

MEETING PROCEDURES POLICY (STATUTORY POLICY)

1. Scope

The Meeting Procedures Policy (this 'Policy') applies to meetings of Livingstone Shire Council and meetings of committees of Livingstone Shire Council.

2. Purpose

The purpose of this Policy is to establish standard processes for the conduct of Meetings and to provide for the orderly and proper conduct of Meetings.

3. References (legislation/related documents)

Legislative reference

Human Rights Act 2019

Local Government Act 2009

Local Government Regulation 2012

Related documents

Councillor Acceptable Requests Guidelines Policy

Councillor Contact with Lobbyists, Developers and Submitters Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

Petition Guideline

In the event of any inconsistency between the Policy and the *Local Government Act 2009* or the *Local Government Regulation 2012*, legislation (as the case may be) will prevail to the extent of the inconsistency.

4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Audio link	Has the meaning given in the <i>Local Government Act 2009</i> , section 254K.
Audio visual link	Has the meaning given in the <i>Local Government Act 2009</i> , section 254K.
Business day	A day other than a Saturday or Sunday, or a public holiday, upon which banks are open for business in the Livingstone Shire local government area.

Chairperson	The person who is presiding as the chairperson of a Meeting.
Committee	A committee of Council appointed under section 264 of the <i>Local Government Regulation 2012</i> . ¹
Committee Meeting	A meeting of a Committee. ¹
Council	Livingstone Shire Council.
Council Meeting	A meeting of Council.
Deputation	A presentation from up to three (3) members of the public (on behalf of an organisation or individual/s) on a particular matter.
Inappropriate conduct	Has the meaning given in the <i>Local Government Act 2009</i> .
Independent Assessor	The Independent Assessor appointed under the <i>Local Government Act 2009</i> .
Meeting	A Council Meeting or a Committee Meeting, as applicable.
Misconduct	Has the meaning given in the <i>Local Government Act 2009</i> .
Post-election Meeting	A Council Meeting referred to in section 175(1) of the <i>Local Government Act 2009</i> .
Special Meeting	A Meeting at which the only business that may be conducted is the business stated in the notice of the meeting.
Unsuitable meeting conduct	Has the meaning given in the <i>Local Government Act 2009</i> .

5. Policy Statement

Livingstone Shire Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity, and transparency, which are all key components of good governance.

This Policy is in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

5.1 Guiding Principles

The following principles are applied with respect to the procedures to be observed at a meeting:

- a) procedures should be fair and contribute to open, transparent, and informed decision-making;
- b) procedure should encourage appropriate community participation in the affairs of Council;
- c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at a meeting;
- d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting;

¹ id est, a standing committee, special committee or advisory committee (but excluding an audit committee).

- e) transparent and effective processes, and decision-making in the public interest;
- f) democratic representation, social inclusion and meaningful community engagement;
- g) good governance of, and by, local government; and
- h) ethical and legal behaviour of Councillors and local government employees.

6. Changes to this Policy

This Policy is to be reviewed if any of the following occur:

- 1) the related information is amended/replaced; or
- 2) other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Meeting Procedures Policy (v9.0)'.

Version	Date	Action
1.0	03/01/2014	Adopted
2.0	03/03/2015	Amended Policy Adopted
3.0	31/03/2016	Amended Policy Adopted
4.0	30/11/2018	Amended Policy Adopted
5.0	20/08/2019	Amended Policy Adopted – section 2.9.1 updated for Urgent Business to be dealt with prior to Confidential Reports
6.0	22/10/2019	Amended Policy Adopted – section 2.9.2 Notices of Motions and Questions on Notices updated
7.0	17/11/2020	Amended Policy Adopted - policy amended to reflect legislative updates
8.0	20/07/2021	Amended Policy Adopted – amendment to section 2.16.6
9.0	19/04/2022	Amended Policy adopted – changes to Deputations, Prayer, Acknowledgement of Country, Notice of Motions, Recordings and COVID Legislation.
10.0	20/05/2024	Amended Policy Adopted – full review undertaken

CALE DENDLE
CHIEF EXECUTIVE OFFICER

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Part 1 – Roles and Responsibilities

1.1 Councillors

- 1.1.1 All Councillors are required to participate in Council Meetings, Committee Meetings for Committees of which they are members, policy development, and decision making for the benefit of the Livingstone Shire Council area.
- 1.1.2 Councillors must be prepared and attend Meetings on time.
- 1.1.3 Councillors will be taken to have read the agenda prior to commencement of the Meeting.
- 1.1.4 Meeting discussions and decisions should relate to high level, strategic issues, rather than operational issues, to serve the overall public interest.

1.2 Chairperson

The Chairperson is responsible for leading and managing Meetings at which they are the Chairperson, including:

- (a) managing the agenda;
- (b) preserving order;
- (c) managing debate;
- (d) conducting votes and declaring results;
- (e) supervising the preparation of minutes; and
- (f) managing the time of the meetings.

Part 2 – Council Meetings

2.1 Time and Place of Meetings

Council Meetings

- 2.1.1 The days and times of Council Meetings will be as resolved by Council at the Post-election Meeting and from time to time thereafter.
- 2.1.2 If there is no resolution fixing the date and time for an ordinary Council Meeting, the Chief Executive Officer must fix the date and time for the meeting.
- 2.1.3 Before the Chief Executive Officer fixes the date and time for an ordinary Council Meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date and time for the meeting.
- 2.1.4 Council must meet at least once in each month.
- 2.1.5 All Council Meetings will be held at its Council Chambers located at 4 Lagoon Place, Yeppoon, unless otherwise resolved at a Council Meeting.

Committee Meetings

- 2.1.6 A Committee may, by resolution, fix dates, times and places for its meetings.
- 2.1.7 If there is no resolution fixing the date, time and place for a Committee Meeting, the Chief Executive Officer may fix the date, time, and place for the meeting.
- 2.1.8 Before the Chief Executive Officer fixes the date, time, and place for a Committee Meeting, the Chief Executive Officer must, if practicable, consult with the Chairperson of the Committee.

