.1.3. Council's budget, which does not include the monthly financial statements
  - 34.1.4. Rating concessions
  - 34.1.5. Legal advice obtained by the Council involving the Council, including for example, legal proceedings that may be taken by or against Council
  - 34.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals
  - 34.1.7. Negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council
  - 34.1.8. Negotiations relating to the taking of land by the Council under the Acquisition of Land Act 1967
  - 34.1.9. A matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 34.2. A Council or standing committee cannot resolve that a Meeting be closed where the Meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the Meeting must decide by resolution whether the Councillor has a prescribed or declarable conflict of interest in the matter.
- 34.3. Further, the Meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must;
  - a. Delegate the matter unless the matter cannot be delegated,
  - b. Decide by resolution to defer to a later meeting,
  - c. Decide by resolution to take no further action on the matter.

**Note:** *None of the above will be considered, discussed, voted on or made during a closed session as per Section 34.5 below.*

- 34.4. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA).
- 34.5. To take a matter into a closed session, the Council must abide by the following process:

- a. Pass a resolution to close the meeting.
- b. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
- c. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and a brief explanation of why it is deemed necessary to take the issue into closed session.
- d. Not make a resolution while in a closed meeting (other than a procedural motion)

### 35. TELECONFERENCING OF MEETINGS

- 35.1. If a Councillor wishes to be absent from a Council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a Councillor to participate in a Council meeting or Standing committee meeting by teleconference.
- 35.2. Permission for a Councillor to participate via teleconference must not be unreasonably withheld.
- 35.3. A Councillor taking part by teleconference is taken to be present at the Meeting if the Councillor was simultaneously in audio contact with each other person at the Meeting (section 254K(3) of Local Government Regulation 2012). The attendance of the Councillor must be recorded in the minutes as present at the Meeting via audio link or audio-visual link.
- 35.4. Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

### 36. REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than two years.

## VERSION CONTROL

This policy is to remain in force until otherwise determined by Council.

Release Notice			
Version Number	Date of issue	Amendment details	Responsible officer
14	07/09/2016	Adopted by Council	
15	27/03/2019	Addition of model meeting procedure and revised standing orders best practice guidelines	Executive Manager Governance and Customer Service
16	27/05/2020	Insert 16.3, 16.4 and 16.5 to clarify the process to amend a motion.	Executive Manager Governance and Customer Service
17	28/10/2020	Changes due to legislative reform commencing 12 October 2020	Executive Manager Governance and Customer Service
18	25/08/2021	Changes to clarify Order of Business and approval of late items	Executive Manager



			Governance and Customer Service
19	13/12/2023	<ol style="list-style-type: none"> <li>1. Alignment with the Departments revised Queensland Model Meeting Procedures and minor administrative amendments.</li> <li>2. Insert 9.5 and 9.6 to clarify the process for amendments to minutes.</li> <li>3. Insert 10.4, 10.5, 10.6 and 10.7 to clarify agenda distribution.</li> <li>4. Insert 15.1, 15.2.6, 15.3, 15.4, 15.5 and 15.7 to clarify petition management.</li> <li>5. Insert 16.2 to clarify the process for deputation applications.</li> <li>6. Insert 31.4 to clarify the process for adjournment of a meeting if a quorum is not present within 15 minutes.</li> </ol>	Executive Manager Governance and Customer Service
20	26/02/2025	<ol style="list-style-type: none"> <li>1. Alignment with the Departments revised Queensland Model Meeting Procedures and Best Practice Standing Orders.</li> <li>2. Insert section 5 - Minutes</li> <li>3. Insert 7.3 to clarify the process for petitions relating to Development Application</li> <li>4. Amendment to timeframes in which Councillors can give notice of motion and requiring motions to specify the desired outcome</li> <li>5. Insert 21.10 to clarify if a decision is made that is inconsistent with an officer's recommendation a statement of reasons for the inconsistency must be included in the minutes.</li> <li>6. Insert 22.4 to clarify the casting vote if votes are equal.</li> <li>7. Insert 23.4,23.6,23.7 &amp;23.8 to clarify attendance of the public at Council meetings.</li> <li>8. Insert 26.1.3 &amp; 26.2.3 to clarify Councillor attendance via teleconference.</li> </ol>	Executive Manager Corporate Services
21	23/04/2025	<ol style="list-style-type: none"> <li>1. Amendment to timeframes in which Councillors can give notice of motion,</li> <li>2. Addition of wording in 14.1 to specify a Councillor should give notice of their intention to raise a motion at or before the Agenda Forum meeting.</li> <li>3. Amendment to time restriction for speaking to motions and amendments.</li> </ol>	Executive Manager Corporate Services