



Gladstone Regional Council

Council Policy

Title	COUNCIL MEETINGS PROCEDURES
Policy Number	P-2020-19
Business Unit/s	FINANCE, GOVERNANCE & RISK
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Resolution Number	
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Date Repealed	

1.0 PURPOSE:

This Policy is established in accordance with s150G of the *Local Government Act 2009* (LGA) and sets out certain procedures for the conduct of Council Meetings to be followed to ensure the Local Government Principles are reflected in the conduct of Council Meetings.

This Policy also sets out the process for how the Chairperson may deal with instances of unsuitable meeting conduct by Councillors in a Council Meeting and the process for how suspected inappropriate conduct of a Councillor referred to Council by the Independent Assessor is to be dealt with at a Council Meeting.

2.0 SCOPE:

This Policy applies to all General Meetings, special meetings, standing committee meetings and advisory committee meetings as defined in the LGR.

This policy does not apply to meetings of the Audit Risk and Improvement Committee or Informal Meetings.

3.0 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012

4.0 RELATED DOCUMENTS:

Template – Councillor Notice of Motion
Template – Councillors Report – Presenting Conference or General Update
Template – Councillors Report – Request for Review of a Policy or Local Law

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Term	Definition
Councillor	For the purposes of this Policy, the reference to Councillor includes the Mayor
Chief Executive Officer	For the purposes of this Policy, the reference to Chief Executive Officer includes the respective committee administrators
LGA	means the <i>Local Government Act 2009</i>
LGR	means the <i>Local Government Regulation 2012</i>
Council Meeting	means General Meetings, special meetings, standing committee meetings and advisory committee meetings as defined in the LGR.
Informal Meeting	means a Councillor Information Session or Councillor Workshop which has been resolved by the Council or through agreement between the Mayor and Chief Executive Officer. For clarity, an Informal Meeting does not include General Meeting or a special meeting of Council, or a meeting of a standing committee, special committee or advisory committee of Council.
OIA	Means the Office of the Independent Assessor
Teleconference	means participation via Audio Link or Audio Video Link as defined in the LGA and 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.

6.0 POLICY STATEMENT:

6.1 RESPONSIBILITY & ATTENDANCE

6.1.1 Presiding Officer

The Mayor will preside at a General or Special Meeting. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside. If both the Mayor and the Deputy Mayor, or the Mayor's delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

Council will choose the Chairperson for a Committee meeting. This Chairperson will normally preside over meetings of the Committee. If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.

The Chairperson who presides at the meeting is responsible for the conduct of the Council Meeting.

6.1.2 Absence from Meetings

Councillors must seek a leave of absence from a Council Meeting where a Councillor cannot attend for private reasons. Leave is granted at the discretion of Council. A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person.

A leave of absence is automatically granted to a Councillor where Council passes a formal resolution for a Councillor to attend a conference or the Councillor is nominated to represent Council at another event.

6.1.3 Participating via Teleconference

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, standing or advisory committee meeting by Teleconference.

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. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

6.2 MEETINGS OPEN TO THE PUBLIC

All meetings are open to the public unless the meeting has been closed under Section 254J of the LGR or as otherwise provided for in the LGA and LGR.

6.3 FREQUENCY OF MEETINGS

Council will meet in accord with its adopted meeting cycle.

6.4 NOTICE OF MEETINGS

Annual Notice to the Public

The dates and times of Council's General Meetings and meetings of its committees will be published on Council's website (in accordance with s254B(1) of the LGR) and displayed in a conspicuous place in Council's public office (in accordance with s254B(3)).

Notices of Meetings

Written notice of each meeting must be given to each Councillor at least two days before the day of the meeting, unless it is impractical to give that notice.

The notice must include:

- (a) the day and time of the meeting; and
- (b) for a Special Meeting – the business to be conducted at the meeting; and
- (c) the agenda.

Special Meetings may be called by giving Council on two (2) days notice. At a Special Meeting, the only business that can be conducted is the business stated in the Notice of Meeting.

6.5 QUORUM AT MEETINGS

A quorum for General and Special Meetings is a majority of Councillors. In the case of Gladstone Regional Council which has a Mayor and 8 Councillors, a quorum is 5 Councillors.

A quorum for a meeting of a committee is a majority of the members of that committee.

Refer to 6.9B below for quorum for decisions relating to matters of Personal Interests/Conflicts of Interest.