2.2 Particular Meetings

Post-election Meeting

- 2.2.1 Council must hold a Post-election Meeting within fourteen (14) days after:
- (a) the conclusion of each quadrennial election; and
 - (b) the conclusion of a fresh election of its Councillors.
- 2.2.2 Council must, by resolution, appoint a Deputy Mayor from its Councillors at the Post-election Meeting and at the first Meeting after the office of the Councillor who is the Deputy Mayor becomes vacant.
- 2.2.3 Matters which Council must consider at a Post-election Meeting include the day and time for holding other meetings and determination of standing committees or portfolios.

Special Meetings

- 2.2.4 The Chief Executive Officer must call a Special Meeting if:
- (a) the Special Meeting is required by a resolution of Council; or
 - (b) for a Special Meeting of Council, the Chief Executive Officer receives a written request for a Special Meeting which is signed by the Mayor or Three (3) or more Councillors, specifies the purpose of the Special Meeting, and proposes a day and time for the holding of the Special Meeting; or
 - (c) the Chief Executive Officer determines it is in the interests of Council that a Special Meeting be held.
- 2.2.5 Special Meetings:
- (a) of Council are to be conducted in accordance with the requirements and processes of a Council Meeting; and
 - (b) of a Committee are to be conducted in accordance with the requirements and processes of a Committee Meeting,
- as specified in this policy, with the exception that the only business which may be conducted at a Special Meeting is the business specified in the notice of meeting.

Closed Meetings

- 2.2.6 In accordance with section 242J(3) of the *Local Government Regulation 2012*:
- (a) Council may resolve that all or part of a Council Meeting be closed to the public; and
 - (b) a Committee may resolve that all or part of a Committee Meeting be closed to the public,
- if its Councillors or members consider it necessary to close the Meeting to discuss one or more of the following matters:
- (c) the appointment, dismissal or discipline of the Chief Executive Officer;
 - (d) industrial matters affecting employees;
 - (e) Council's budget;
 - (f) rating concessions;
 - (g) legal advice obtained by Council or legal proceedings involving Council, including for example, legal proceedings which may be taken by or against Council;

- (h) matters which may directly affect the health and safety of an individual or a group of individuals;
 - (i) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of Council;
 - (j) negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*;
 - (k) a matter Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State;
 - (l) a matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.
- 2.2.7 However, Council or a Committee must not resolve that part of a Meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the *Local Government Act 2009* will be considered, discussed, voted on, or made be closed.
- 2.2.8 Furthermore, the Meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the Meeting and Council must:
- (a) delegate the matter;
 - (b) decide by resolution to defer to a later Council Meeting; or
 - (c) decide by resolution to take no further action on the matter unless the LGA or another Act provides that the local government must decide the matter.
- 2.2.9 If the Chief Executive Officer recommends to Council or a Committee that a matter be considered in a closed meeting:
- (a) Council or the Committee will consider the recommendation in open session unless to do so would result in the public release of confidential information concerning the matter; and
 - (b) If there is doubt as to whether the matter should be regarded as confidential, Council shall determine by resolution whether the matter is confidential.
- 2.2.10 Upon moving that an issue be dealt with in a closed Meeting, the mover must clearly state the reason for the motion.
- 2.2.11 A resolution must be passed by Council or the Committee to move into a closed session and to exit out of closed session.
- 2.2.12 A resolution that a Meeting be closed 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.
- 2.2.13 When a Meeting is closed, the Chairperson will direct all persons, other than members of Council or the Committee to leave the Meeting and every person must immediately comply with the direction.
- 2.2.14 Despite section 2.2.13 of this Policy, the Chairperson may allow the relevant officers of Council or Council's legal and technical advisers, to remain in the Meeting if they are required to be in attendance for the matter under discussion.
- 2.2.15 Discussions within closed sessions are confidential in nature and when moving into a closed session, the Chairperson should remind Council or the Committee and any permitted attendees that what is discussed in a closed session must stay confidential.

- 2.2.16 Council or a Committee must not make a resolution (other than a procedural resolution) in a closed Meeting.
- 2.2.17 The minutes of the Meeting must state the matter discussed and reasoning for discussing the matter in closed session.

2.3 Notice of Meetings

Notice to Councillors or Committee members

- 2.3.1 The Chief Executive Officer must give notice of each Meeting or the recommencement of an adjourned Meeting to each Councillor or Committee member at least two (2) days before the day of the Meeting unless it is impracticable to give the notice before that time.
- 2.3.2 The notice must:
 - (a) state the day, time and place of the Meeting;
 - (b) for a Special Meeting: state the business to be conducted at the Meeting; and
 - (c) include the agenda for the Meeting.
- 2.3.3 The notice may be given to a Councillor by sending the notice to the Councillor electronically.
- 2.3.4 Meetings must not start before the time provided in the notice.

Public notice of Meetings

- 2.3.5 Council will, at least once in each year, publish a notice of the days and times when its ordinary Council Meetings and the ordinary Meetings of its standing Committees will be held.
- 2.3.6 The notice must be published on Council's website and in other ways Council considers appropriate.
- 2.3.7 Council must display in a conspicuous place in its public office a notice of the days and times when Council Meetings and Committee Meetings will be held.
- 2.3.8 Council must, as soon as practicable, notify any change to the days and times mentioned in sections 2.3.5 or 2.3.7 of this Policy in the same way as the days and times were previously notified.
- 2.3.9 The full agenda for a Meeting and Special Meeting, excluding confidential items, will be placed on Council's website and be open to inspection by 5pm on the next business day after notice of the meeting is given in accordance with section 2.3.1. The related reports for the Meeting must also be included and available to the public, excluding confidential reports.
- 2.3.10 Matters on the agenda which will require the Meeting to be in a closed session will be clearly identified, including the reasons why the session will be closed.

2.4 Commencement of Meetings and Quorums

- 2.4.1 Business may be conducted at a Meeting only if a quorum is present.
- 2.4.2 A quorum of:
 - (a) a Council Meeting is a majority of its Councillors. However, if the number of Councillors is an even number, one-half of the number is a quorum; and

- (b) a Committee Meeting is a majority of the Committee's members. However, if the number of members is an even number, one-half of the number is a quorum.

