



# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>COUNCIL MEETINGS PROCEDURES</b>
<b>Policy Number</b>	<b>P-2018-27</b>
<b>Business Unit/s</b>	<b>FINANCE, GOVERNANCE &amp; RISK</b>
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<b>Date Repealed</b>	

### 1.0 PURPOSE:

This policy sets out certain procedures to be followed to ensure the Local Government principles are reflected in the conduct of Local Government meetings.

This policy, as required under section 150F of the *Local Government Act 2009* (LGA), also sets out the process for how the Chairperson may deal with instances of unsuitable meeting conduct by Councillors in a Local Government meeting and the process for how suspected inappropriate conduct of a Councillor referred to the local government by the Independent Assessor is to be dealt with at a Local Government meeting.

### 2.0 SCOPE:

This Policy applies to all meetings of Gladstone Regional Council including local government committees as defined in Chapter 8 Part 2 of the *Local Government Regulation 2012*.

### 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
<b>Councillor</b>	For the purposes of this Policy, the reference to Councillor includes the Mayor
<b>Chief Executive Officer</b>	For the purposes of this Policy, the reference to Chief Executive Officer includes the respective committee administrators
<b>LGA</b>	means the <i>Local Government Act 2009</i>
<b>LGR</b>	means the <i>Local Government Regulation 2012</i>
<b>Local Government meeting</b>	Means a Council General Meeting or Committee meeting as defined in the LGA and LGR.

## 6.0 POLICY STATEMENT:

### 6.1 RESPONSIBILITY & ATTENDANCE

The Mayor will preside at a meeting of Council. 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 meeting.

#### 6.1.1 Absence from Meetings

Councillors must seek a leave of absence from a General or committee 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 the Council passes a formal resolution for a Councillor to attend a conference or the Councillor is nominated to represent Council at another event.

#### 6.1.2 Teleconferencing

A Councillor may participate in a Local Government meeting using telephone, video conferencing or other means of instant communication with approval of the Mayor or Chief Executive Officer.

## **6.2 MEETINGS OPEN TO THE PUBLIC**

All meetings are open to the public unless the meeting has been closed under Section 275 of the LGR.

## **6.3 FREQUENCY OF MEETINGS**

Council will meet in accord with its adopted meeting cycle.

## **6.4 NOTICE OF MEETINGS**

The dates and times of Council's General meetings and meetings of its Committees will be published at least once a year in a local newspaper and on Council's website (in accordance with section 277(2) of the LGR).

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

A list of items on the agenda will be made available to the public at the time the agenda for the meeting is made available to Councillors. The meeting agenda is published on Council's website on the normal working day preceding the General or Committee meeting.

Special Meetings may be called by Council on two (2) days notice.

## **6.5 QUORUM AT MEETINGS**

A quorum for 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.

## **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. Allowing for the various tasks required to compile and distribute an agenda and the statutory requirements for notice, a deadline 14 days prior to the meeting has been established. For meetings scheduled on a Tuesday morning, the deadline is 5:00pm on the Tuesday, two weeks prior. Items for inclusion on the agenda must be submitted in writing to the Chief Executive Officer and drafted using the appropriate template.

The deadline 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.

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, it is noted that at a Special Meeting of Council only those matters listed on the agenda may be considered.

### **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.

The following items can be included on the agenda for General or ~~standing committee~~ meetings.

- Apologies and granting of leaves of absence
- Messages of Condolence
- Prior notice of a Material Personal Interest or Conflict of Interest by Councillors
- Mayoral Statement on current issues (for General meetings only)
- Confirmation of Minutes of the previous meetings
- Deputations
- Consideration of any notice to repeal or amend a previous resolution of Council (for General meetings only)
- Officer reports
- Committee reports to Council referred to the meeting by the CEO
- Councillor reports (for General meetings only)
- Urgent business
- Notice of motions
- Any matters to be considered in closed session in accordance with the provisions of Section 275 of the LGR.
- Close of meeting

#### **6.6.1 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.

#### **6.6.2 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.

#### **6.6.3 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 prior to the agenda deadline (i.e. two weeks before meeting is to be held).

## **6.7 MINUTES OF MEETINGS**

Minutes of the General meetings must 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. Any divisions called
- i. The name of the councillor who has declared a material personal interest in a matter, the nature of the material personal interest, and the fact that the Councillor left the room during its consideration.
- j. The name of the councillor/s who has declared a conflict of interest in a matter, the nature of the conflict of interest, and the fact that the Councillor left the room during its consideration or how the Councillor voted on the matter if it was resolved that they could remain in the room.
- k. In the circumstance where a majority of Councillors at a meeting have declared a material personal interest or conflict of interest where they have left the room resulting in a lack of quorum for the particular matter, the position to be delegated to make the decision in accordance with section 257 of the LGA.
- l. In the circumstance where a meeting moves into closed session, the nature of the matters to be considered while the meeting is closed.

