

COUNCIL MEETINGS PROCEDURES POLICY

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Adoption:	
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Link to Corporate Plan:	Accountable Council – We are providing good stewardship built on a foundation of trust
Head of Power:	s150G Local Government Act 2009

1 PURPOSE

This policy establishes the meeting procedures and standing orders for the conduct of Meetings as required under s150G of the *Local Government Act 2009* (LGA).

2 SCOPE

This Policy applies to all general meetings, special meetings, standing committee meetings and advisory committee meetings of Council. This policy does not apply to meetings of the Audit Risk and Improvement Committee or Informal Meetings. Where there is any inconsistency between this Policy and the Model Meeting Procedures, the Model Meeting Procedures will prevail.

3 POLICY STATEMENT:

3.1 Standing Orders

- (a) A provision of these standing orders may be suspended by resolution of any meeting of Council except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- (b) Where a matter arises at a Council Meeting that is not provided for in these standing orders, the matter will be determined by resolution of Council upon a motion which may be put without notice, but otherwise conforming with these standing orders.

3.2 Procedures for Council Meetings

3.2.1 Procedures for the Chairperson

- (a) The Mayor will be the chairperson at a Council Meeting and any committee meeting for which the Mayor is appointed as the chairperson, including managing the conduct of the meeting participants, at which the Mayor is present.
- (b) If the Mayor is unavailable to chair a Council Meeting, the meeting will be chaired by the councillor to whom the Mayor has delegated their responsibility to chair the meeting.
- (c) If the Mayor is absent or is unable to chair a Council Meeting, and has not delegated another councillor to do so, the Deputy Mayor will be the chairperson.

- (d) If the office of Mayor becomes vacant the Deputy Mayor acts as Mayor and chairperson of the Council Meeting.
- (e) If the Mayor and the Deputy Mayor are both absent or unavailable to chair a meeting, and no other councillor has been delegated the responsibility, Council may by resolution appoint one of the councillors present at the meeting to act as chairperson for the duration of the meeting.
- (f) Council may appoint the chairperson for a standing committee. This chairperson will preside over meetings of the committee. The Mayor is a member of each standing committee but not necessarily the chairperson unless the mayor has been appointed as chairperson of the committee.
- (g) If the chairperson of a committee is absent or unavailable to chair, another councillor who is chosen by the councillors present, will be chairperson of the committee meeting for the duration of the meeting.
- (h) Before proceeding with the business of the Council Meeting, the chairperson at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by Council.

Note: Section 12 of the LGA prescribes that other councillors cannot assume the chairperson role. The provision for the mayor to delegate the responsibility to be chairperson to another councillor caters for the possibility that the mayor will not be the chairperson of some or all of a particular Council Meeting because the mayor has, for example, a conflict of interest or a material personal interest in a matter requiring them to leave the meeting or will be absent or unavailable for that meeting. Upon the mayor's return to the meeting the mayor or deputy mayor (whichever is relevant) can resume their role as chairperson.

3.2.2 Order of Business

- (a) The Order of Business for a General Meeting will be determined by resolution of Council from time to time. The Order of Business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the Order of Business may be moved without notice.
- (b) Unless otherwise altered, the Order of Business for a General Meeting will be as follows:
 - Apologies
 - Messages of Condolence
 - Declarations of Conflicts of Interest
 - Mayoral Statement of Current Issues
 - Confirmation of Minutes
 - Deputations
 - Officer's Reports
 - Councillor's Reports
 - Urgent Business
 - Notices of Motion
 - Confidential Items

Note: The minutes of a previous meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every General Meeting, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. 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 or material personal interest at the

previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed. If Council needs to make a correction to the confirmed minutes, that can be done by passing a new motion that states what the correction is, but the original minutes remain as they are recorded.

- (c) The Order of Business for a committee meeting will be in accordance with the terms of reference for that committee.