2.4.3 All Meetings will commence as soon as practicable after the time specified in the notice of meeting once a quorum is present.

2.5 Adjournment of Council Meetings

2.5.1 The majority of Councillors present at a Council Meeting or the majority of Committee members present at a Committee Meeting, may adjourn the Meeting to a later hour of the same day or to a later day.

2.5.2 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a Meeting, the Chief Executive Officer may adjourn the Meeting to a specified day and time.

2.5.3 If, after fifteen (15) minutes past the commencement time, a quorum is not present, the Meeting may be adjourned to a later hour or another day within fourteen (14) days after the day of adjournment, by:

- (a) a majority of the Councillors or Committee members present; or
- (b) if only one (1) Councillor or Committee member is present - the Councillor or Committee member; or
- (c) if no Councillors or Committee members are present - the Chief Executive Officer.

2.5.4 If a Meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minutes the reason for the adjournment, the names of any Councillors or Committee members present, and the date and time to which the Meeting is adjourned.

2.5.5 If a Meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned Meeting to each Councillor or Committee member setting out the date, time, and place of the Meeting; and
- (b) give notice of the adjourned Meeting to the public by causing a notice setting out the date, time, and place of the Meeting to be published or displayed in the same way as the date and time of the Meeting was previously notified.

2.6 Chairperson

Council Meeting

2.6.1 The Mayor will preside as Chairperson at a Council Meeting.

2.6.2 If the Mayor is absent or unavailable to preside as Chairperson, the Deputy Mayor will preside.

2.6.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside as Chairperson, a Councillor chosen by the Councillors present at the meeting will preside as Chairperson at the Council Meeting.

Committee Meeting

2.6.4 Council will choose the Chairperson for a Committee Meeting. This Chairperson will normally preside over meetings of the Committee.

2.6.5 If the Chairperson of a Committee is absent or unavailable to preside, a Committee member chosen by the Committee members present at the meeting will preside over the Committee Meeting

2.7 Order of Business

- 2.7.1 The order of business of Meetings shall be determined by resolution of Council. The order of business may be altered for a particular Meeting where the Councillors at that meeting pass a procedural motion to that effect.
- 2.7.2 A motion to alter the order of business may be moved without notice.
- 2.7.3 Unless otherwise altered, the order of business for an ordinary Meeting shall be as follows:
- (a) Opening of meeting – Acknowledgement of Country and Opening Prayer;
 - (b) Present;
 - (c) Apologies and granting of leaves of absence;
 - (d) Confirmation of Minutes of previous meeting(s);
 - (e) Declarations of interest in matters on the agenda;
 - (f) Business arising or outstanding from previous meetings;
 - (g) Presentation of petitions;
 - (h) Councillor/Delegate Reports;
 - (i) Committee Reports;
 - (j) Officers Reports;
 - (k) Closed Session;
 - (l) Confidential Reports;
 - (m) Urgent Business; and
 - (n) Closure of meeting.
- 2.7.4 Public forums/Deputations at an ordinary Meeting will be heard at a time determined by the Chairperson.
- 2.7.5 The unconfirmed minutes of a preceding Meeting, whether an ordinary Meeting or a Special Meeting, shall be taken into consideration and confirmed, at the next available ordinary Meeting. Any discussion regarding the confirmation of minutes of a previous Meeting(s) must be limited to their accuracy as a record of the proceedings.
- 2.7.6 Amendments to the minutes may be made prior to confirming the minutes. This must 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. 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.
- 2.7.7 Opening Prayer at an ordinary meeting will be scheduled on a rotated basis of a diverse religious groups based on individual availability. The opening prayer will be removed from the Agenda should the instance arise where no religious group are available to attend or the meeting be 'Special' in nature and notice is limited.

2.8 Agendas

Items on the Agenda

- 2.8.1 Business not on the agenda or not fairly arising from the agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at a Council Meeting or a Committee at a Committee Meeting.

- 2.8.2 Business considered at a Committee Meeting must be in accordance with the adopted Terms of Reference for each Committee.

Request by a Councillor to Place an Item on the Agenda

2.8.3 Notice of Motions

The Chief Executive Officer, in preparing the agenda for a Meeting, must include notices of motions requested in writing by a Councillor which are received by the Chief Executive Officer seven (7) calendar days before the meeting at which the proposal is to be made.

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

- (a) moved by another Councillor at the meeting; or
- (b) deferred to the next appropriate Committee Meeting or ordinary Council Meeting.

A notice of motion should:

- (a) be framed as succinctly as possible;
- (b) be relevant to the good order of the business of the Council.

2.8.4 Questions on Notice

The questions on notice from a Councillor will be published in the agenda of the appropriate Meeting, providing such questions are received by the Chief Executive Officer seven (7) calendar days before the meeting at which the questions are to be raised.

Questions on Notice should:

- (a) be framed as succinctly as possible;
- (b) not include argument or discussion or excessive background material;
- (c) be relevant to the good order of the business of the Council.

Councillors can ask questions without notice where a genuine urgency exists and the matter is not included in the agenda.

Recommendation for closed meeting

- 2.8.5 If the Chief Executive Officer recommends that Council or a Committee should consider a matter in a closed Meeting, the Chief Executive Officer will:

- (a) clearly indicate such recommendation on the Meeting agenda;
- (b) make a declaration that all information contained within the documentation and associated material is information confidential to Council;
- (c) ensure that the documentation and material is clearly marked as confidential; and
- (d) set out the reason for the recommendation in the material.

2.9 Petitions

- 2.9.1 Any petition presented to a Meeting must:

- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatures;
- (b) include the name and contact details of the principal petitioner (id est, one person who is the organiser and who will act as the key contact for the issue);

- (c) include the postcode of all petitioners, and
 - (d) have the details of the specific request/matter appear on each page of the petition.
- 2.9.2 Only valid petitions in accordance with the Petitions Guideline will generally be accepted by Council. Other petitions will be received at the discretion of Council, if deemed appropriate.
- 2.9.3 The only motions which will be moved in relation to a petition are that:
- (a) the petition be received and referred to a Council briefing; or
 - (b) the petition be received and its contents noted.