A copy of the unconfirmed minutes of all Council meetings are published on Council's website within 10 days of the meeting.

## **6.8 MATERIAL PERSONAL INTEREST**

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- a) A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
  - i). The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
  - ii). How a person or other entity stands to gain the benefit or suffer the loss
  - iii). If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- c) Once the Councillor has left the area where the meeting is being conducted, the Local

Government can continue discussing and deciding on the matter at hand.

- d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 6.8(a).
- f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
  - i). the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
  - ii). if the matter cannot be delegated under the section 257 of the LGA, the Local Government 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.
- g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (posted on the Council's website) record:
  - i). The name of the Councillor who has a material personal interest in the matter
  - ii). The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
  - iii). Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

## **6.9 CONFLICT OF INTEREST**

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:

- a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
  - i). The nature of the interests
  - ii). If the Councillors personal interest arises because of the Councillors relationship with, or receipt of a gift or benefit from, another person:
    1. the name of the other person
    2. the nature of the relationship or value and date of receipt of the gift or benefit received, and
    3. the nature of the other persons interests in the matter.
- b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of

interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.

- c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
- d) If the other Councillors decide there is no conflict of interest or perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
  - i). The size or significance of the benefit the subject Councillor stands to receive or benefit
  - ii). The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
  - iii). The closeness of any relationship the subject Councillor may have with a given person or group
- g) In making the decision under f), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- i) The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 6.9(a).
- j) In the event the majority of Councillors inform of a personal interest in a matter:
  - i). the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
  - ii). if the matter cannot be delegated under the section 257 of the LGA, the Local Government 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.

- k) Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - i). The name of the Councillor who has declared the conflict of interest
  - ii). The nature of the personal interest, as described by the Councillor
  - iii). The decision made under (c) and (e) above
  - iv). Whether the Councillor participated in the meeting under an approval by the Minister
  - v). If the Councillor voted on the matter, how they voted
  - vi). How the majority of Councillors voted on the matter.

## **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 shall 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**

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

- (a) The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- (b) 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, refer to (g) for the steps to be taken.
- (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 actions such as:
  - i. Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
  - ii. Apologising for their conduct
  - 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 may 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 still continues to fail to comply with the Chairperson's request for remedial action, 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.<sup>1</sup>
- (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 by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.<sup>2</sup>
- (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<sup>3</sup>
  - ii). if it is the third (3<sup>rd</sup>) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local

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<sup>1</sup> Section 150I(2) of the LGA.

<sup>2</sup> Section 150I(2)(c) of the LGA.

<sup>3</sup> Section 150I(3) of the LGA.

- Government and treated as inappropriate conduct pursuant to the LGA.<sup>4</sup>
- iii). the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (a), (g) and (h) above.

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

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under paragraph 6.10.3 (i)ii) of this document of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, 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 Local Government by the Independent Assessor, the Local Government must:

- (a) 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. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
- (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 6.9<sup>5</sup>.
- (c) The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- (d) If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
  - 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 Local Government 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, the Councillor is ordered to resign from an appointment representing the Local

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<sup>4</sup> Section 150J of the LGA.

<sup>5</sup> See section 6.9 for how to deal with a Councillor's conflict of interest in a meeting

- 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 Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the Local Government can take into consideration 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.
- (f) 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.
- (g) The Local Government must ensure the meeting minutes reflect the resolution made.

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

The procedure for dealing with business must be in accordance with the following standing orders however the Council may by agreement suspend a standing order, or by resolution, overrule a decision on a procedural question made by the Chairperson. A separate resolution is required for any such 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.
- (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.

#### **6.11.6 Closed Meetings**

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget
- Rating concessions or contracts proposed to be made by the Local Government or

- starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Local Government under the *Planning Act 2009* (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

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.
- b) In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
- d) 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.
- e) 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 Council.

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 *Local Government Act 2009* or the *Local Government Regulation 2012*.

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.
- (c) The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

### **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 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 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
  - 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 the meeting of Council, 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 CEO not less than fourteen (14) days before the meeting.
- (b) The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO 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 finalise 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 CEO 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 CEO; or
3. Three years from date of adoption.

<b>TABLE OF AMENDMENTS</b>			
<b>Document History</b>	<b>Date</b>	<b>Council Resolution No.</b>	<b>Notes (including the prior Policy No, precise of change/s, etc)</b>
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

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**LEISA DOWLING**

**CHIEF EXECUTIVE OFFICER**