3.2.3 Agendas

- (a) The agenda for General Meetings may contain:

- Notice of meeting;
- Apologies and granting of leaves of absence;
- Messages of Condolence;
- Confirmation of minutes of the previous meeting and amendments correcting the minutes of the previous meeting;
- Mayoral statement on current issues;
- Prior notice of a Prescribed Conflict of Interest or Declarable Conflict of Interest;
- Confirmation of Minutes of the previous meetings;
- Deputations;
- Consideration of any notice to repeal or amend a previous resolution of Council;
- Officer reports;
- Committee reports to Council referred to the meeting by the Chief Executive Officer;
- Councillor reports;
- Urgent business;
- Notice of motions;
- Any matters to be considered in closed session in accordance with the provisions of s254J of the LGR;
- councillor conduct breach investigation reports provided by the investigator
- Close of meeting; and
- Any other business Council determines by resolution be included in the agenda.

- (b) Business not on the agenda, or not arising from the agenda, will not be considered at any Council Meeting unless permission for that purpose is given by Council at the meeting.

- (c) The agenda for a committee meeting will be determined by the relevant committee or the terms of reference for the committee. Business on the agenda for a committee meeting must be in accordance with the adopted terms of reference for each committee.

- (d) The notice of a Council Meeting and the agenda must be given to each councillor at least two days before the meeting, unless it is impracticable to give the notice before that time.

- (e) The agenda for a Council Meeting must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports, for the Council Meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If a related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be

made available to the public as soon as practicable after it is made available to the councillors or committee members.

3.2.4 Quorum

- (a) A quorum at a Council Meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum. In the case of Gladstone Regional Council, which has a Mayor and 8 councillors, a quorum is 5 councillors.
- (b) If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the Chief Executive Officer.

3.2.5 Petitions

- (a) Any petition presented to a General Meeting will:
 - be in legible writing or typewritten and contain a minimum of 10 signatures;
 - include the name and contact details of the principal petitioner (i.e., the key contact);
 - 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 General Meeting, no debate in relation to it will be allowed, and the only motion which may be moved is:
 - that the petition be received;
 - 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) The Chief Executive Officer will respond to the principal petitioner in relation to all petitions deemed valid.

3.2.6 Deputations

- (a) A deputation wishing to attend and address a Council Meeting shall apply in writing to the Chief Executive Officer not less than 14 business days before the meeting.
- (b) The Chief Executive Officer, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The Chief Executive Officer will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).
- (c) For deputations comprising three or more persons, only three persons shall be at liberty to address the Council Meeting 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 Meeting, the chairperson may end the deputation.

- (e) The chairperson may end 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 others.
- (f) Any person who is considered by Council or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
- (g) The Chief Executive Officer is responsible for the deputation, including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

3.2.7 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) If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- (c) Any person addressing Council shall act and speak with decorum and frame any remarks in respectful and courteous language.
- (d) Any person who is considered by Council or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

3.2.8 Procedure for Managing Material Personal Interest

Councillors are ultimately responsible for managing and declaring any material personal interest in matters to be discussed at a Council Meeting, standing or advisory committee meeting.

A councillor or their associate has a material personal interest if they stand to gain a benefit or suffer a loss, either directly or indirectly depending on the outcome of a consideration of a matter at a meeting, s150ED of the LGA outline several exceptions in relation to which personal interests of councillors do not apply.

- (a) If a councillor has a material personal interest in a matter to be discussed at a meeting the councillor must:
 - Inform the meeting of the details of the material personal interest; and
 - leave the place where the meeting is being held, including any area set aside for the public to view the meeting, and stay away from the place while the matter is discussed and voted on.
- (b) A councillor who has a material personal interest in a matter may ask the chairperson to defer the matter to allow the councillor the opportunity to apply for ministerial approval to participate in deciding the matter. In these circumstances, the matter may be deferred by resolution to a later meeting date.
- (c) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by Regulation:
 - The name of the councillor who has the material personal interest in a matter;
 - The nature of the material personal interest, as described by the councillor; and
 - Whether the councillor took part in the meeting, or was at the place during the meeting, under ministerial approval.