2.10 Deputations

- 2.10.1 A person or persons wishing to address a Meeting as a deputation on any matter must apply to the Chief Executive Officer in writing at least seven (7) calendar days before the day of the Meeting.
- 2.10.2 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 prospective deputation of the Chairperson's determination in writing. Where it has been determined the deputation will be heard, the Chief Executive Officer will advise deputation members in writing of the meeting details in which their deputation will be presented and provide a copy of the Deputation Guideline.
- 2.10.3 For deputations comprising three or more persons, only three persons shall be allowed to address Council unless the Councillors at the meeting determine otherwise by resolution.
- 2.10.4 Each deputation will be given the opportunity to address Council for up to a maximum of twenty (20) minutes at the discretion of the Chairperson. This will include fifteen (15) minutes of presentation by the depute(s). Councillors will then have the opportunity to ask questions following the deputation with a five (5) minute limit.
- 2.10.5 Each deputation will be heard and questioned without debate. No questions will be asked of officers during the deputation, except where clarification may be requested through the Chairperson.
- 2.10.6 The Chairperson may terminate a deputation at any time where:
- (a) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting;
 - (b) the time period allowed for a deputation has expired;
 - (c) the person uses insulting or offensive language or is derogatory towards Councillors or staff members; or
 - (d) a person other than the appointed speaker interjects during the deputation without approval.
- 2.10.7 The Chief Executive Officer is responsible for the deputation, including where applicable, notifying the appointed speaker(s) of any actions arising from the deputation.

2.11 Motions to be Moved

- 2.11.1 With the exception of procedural motions, a Councillor is required to move a motion at a Meeting and then another Councillor is required to second the motion.

- 2.11.2 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.
- 2.11.3 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 2.11.4 A motion brought before a Council Meeting in accordance with the *Local Government Act 2009* or the Meeting Procedures Policy, shall 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.
- 2.11.5 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 which 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.
- 2.11.6 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.

2.12 Absence of a Mover of Motion

- 2.12.1 In the absence of a mover of a motion, the meeting shall move to the next item of business.

2.13 Motion to be Seconded

- 2.13.1 A motion or an amendment to a motion must not be debated at a Meeting unless and until the motion or the amendment is seconded, with the exception of procedural motions.
- 2.13.2 A motion or an amendment to a motion (other than a procedural motion) which is not seconded, lapses for want of a seconder.
- 2.13.3 Notwithstanding section 2.13.1 of this Policy, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.

2.14 Amendment of Motion

- 2.14.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict or negative the motion.
- 2.14.2 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 2.14.3 Where an amendment to a motion is before a Meeting, no other amendment to the motion shall be considered until after the first amendment has been put.
- 2.14.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend the new motion.

2.15 Speaking to Motions and Amendments

- 2.15.1 Before a recommendation in a Council officer's report is moved, Councillors may ask questions of the relevant officers to clarify or obtain further information in relation to the recommendation.
- 2.15.2 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 Councillor who wishes to speak against the motion and then alternately for and against the motion as available, until all Councillors who wish to speak have had the opportunity.

- 2.15.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 2.15.4 A motion or amendment may be withdrawn by the mover with the consent of Council, which shall be signified without debate and a Councillor shall not speak upon such motion or amendment after the mover has been granted permission by Council for its withdrawal.
- 2.15.5 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.
- 2.15.6 Each speaker shall be restricted to a maximum of five (5) minutes, unless the Chairperson rules otherwise.
- 2.15.7 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 2.15.8 If section 254H of the *Local Government Regulation 2012* applies to a decision made at a Meeting which 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.

2.16 Method of Taking Vote

- 2.16.1 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.
- 2.16.2 Councillors must vote by a show of hands or as otherwise directed by the Chairperson.
- 2.16.3 A question is decided by a majority of the votes of the Councillors or Committee members present.
- 2.16.4 Subject to Chapter 5B of the *Local Government Act 2009*, each Councillor or Committee member present has a vote on each question to be decided and if the votes are equal, the person presiding at the Meeting has a casting vote.
- 2.16.5 If a Councillor or Committee member present and entitled to vote fails to vote, the Councillor or member is taken to have voted in the negative.
- 2.16.6 The minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative on all votes.
- 2.16.7 The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 2.16.8 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 2.16.9 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation. If a decision by the Meeting is contra to a recommendation in a report, the minutes must give the reasons for the decision.

2.17 Repealing or Amending Resolutions

- 2.17.1 A resolution of Council may not be amended or repealed unless notice to amend or repeal is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.

- 2.17.2 Where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion to the same or like effect must not be moved until at least three (3) months after the date on which the relevant motion was defeated.
- 2.17.3 At a meeting at which a motion to repeal or amend a resolution is put, Council may defer consideration of that motion. Such deferral shall not exceed three (3) months.
- 2.17.4 Where a resolution (a **later resolution**) of Council relates to a matter the subject of a previous resolution (a **previous resolution**) passed more than three (3) months previously, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

2.18 Procedural Motions

- 2.18.1 A procedural motion may be moved without the need for a seconder for one of the following motions at any time or during the debate of a matter:
- (a) that the motion under consideration be put to a vote;
 - (b) that the debate on the motion and/or amendment be adjourned;
 - (c) that the meeting proceed to the next item of business;
 - (d) that the report/document/issue lay on/be raised from the table;
 - (e) a Point of Order;
 - (f) a motion of dissent against the Chairperson's ruling;
 - (g) that this report/document be received/not received;
 - (h) to suspend the rule requiring that (insert requirement); and
 - (i) that the meeting stand adjourned/resumed.

Motion be put

- 2.18.2 Any procedural motion must be immediately put to a vote, without debate.
- 2.18.3 A procedural motion, that the motion under consideration be put to a vote, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting. Where such a procedural motion is carried, the Chairperson shall immediately put the motion under consideration. Where such a procedural motion is lost, debate on the motion under consideration shall continue.