6.6 AGENDA FOR MEETINGS

In order to provide for timely compilation and distribution of agendas, it is important to adhere to an orderly timeframe for the submission of reports, questions on notice and notices of motion.

The agenda for Council Meetings must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. The related reports for the local government meeting must also be included and available to the public excluding confidential reports.

Business not on the agenda, or not fairly arising from the agenda, will not be considered at any Council Meeting unless permission for that purpose is given by Council at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. The related reports for the meeting must also be included and available to the public excluding confidential reports.

Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

The following items can be included on the agenda for General Meetings:

- Apologies and granting of leaves of absence
- Messages of Condolence
- Prior notice of a Prescribed Conflict of Interest or Declarable Conflict of Interest
- Mayoral Statement on current issues
- Confirmation of Minutes of the previous meetings
- Deputations
- Consideration of any notice to repeal or amend a previous resolution of Council
- Officer reports
- Committee reports to Council referred to the meeting by the Chief Executive Officer
- Councillor reports
- Urgent business
- Notice of motions
- Any matters to be considered in closed session in accordance with the provisions of s254J of the LJR.
- Close of meeting

The following timeframe has been established to allow for the various tasks required to compile and distribute an agenda for General Meetings.

General Meetings	
Thursday	Councillor/Officer reports submitted to Doc Assembler
Friday	Review of Agenda and finalisation of reports
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	Notice of Meeting/Agenda published to Councillors
Monday	Notice of Meeting/Agenda published on Council's website
Tuesday	General Meeting

The timeframe does not make allowance for preparation of written responses to questions on notice, so in cases where a Councillor anticipates that a business item requires a detailed response in the form of an Officer's report, the item should be submitted to the Chief Executive Officer well in advance of the deadline.

Nothing in this section 6.6 prevents the right of Councillors to discuss or deal with, items arising after notice of the meeting has been given. Business not on the agenda or reasonably arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting. However, at a Special Meeting of Council only those matters listed on the agenda may be considered (s254C(4) of the LGR).

6.6.1 Order of Business

Before proceeding with the business of the meeting, the Chairperson at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.

The order of business shall be determined by resolution of Council from time to time as outlined in this policy. 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.

6.6.2 Committee Reports

Non-delegated committees will submit reports and/or recommendations to the Chief Executive Officer who will list them on the agenda for the next available General Meeting. Recommendations to a General Meeting from a committee are to be the same as that recommended by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

During presentation of the committee report by the respective committee Chairperson, any Councillor may request that an individual item is excluded from the committee report for separate debate at the General Meeting. Following the request of a Councillor, the

Chairperson of the General meeting will introduce the excluded item immediately following the conclusion of debate on the committee report.

6.6.3 Urgent Business

There is provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.

6.6.4 Notice of Motion

A Notice of Motion is notice of a motion that a Councillor intends to move at a General meeting. A notice of rescission (or repeal) motion is a special type of notice of motion that is dealt with separately in section 6.12 below. All other Notices of Motion must be received in writing (using the appropriate template) by the Chief Executive Officer and the respective Chairperson in accordance with the timeline in section 6.6 above.

6.7 MINUTES OF MEETINGS

Minutes of the General Meetings must meet the requirements of the LGA and the LGR record:

- (a) The names of all Councillors in attendance and any apologies
- (b) A précis of any Mayoral statement
- (c) Confirmation of minutes
- (d) Officer recommendations
- (e) Resolutions proposed including mover and seconder
- (f) The result of motions put to the vote
- (g) A précis of written Councillor reports
- (h) All reports and documents (refer to s254F of the LGR) presented to Council (unless confidential) that were not included in the agenda that was made publicly available in section 6.4 above
- (i) For any divisions called – the names of all persons voting on the question and how they voted
- (j) A statement of the reasons for not adopting the recommendation or advice of an officer for decisions made that meet the criteria established in s254H of the LGR
- (k) In the circumstance where a meeting moves into closed session, the matters to be considered in the closed session and an overview of what is to be discussed while the meeting is closed
- (l) Conflicts of Interest (see below)

Conflicts of Interest

When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest
- the particulars of the prescribed or declarable conflict of interest provided by the Councillor

- the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest
- any decision then made by the eligible Councillors
- whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- the council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
- the name of each Councillor who voted on the matter and how each voted
- If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted
- where a decision has been made under section 6.9(f) below – the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted

A copy of the unconfirmed minutes of all Council Meetings are published on Council's website by 5pm on the tenth day after the meeting is held, unless confirmed earlier.