Motion or amendment be adjourned

- 2.18.4 A procedural motion, that the motion or amendment now before the meeting be adjourned, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting.
- 2.18.5 The 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.
- 2.18.6 Where no date or time is specified:
- (a) a further motion may be moved to specify such a time or date, or
 - (b) the matter about which the debate is to be adjourned, shall be included in the agenda for a future meeting.
- 2.18.7 A motion under section 2.18.4 of this Policy must not adjourn debate on a matter the subject of a motion for more than two (2) months after the date of the procedural motion.

Meeting proceeds to the next item of business

- 2.18.8 A procedural motion, that the meeting proceed to the next item, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting.
- 2.18.9 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter which is the subject of the motion shall cease.
- 2.18.10 However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with this Policy.

Matter lay on the table

- 2.18.11 A procedural motion that a motion lie on the table shall only be moved where the Chairperson or a Councillor believes that there has been sufficient debate about the matter at the meeting and requires additional information on the matter under consideration (or the result of some other action of Council or a person is required) before the matter may be concluded at the meeting.
- 2.18.12 Where such a procedural motion is passed, the Council shall proceed with the next matter on the agenda.
- 2.18.13 Where a motion under section 2.18.11 of this Policy is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

Point of Order

- 2.18.14 A Councillor may ask the Chairperson to decide on or the Chairperson may raise and decide on, a point of order where it is believed that:
 - (a) another Councillor has failed to comply with proper meeting procedures; or
 - (b) a matter before Council is in contravention of the *Local Government Act 2009* or Regulation or any other relevant state or federal legislation; or
 - (c) a resolution before Council is beyond Council's jurisdiction and therefore ultra vires.
- 2.18.15 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.
- 2.18.16 Where a point of order is raised, consideration of the matter to which the motion was moved will be suspended.
- 2.18.17 The Chairperson will determine whether the point of order is upheld or not. The Chairperson may seek the advice of the Chief Executive Officer or another officer in attendance before making such determination.
- 2.18.18 Upon a point of order arising during the process of a debate, the Councillor against whom the point of order is raised shall immediately cease speaking and the Councillor raising the point of order may speak to the point of order.
- 2.18.19 Despite anything to the contrary in this Policy, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

Motion of Dissent

- 2.18.20 A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a Point of Order.
- 2.18.21 Where a motion of dissent is moved, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.

2.18.22 Where a motion of dissent is carried:

- (a) the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made; and
- (b) where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order, the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

2.18.23 Where a motion of dissent is not carried, the ruling of the Chairperson will stand.

2.18.24 Sections 2.18.20 to 2.18.23 of this Policy apply to the Chairperson's decision on a procedural motion only and does not apply to decisions on inappropriate and/or disruptive conduct.

Motion that a report be received

2.18.25 A motion that a report or document be received may be used by a Councillor to introduce a report or other document to a meeting only if the report or document is not otherwise protected under confidentiality or information privacy laws.

2.18.26 On tabling the report or document, it ceases to be a confidential document and is available for public scrutiny.

Motion to suspend rule

2.18.27 A procedural motion 'to suspend the rule requiring that...' may be made by any Councillor in order to permit some action which otherwise would be prevented by the Meeting Procedures Policy.

2.18.28 A motion to suspend the Meeting Procedures Policy shall specify the duration of such a suspension.

Adjournment/Resumption of Meetings

2.18.29 A procedural motion that the meeting stands adjourned may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter and must be put without debate.

2.18.30 Such a procedural motion will specify a time for the resumption of the meeting.

2.18.31 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.

2.19 Minutes

2.19.1 Minutes must be kept of all Meetings and all resolutions recorded.

2.19.2 At each Meeting, the minutes of the previous Meeting must be confirmed by the Councillors or Committee members present.

2.19.3 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

2.19.4 A copy of the minutes of each Meeting must be made publically available by 5pm on the tenth day after the meeting is held, unless the minutes are sooner confirmed.

2.19.5 When the minutes of a Meeting have been confirmed, a copy of the confirmed minutes must be made publically available, including for purchase at Council's public office, as soon as practicable after the Meeting at which the minutes are confirmed.

2.19.6 The minutes of a Meeting must include:

- (a) the names of the Councillors or Committee members present at the Meeting;

- (b) in relation to each Councillor or Committee member present:
 - (i) the time at which the person entered or left the Meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the Meeting;
- (c) each motion or amendment and the names of the mover and seconder;
- (d) any variation, alteration, or withdrawal of a motion or amendment;
- (e) whether a motion or amendment is carried or lost;
- (f) any disclosure of a prescribed conflict of interest pursuant to sections 150EG, 150EH, or 150EI of the *Local Government Act 2009* or a declarable conflict of interest pursuant to sections 150EH and 150EI of the *Local Government Act 2009*, in particular the matters specified in section 3.7 of this Policy;
- (g) an account of any personal explanation given by a Councillor;
- (h) details of the making of an order to close a Meeting under section 254J of the *Local Government Regulation 2012*;
- (i) details of any adjournment of business;
- (j) a record of any request for documents to be tabled at the Meeting;
- (k) each report or other document directly relevant to a matter considered or voted on at the meeting or presented at the meeting for the consideration or information of the Council or the Committee (a **relevant report**), other than to the extent that the relevant report contains information which is confidential to Council or if the relevant report has been made publically available under section 254D of the *Local Government Regulation 2012*;
- (l) a description of any verbal briefing given to the Meeting on a matter of Council business;
- (m) if a division is called on a question, the names of all persons voting on the question and how they voted; and
- (n) any other matter required to be included in the minutes by or under the *Local Government Act 2009* or any legislation.

2.19.7 The Chief Executive Officer must ensure the minutes of Meetings include a statement of the reasons for not adopting the recommendation or advice given to Council under section 254H of the *Local Government Regulation 2012* in the following circumstances:

- (a) the decision is about entering into a contract, the total value of which is more than the greater of:
 - (i) \$200,000 exclusive of goods and services tax; or
 - (ii) one (1) per cent of Council's net rate and utility charges, as stated in Council's audited financial statements included in Council's most recently adopted annual report; and/or
- (b) the decision is inconsistent with a policy of Council, or the approach ordinarily followed by Council for the type of decision the type of decision.

2.20 Conduct during Meetings

2.20.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Councillor Interaction

with the Organisation Policy. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

2.20.2 After a Meeting has been formally constituted and the business commenced:

- (a) a Councillor shall not leave from such meeting without first notifying the Chairperson; and
- (b) the Chairperson shall not leave such meeting without notifying the Deputy Mayor or in the absence of the Deputy Mayor, the Councillors.

2.20.3 A Councillor must address the Chairperson while:

- (a) moving any motion or amendment;
- (b) seconding any motion or amendment;
- (c) taking part in any discussion;
- (d) placing or replying to any question; or
- (e) addressing Council for any other purpose.

2.20.4 Councillors will, during a Meeting, address:

- (a) other Councillors by their respective titles, 'Mayor' or 'Councillor'; and
- (b) officers by designating them by their respective official title.

2.20.5 Officers and people attending the Meeting will address Councillors by their respective titles, 'Mayor' or 'Councillor'.

2.20.6 Councillors and officers will confine their remarks to the matter under consideration.

2.20.7 Councillors must remain seated and silent while a vote is being taken except when calling for a division.

2.20.8 No Councillor who is speaking shall be interrupted except upon a Point of Order being raised either by the Chairperson or by a Councillor.

2.20.9 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.

2.20.10 Talking on a mobile phone in the meeting place by Councillors and Council officers is not permitted. After a Meeting has been formally constituted and the business commenced, all Councillors and Council officers must ensure that their electronic devices are turned to silent whilst in the meeting room.

2.21 Seeking Council's Leave

2.21.1 Councillors must seek a leave of absence from Council where a Councillor cannot attend a Meeting due to private or business reasons. Leave is granted at the discretion of Council.

2.21.2 A leave of absence may be granted by Council prior to a Meeting (id est, at a prior Meeting or at the Meeting itself). An application does not need to be made in person and as a result, Council may grant such leave while a Councillor is absent.

2.21.3 Where a Councillor needs to seek leave from more than one (1) Meeting, an application is to be made in writing to the Chief Executive Officer specifying the dates of the Meetings and the reason(s) leave is sought.

- 2.21.4 Where a Councillor intends to attend a Meeting when leave has been granted by Council, written notice is to be provided to the Chief Executive Officer prior to the meeting commencing. This notice nullifies any leave previously approved.
- 2.21.5 If a Councillor attends a Meeting for which leave has been granted, any future absence requires additional leave to be granted, regardless if the original leave covered any future Meetings.
- 2.21.6 If a Councillor fails to attend two (2) or more consecutive ordinary Council Meetings over a period of at least two (2) months, the Councillor's office becomes vacant under section 162(1)(e) of the *Local Government Act 2009*, unless the Councillor is absent:
 - (a) in compliance with an order made by the conduct tribunal, Council, or the Chairperson of a Council Meeting or a Committee Meeting; or
 - (b) with Council's leave; or
 - (c) while the Councillor is suspended under section 122, 123, or 175K of the *Local Government Act 2009*.

2.22 Remote Attendance via Audio Link or Audio Visual Link

- 2.22.1 Councillors may seek Council approval to remotely participate in a Council Meeting by audio link or audio visual link.
- 2.22.2 Councillors may seek a Committee's approval to remotely participate in a relevant Committee Meeting by audio link or audio visual link.
- 2.22.3 Where a Councillor needs to seek approval for remote attendance via audio link or audio visual link, an application is to be made in writing to the Chief Executive Officer five (5) business days prior to the Meeting to which remote access is sought or as soon as practicable once the Councillor becomes aware of their intended absence.
- 2.22.4 The Chief Executive Officer, upon receiving an application for remote attendance via audio link or audio visual link, will notify the Chairperson of the Meeting who will, at least two (2) business days before the date of the Council Meeting for which remote access is sought, determine if approval will be granted. The Chief Executive Officer, or their delegate, will inform the requesting Councillor of the determination.
- 2.22.5 In considering a request for attendance of a Meeting by audio link or audio visual link, the Chairperson must take into account confidentiality and privacy matters, as attendance via audio link or audio visual link may pose a risk to Council due to the nature of the discussions.
- 2.22.6 A Councillor attending a closed session by audio link or audio visual link must maintain confidentiality by ensuring no other person can hear their conversation whilst in the closed Meeting.
- 2.22.7 It is the responsibility of the Councillor attending by audio link or audio visual link to ensure they are linked to the Meeting when the Meeting commences. Requests to link to the Meeting after the Meeting has commenced may only be accepted at the Chairperson's discretion.
- 2.22.8 A Councillor taking part in a Meeting by audio link or audio visual link must identify all persons present in the location from which the Councillor is participating.
- 2.22.9 A Councillor taking part in a Meeting by remote attendance via audio link or audio visual link is taken to have attended the Meeting if:
 - (a) the attendance by audio link or audio visual link was approved under this Policy; and

- (b) during the meeting, the Councillor was simultaneously in audio contact with each other person at the Meeting.

2.22.10 A register of a Councillor's attendance by audio link or audio visual link will be recorded in the minutes of the Meeting.

2.22.11 If the Chairperson refuses to allow a Councillor remote attendance via audio link or audio visual link, the Chairperson must report the decision at the Council Meeting.

2.23 Questions

2.23.1 A Councillor may, at a Meeting, ask a question for reply by another Councillor or a Council officer regarding any matter under consideration at the meeting.

2.23.2 A question shall be asked categorically and without argument and no discussion shall be permitted at the Meeting in relation to a reply or a refusal to reply to the question.

2.23.3 A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for a future Meeting.

2.23.4 A Councillor who asks a question at a Meeting or responds to a question at a Meeting, shall be deemed not to have spoken to the debate of the motion to which the question relates.

2.23.5 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order. In such instances, a Councillor may move a motion that the Chairperson's ruling be disagreed with and if such motion is carried the Chairperson shall allow the question.