At each General Meeting, the minutes of the previous meeting must be confirmed. When the minutes are confirmed, a copy of the confirmed minutes must be made publicly available, published on Council's website and available for purchase at Council's public office as soon as practical after the meeting at which the meetings were confirmed.

6.8 CONFLICTS OF INTEREST - PRESCRIBED CONFLICT OF INTEREST

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

- (a) A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a Council Meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council Meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - i. if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - ii. if it arises because of an application or submission, the subject of the application or submission;
 - iii. the name of any entity, other than the Councillor, that has an interest in the matter;
 - iv. the nature of the Councillor's relationship with the entity that has an interest in a

- matter; and
- v. details of the Councillor's and any other entity's interest in the matter.
- (d) 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 from the Minister to participate in the matter.
- (e) 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.

6.9 CONFLICTS OF INTEREST - DECLARABLE CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council Meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (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 LGA applies.

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

- (a) A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a Council Meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council Meeting must inform the meeting of the conflict of interest.
- (c) 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 minimum details must be provided:

- i. the nature of the declarable conflict of interest
 - ii. if it arises because of the Councillor's relationship with a related party:
 - the name of the related party to the Councillor
 - the nature of the relationship of the related party to the Councillor
 - the nature of the related party's interest in the matter
 - iii. if it arises because of a gift or loan from another person to the Councillor or a related party:
 - the name of the other person
 - the nature of the relationship of the other person
 - to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
- (d) After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their

participation would improve making the decision in the public interest.

- (e) 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.
- (f) The other 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 they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted 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 non-conflicted Councillors
- (g) In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves 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 majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- (h) 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 other 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.
- (i) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the circumstances of the matter including, but not limited to:
 - i. how does the inclusion of the Councillor in the deliberation affect the public trust
 - ii. how close or remote is the Councillor's relationship to the related party
 - iii. if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - iv. 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
 - v. how does the benefit or detriment the subject Councillor stands to receive compare to others in the community
 - vi. 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
 - vii. whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) 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 non-conflicted Councillors discuss and vote on the matter.

- (k) 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 subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted 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 Council Meeting about the same matter e.g. briefing sessions or workshops.
- (l) In making the decision under 6.9(f) and 6.9(i), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

6.9A CONFLICTS OF INTEREST - REPORTING SUSPECTED CONFLICT OF INTEREST

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.

The chairperson 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.

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.

The non-conflicted 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 the Councillors cannot reach a majority decision then they are taken to have determined that the Councillor has a declarable conflict of interest.

6.9B CONFLICTS OF INTEREST - LOSS OF QUORUM

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:

- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
- defer the matter to a later meeting; or
- not to decide the matter and take no further action in relation to the matter.

All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

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 prescribed or declarable conflict of interest in the matter.

If the matter cannot be delegated under an Act, the council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

6.10 CONDUCT DURING MEETINGS

6.10.1 General principles of conduct

- (a) 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.
- (b) After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- (c) Councillors will speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
- (d) No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- (e) When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

6.10.2 Questions

- (a) A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. 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 may request that the question be taken on notice for the next Meeting.
- (b) A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- (c) 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 shall allow such question.

6.10.3 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council Meeting and contravenes a behavioural standard of the code of conduct for Councillors.

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

- (a) The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- (b) 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, proceed to 6.10.3(g).
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial action such as:
 - i. ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - ii. apologising for their conduct; or
 - iii. withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) 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 being issued.
- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 6.10.3(c), the chairperson may make one or more of the orders below:
 - i. an order reprimanding the Councillor for the conduct;
 - ii. 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.
- (h) 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.
- (i) Following the completion of the meeting, the chairperson must ensure:
 - i. details of any order issued is recorded in the minutes of the meeting;
 - ii. if it is the third or more order made within a 12 month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct;
 - iii. the council's Chief Executive Officer (Chief Executive Officer) is advised to ensure details of any order made is updated in the council's Councillor conduct register.
- (j) Any Councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 6.10.3 (a), 6.10.3 (g) and 6.10.3(h) above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because Councillors disagree with the chairperson's decision or ruling during the meeting.

6.10.4 Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the Office of the Independent Assessor (OIA) of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 6.10.3(i)(ii) of this document.