2.24 Disorder

2.24.1 The Chairperson may adjourn the Meeting, where disorder, other than disorder arising as a result of unsuitable meeting conduct or inappropriate conduct by a Councillor, arises at the meeting.

2.24.2 On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed.

2.24.3 Where such a motion under section 2.24.2 of this Policy is lost, the Chairperson shall declare the meeting closed and any outstanding matters referred to a future meeting.

2.25 Attendance of Public and the Media at Meetings

2.25.1 An area shall be made available at the place where any Meeting 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.

2.25.2 When the Council or Committee is sitting in closed session, the public and representatives of the media shall be excluded as specified in section 2.2.13 of this Policy.

2.25.3 After a Meeting has commenced, members of the public and media representatives must switch all electronic devices to silent while they are in the meeting room.

2.25.4 If a person fails to comply with section 2.25.3 of this Policy, the Mayor or Chairperson may direct that person to immediately leave the meeting room.

2.25.5 Failure to comply with a direction under section 2.25.4 may be considered an act of disorder.

2.26 Public Participation at Meetings

- 2.26.1 A member of the public may take part in the proceeding of a Meeting only when invited to do so by the Chairperson.
- 2.26.2 During debate on a motion, the Chairperson may invite submissions, comments or questions from members of the public.
- 2.26.3 In each ordinary Council Meeting, Council may allocate time 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 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.
- 2.26.4 If any address or comment by a member of the public is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the address or comment.
- 2.26.5 For any matter arising from such an address, Council may take the following actions:
 - (a) refer the matter to a Committee;
 - (b) deal with the matter immediately;
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- 2.26.6 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- 2.26.7 Any person who is considered by the Council, the Chairperson, 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.

2.27 Public Questions of Council

- 2.27.1 In each ordinary Council Meeting, fifteen (15) minutes will be allocated to permit members of the public to ask questions of Councillors. At the direction of the Chairperson, a member of the public may rise, provide their name, and ask their question. A question shall be less than ninety (90) seconds in duration, be asked categorically and without argument and no discussion shall be permitted at the Meeting in relation to a reply or a refusal to reply to the question. The Councillor to whom a question is asked without notice may request that the question be taken on notice with a written answer provided in the minutes of a future Meeting.
- 2.27.2 The minutes of the Meeting shall record the name of the questioner, the question asked, and the answer.
- 2.27.3 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order. In such instances, a record of the questioner, their question, and the Chairperson's ruling shall be kept.
- 2.27.4 For any matter arising from such a question, Council may take the following actions:
 - (a) refer the matter to a Committee;
 - (b) deal with the matter immediately;
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the question and answer, and take no further action.

- 2.27.5 Any person asking a question of Council shall stand and act and speak with decorum and frame questions in respectful and courteous language.

2.28 Procedure not provided for

- 2.28.1 If an appropriate or adequate method of dealing with a matter is not provided for within this Policy, the method of dealing with the matter may be determined by a resolution of Council upon a motion, which may be put without notice in conformity with this Policy.

Part 3 – Councillor Conduct

Unsuitable Meeting Conduct

Unsuitable meeting conduct may include:

- (a) a Councillor behaves in a Meeting, in a way which intimidates, bullies, or harasses a member of the community, another Councillor, or a Council employee;
- (b) a Councillor continually interrupts or disrupts a speaker at a Meeting; or
- (c) a Councillor behaves in an offensive or disorderly way in a Meeting.

Inappropriate Conduct

Inappropriate conduct in relation to Meetings may include:

- (a) a Councillor fails to comply with an order made by the Chairperson to leave and stay away from the place at which the Meeting is being held; or
- (b) a Councillor has been reprimanded three (3) times in twelve (12) months for interrupting other Councillors during Meetings.

Misconduct

Misconduct in relation to Meetings may include:

- (a) a Councillor knowingly provides false or misleading information during a Meeting in order to affect a decision;
- (b) a Councillor provides confidential information to the media which came from a closed Meeting; or
- (c) a Councillor who has a reasonable belief or suspicion that another Councillor with a prescribed conflict of interest or declarable conflict of interest is participating in a decision in contravention of the *Local Government Act 2009* did not disclose it to the presiding officer when the other Councillor failed to disclose it.

Corrupt Conduct

Corrupt conduct in relation to Meetings may include a Councillor with a prescribed conflict of interest failing to leave the place at which the Meeting is being held, including any area set aside for the public and staying away while the matter is discussed and voted on.

3.1 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 local government meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable meeting conduct by a Councillor in a Meeting, the following procedures must be followed.

- 3.1.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a Meeting.

- 3.1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must 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 warranted, proceed to section 3.1.7 of this Policy.
- 3.1.3 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:
- (a) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (b) apologising for their conduct; or
 - (c) withdrawing their comments.
- 3.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 3.1.5 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 may result in an order being issued.
- 3.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 3.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under section 3.1.3 of this Policy, the Chairperson may make one or more of the orders below:
- (a) an order reprimanding the Councillor for the conduct; or
 - (b) 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.
- 3.1.8 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.
- 3.1.9 Following the completion of the Meeting, the Chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):
- 3.1.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for sections 3.1.1, 3.1.7 and 3.1.8 of this Policy.

Note: *Details of any order issued is recorded in the minutes of the meeting. 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 local government meeting as a suspected conduct breach. The local government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's Councillor Conduct Register.*

3.2 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

- 3.2.1 If a Councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.
- 3.2.2 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 Councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required).

Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

- 3.2.3 The chairperson has a declarable conflict of interest in the matter and must 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 in *part 5* below.
- 3.2.4 For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson.
- 3.2.5 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 chairperson from the eligible Councillors.
- 3.2.6 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).
- 3.2.7 If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct.
- 3.2.8 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.
- 3.2.9 The chairperson then resumes the role of chairperson, and the meeting continues.

Note: *Details of any reprimand order is recorded in the minutes of the meeting. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's Councillor Conduct Register.*

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a Councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.