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

- consistent with any recommendations from the OIA; and
- consistent with the council's investigation policy; or
- in another way decided by resolution of the council.

After the completion of the investigation, the council must decide in a Council Meeting, whether the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the OIA:

- (a) The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the 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 of the LGR to discuss the allegation.
- (b) The subject Councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor through the chairperson to assist the other Councillors in making a decision. The 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 committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- (c) 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 section 6.9 above. If the complainant Councillor who has a 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 6.9 above. 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.

- (d) The council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. 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.
- (e) If a decision is reached that the subject Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 6.10.4(f), if any, to impose on the Councillor. In deciding what penalty to impose, the council may consider any previous inappropriate conduct 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.
- (f) The council may order that no action be taken against the Councillor or make one or more of the following:
 - i. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - ii. an order reprimanding the Councillor for the conduct;
 - iii. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - iv. an order that the Councillor be excluded from a stated Council Meeting;
 - v. an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a state board or committee;
 - vi. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
 - vii. an order that the Councillor reimburse the council for all or some of the costs arising from the Councillor's inappropriate conduct.
- (g) A local government may not make an order under 6.10.4(c) – (f) in relation to a person who is no longer a Councillor.
- (h) 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.
- (i) The chairperson must ensure the meeting minutes reflect the resolution made.

6.11 PROCEDURE AT MEETINGS (i.e. STANDING ORDERS)

A provision of the below standing orders may be suspended by resolution of any Council Meeting except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.

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.

6.11.1 Motion to be moved

- (a) A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.

A motion or an amendment to a motion shall not be debated at a meeting of the Council until the motion or the amendment is seconded (with the exception of procedural motions which are not debated at all).

When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.

- (b) Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- A motion brought before a meeting of the local government in accordance with the LGA 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.
 - 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.
- (c) Notwithstanding clause 6.11.1(a), a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, explain the purpose or effect of the motion or amendment before it is seconded.
- (d) Nothing in these standing orders shall prevent discussion on any matters before a formal motion is moved.
- (e) The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- (f) 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:
- moved by another Councillor at the meeting; or
 - deferred to the next meeting.

6.11.2 Amendment to Motions

- (a) 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.
- (b) Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- (c) A Councillor who proposes a motion shall not propose or second an amendment to that motion.

- (d) The mover of a motion may not amend or withdraw a motion without the leave of the meeting.
- (e) Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion. If an amendment is carried, it becomes the motion.

6.11.3 Withdrawal of a Motion

- (a) A Councillor who has moved or seconded a motion may elect to withdraw the motion:
 - i. before an amendment to the motion is moved and seconded; or
 - ii. after an amendment is seconded but not adopted.
- (b) A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

6.11.4 Speaking to Motions and Amendments

- (a) The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- (b) 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.
- (c) A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- (d) A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- (e) The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- (f) Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- (g) Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine the order of speakers.
- (h) In accordance with Section 273 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 advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

- (i) Nothing in these standing orders shall prevent a Councillor from asking relevant questions of the Chairperson or officer in attendance at the meeting.

6.11.5 Method of Taking Vote

- (a) Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer. The Chairperson shall, in 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 determine and declare the result.
- (b) Voting shall be by a show of hands and a question is decided on a majority of the votes of Councillors present. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- (c) If a Councillor present fails to vote the Councillor is taken to have voted in the negative.
- (d) If a vote is tied the Chairperson has a casting vote.
- (e) Any Councillor may call for a division on an item. If a division is taken, the minutes shall record the names of the Councillors voting in the affirmative and the negative.
- (f) Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- (g) If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.
- (h) If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.

6.11.6 Closed Meetings

Council meetings 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:

- the appointment, discipline or dismissal of the Chief Executive Officer;
- industrial matters affecting employees;
- Council's budget;
- rating concessions;
- legal advice obtained by Council or legal proceedings involving Council;
- matters that may directly affect the health and safety of an individual or a group of individuals;
- negotiations relating to a commercial matter involving Council for which a public discussion would be likely to prejudice the interests of Council;
- negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*;
- a matter Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

Consideration, discussion or a decision in relation to a Councillor's conflict of interest or potential conflict of interest cannot be made in a closed session.

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:

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. 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.

- a) To take an issue into a closed session, the Local Government must first pass a resolution to do so. 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.
- b) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
- c) The minutes of a Local Government must detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.
- d) Where a motion "**that the meeting be closed to the public**" is carried:
 - i. the public will leave and not re-enter the meeting room until a procedural motion "**that the meeting be opened to the public**" is carried;
 - ii. no motion (other than a procedural motion) can be moved or seconded and voted upon while the meeting is closed to the public; and
 - iii. all debate in the course of the closed meeting will be considered to be confidential.

6.11.7 Procedural Motions

- (a) A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move one of the following procedural motions, without the need for a seconder:
 - (i) that the question/motion be now put;
 - (ii) that the motion and amendment now before the meeting be adjourned;
 - (iii) that the meeting proceed to the next item of business;
 - (iv) that the question lie on the table;
 - (v) a point of order;
 - (vi) a motion of dissent against the ruling of the Chairperson;
 - (vii) that this report/document be tabled;
 - (viii) to suspend the rule required that (insert requirement)
 - (ix) that the meeting stand adjourned.
- (b) A procedural motion, "**that the question be put**", may be moved and where such a procedural motion is carried, the Chairperson shall 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 shall continue.

- (c) The procedural motion, **“that the motion and 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,
- a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- (d) Where a procedural motion **“that the meeting proceed to the next item of business”** is carried, debate on the matter subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- (e) A procedural motion, **“that the question lie on the table”**, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- (f) Any Councillor may ask the Chairperson to decide on a **‘point of order’** where it is believed that another Councillor has:
- failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of the Council Meeting.

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 shall be suspended subject to clause 6.11.5(b). The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon 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 order at any time arising shall, until decided, suspend the consideration and decision of every other question.

- (g) A Councillor may move **“a motion of dissent”** in relation to a ruling of the Chairperson on a point of order. Where such motion is moved and seconded, further consideration of any matter shall be suspended until after that ruling ~~motion~~ is decided. Where a motion of dissent is carried, the matter on which the ruling of the Chairperson was made shall proceed as though the 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.
- (h) The 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.

- (i) 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 rule shall specify the duration of such a suspension.
- (j) Any procedural motion **“that the meeting stand adjourned”**, may be moved by a 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 shall be put without debate. The procedural motion shall specify a date and time for the resumption of the meeting and on resumption of the meeting, the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment. Where such a procedural motion is lost, the Chairperson shall not accept a similar motion until the expiration of thirty minutes after the time the motion was lost.

6.12 REPEAL OR AMENDMENT OF RESOLUTIONS

- (a) A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the LGA or the LGR.

An adopted resolution of Council may be repealed or amended only if written notice of the intention to repeal or amend is given to each Councillor at least 5 days before the issue is set down for debate at a Council meeting. This provision does not extend to situations where Council resolves to amend a current policy or procedure.

- (b) 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 (3) months.

6.13 PUBLIC ATTENDANCE / PARTICIPATION AT COUNCIL MEETINGS

6.13.1 Attendance of public at meeting

- (a) An area shall 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 shall be permitted to attend the meeting.
- (b) When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- (d) Where a resolution is passed that Council proceed into Closed Session in accordance with section 6.11.6 above, the Chairperson may direct any persons improperly present to withdraw immediately.

6.13.2 Public Participation at meetings

- (a) A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- (b) In each Council Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three (3) 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.

- (c) If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- (d) For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - request that officer's prepare a report in relation to the matter
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
- (e) Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- (f) Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

6.13.3 Disorder at meetings

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

6.14 Petitions

- (a) Any petition presented to a meeting of Council shall:
 - be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - must include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
- (b) 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 the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
- (c) Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

6.15 Deputations

- (a) A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than fourteen (14) days before the meeting.
- (b) 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.

- (c) 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.
- (d) If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may terminate the deputation.
- (e) The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
- (f) 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.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the Chief Executive Officer; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	30 September 2008	08/952	
Amendment 1	1 December 2011	G/11/439	
Amendment 2	4 September 2012	G/12/1203	
Amendment 3	19 July 2016	G/16/2850	Finance and Corporate Governance Committee – FCGC/16/0036
Amendment 4	19 October 2017	S/17/3212	
Amendment 5	4 December 2018	G/18/3592	Revision to ensure consistency with Queensland Government Model Meeting Procedures & Standing Orders
Amendment 6	2 November 2020		Revision to comply with amendments to the Local Government Act 2009 and Local

			Government Regulation 2012
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LEISA DOWLING
CHIEF EXECUTIVE OFFICER