3.3 Meeting process for dealing with a suspected Conduct Breach which has been referred to Council by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the Councillor's suspected conduct breach to the local government by giving a referral notice.

Note: *Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for Councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected*

conduct breach that may arise from circumstances described in Note at the end of clause 3.1.10. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting, in this document.

In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the Councillor vacates or has vacated their office as a Councillor.

Note: *The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the Councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

- 3.3.1 The local government must decide in a local government meeting, whether the Councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.
- 3.3.2 When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:
 - 3.3.2.1 The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.
 - 3.3.2.2 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.
 - 3.3.2.3 Where a local government makes a decision about a conduct breach matter at a local government 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 under CBR section 242H and the LGR section 254H.
 - 3.3.2.4 The subject Councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation report and answer questions put to the subject Councillor through the chairperson in relation to the evidence or written submission provided by the Councillor to the local government.
 - 3.3.2.5 The subject Councillor who has a declarable conflict 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.

- 3.3.2.6 If the complainant is a Councillor, that Councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. 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 eligible Councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 4. 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.
- 3.3.2.7 After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the local government if they were complainants, or any Councillor who declared a COI in the matter.
- 3.3.3 If the local government has lost quorum due to the number of conflicted Councillors or another reason, the local government must do one of the following:
 - 3.3.3.1 Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
 - 3.3.3.2 Decide, by resolution, to defer the matter to a later meeting or
 - 3.3.3.3 Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter.
- Note:** *Local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.*
- 3.3.4 If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the Councillor. In deciding what penalty to impose the local government 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 local government is reasonably satisfied is true.
- 3.3.5 The local government may order that no action be taken against the Councillor or make one or more of the following:
 - 3.3.5.1 An order that the Councillor make a public apology, in the way decided by the local government,
 - 3.3.5.2 An order reprimanding the Councillor for the conduct breach
 - 3.3.5.3 An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - 3.3.5.4 An order that the Councillor be excluded from a stated local government meeting

- 3.3.5.5 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)
- 3.3.5.6 An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
- 3.3.5.7 An order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach.
- 3.3.5.8 A local government may not make an order in relation to a person who has vacated their office as a Councillor.
- 3.3.6 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 decision made by the local government and if relevant any orders made by resolution.
- 3.3.7 The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.

3.4 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government, 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.

- 3.4.1 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a local government Meeting must also give notice during the Meeting.
- 3.4.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government Meeting must immediately inform the Meeting of the conflict of interest.
- 3.4.3 When notifying the Meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - (a) if it arises because of a gift, loan, or contract, the value of the gift, loan, or contract;
 - (b) if it arises because of an application or submission, the subject of the application or submission.
 - (c) the name of any entity, other than the Councillor, which has an interest in the matter;
 - (d) the nature of the Councillor's relationship with the entity which has an interest in a matter; and
 - (e) details of the Councillor's and any other entity's interest in the matter.
- 3.4.4 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 from the Minister administering the *Local Government Act 2009* to participate in the matter.
- 3.4.5 Once the Councillor has left the area where the local government Meeting is being conducted, Council can continue discussing and deciding on the matter at hand.

3.5 Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government meetings, standing, or advisory Committee Meetings which might lead to a decision which 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 Councillors may disclose their suspicion and the processes under section 150EW of the *Local Government Act 2009* applies.

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

- 3.5.1 A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a local government Meeting must also give notice during the Meeting.
- 3.5.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a local government Meeting must inform the Meeting of the conflict of interest.
- 3.5.3 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. As a minimum, the following details must be provided:
 - (a) the nature of the declarable conflict of interest;
 - (b) 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; and
 - (iii) the nature of the related party's interest in the matter; and
 - (c) 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; and
 - (iv) the value of the gift or loan and the date the gift or loan was made.
- 3.5.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the Meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 3.5.5 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.
- 3.5.6 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 (for example, 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. The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.

- 3.5.7 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 *Local Government Act 2009* and section 177Q of the *COBA*..
- 3.5.8 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.
- 3.5.9 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:
- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
 - (b) how close or remote is the Councillor's relationship to the related party;
 - (c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
 - (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have a major or minor impact on them;
 - (f) how does the benefit or detriment the subject Councillor stands to receive compare to others in the community; how does this compare with similar matters that the local government has decided and have other Councillors with the same or similar interests decided to leave the Meeting; and
 - (g) whether the subject Councillor has unique skills, knowledge, or expertise which might help make the best decision in the public interest.
- 3.5.10 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.
- 3.5.11 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 local government Meeting about the same matter (for example, briefing sessions or workshops).

- 3.5.12 In making the decision under sections 3.5.6 and 3.5.9 of this Policy, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 3.5.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister administering the *Local Government Act 2009*.

3.6 Reporting a Suspected Conflict of Interest

- 3.6.1 If a Councillor at a Meeting reasonably believes or suspects that another Councillor has a personal interest in a matter which 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 which led to their belief or suspicion.
- 3.6.2 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 in section 3.4 or 3.5 of this Policy.
- 3.6.3 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.
- 3.6.4 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 in section 3.4 or 3.5 of this Policy.
- 3.6.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.
- 3.6.6 If the belief or suspicion of a COI relates to more than one Councillor. The parts of 3.5.1 to 3.5.8 of these procedures must be complied with in relation to each Councillor separately.

3.7 Loss of Quorum

- 3.7.1 In the event where one or more Councillors leave a Meeting due to a prescribed or declarable conflict of interest in a matter which results in a loss of a quorum for deciding the matter, Council must resolve to:
- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*;
 - (b) defer the matter to a later Meeting; or
 - (c) not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 3.7.2 The local government 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.
- 3.7.3 If the matter cannot be delegated under the *Local Government Act 2009*, 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.

3.8 Recording Prescribed and Declarable 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:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) 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;
- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) The local government's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) 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:
 - (i) the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest; and
 - (ii) how each of the Councillors voted;
- (i) and where a decision has been made under section 3.5.6 of this Policy—the minutes must:
 - (i) include the decision and reasons for the decision;
 - (ii) and the name of each eligible Councillor who voted and how each eligible Councillor voted.