Note: Contravention of the requirements at 3.2.8(a) is misconduct that could result in disciplinary action being taken against a councillor – see section 150L(1)(c)(iii) of the LGA. In addition, contravention of these requirements, including voting on a matter, with an intention to gain a benefit or avoid a loss for the councillor or someone else is an offence attracting a maximum penalty of 200 penalty units or 2 years imprisonment.

If a councillor becomes aware that another councillor is engaging in possible misconduct e.g. has a material personal interest in a matter and is participating in a decision at a meeting about that matter without the Minister's approval, the councillor or chief executive officer, must notify the Independent Assessor (the Assessor) of the information about the councillor's conduct (see section 105R LGA).

However, the councillor does not contravene 3.2.8(a) by taking part in the meeting or being at the place where the meeting is being held, if the councillor is a person to whom approval is given in a signed notice by the Minister and the councillor complies with all conditions on which the approval is given. Section 150EI (4)-(6) LGA provides that the Minister for Local Government, may, by signed notice give approval for a councillor who has a material personal interest in a matter, to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter. The Minister may issue such an approval because the holding of the meeting would be obstructed without the approval, or it appears to be in the interests of the local government area that approval be given; and the councillor complies with all conditions on which the approval is given.

3.2.9 Declarable conflict of interest

Councillors are ultimately responsible for informing a meeting of any conflict of interest (real or perceived), on matters to be discussed at a Council Meeting and standing or advisory committee meetings.

A councillor has a conflict of interest (real or perceived) where a councillor or their related party's interests might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150ED and section 150EF(2) of the LGA).

- (a) If a councillor has a conflict of interest (real or perceived) in a matter to be discussed at a meeting, the councillor must deal with the conflict of interest in a transparent and accountable way. The councillor must:
- Inform the meeting of the councillor's personal interests in the matter, and leave the meeting including any area for the public to view the meeting, or
 - If the councillor participates in the meeting in relation to the matter, advise the meeting how the councillor intends to deal with the real or perceived conflict.
- (b) If a quorum at the meeting cannot be formed because the councillor proposes to exclude themselves from the meeting to manage their conflict of interest, the councillor does not contravene these provisions merely by participating and voting in the meeting in relation to the matter, if their attendance is required to form a quorum. However, the councillor must still advise the meeting how they intend to manage the conflict.
- (c) If a councillor has a conflict of interest in a matter, and proposes to exclude themselves from the meeting, the chairperson may ask the councillor if the councillor has considered another way to manage their conflict of interest.
- (d) If the councillor who was proposing to be excluded from the meeting is reconsidering their decision on whether to remain in the meeting, the councillor may consider the following in determining how they will manage the conflict of interest:
- How their participation in the meeting may affect the public trust?
 - How close is their relationship to the related party if the conflict arises because of a related party?

- How will the benefit or loss, the councillor or the related party stand to receive from the decision compared to that of others in the community?
 - Does the councillor have skills, knowledge or expertise that might help make the best decision in the public interest?
- (e) If the councillor decides to participate in the discussion, the councillor must comply with 3.2.9 (a) by informing the meeting of their personal interests and the steps they will take in managing the conflict of interest in the public interest.
- (f) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by Regulation:
- The name of the councillor who has the real or perceived conflict of interest in a matter;
 - The nature of the personal interests as described by the councillor;
 - How the councillor dealt with the real or perceived conflict of interest;
 - If the councillor voted on the matter, how the councillor voted; and
 - How the majority of councillors at the meeting voted on the matter.

Note: To remove any doubt, non-participation in a meeting is not the only way the councillor may appropriately deal with a real or perceived conflict of interest in a transparent and accountable way.

Contravention of this section is misconduct that could result in disciplinary action being taken against a councillor, see section 150L(1)(c)(iii) of the LGA.

If a councillor becomes aware of information that another councillor has a conflict of interest in a matter and that councillor is participating in a decision at a meeting on the matter, the councillor or the chief executive officer must notify the Assessor of the information about the councillors conduct (see section 150R LGA).

3.2.10 Procedure for Loss of quorum

- (a) In the event where one or more councillors leave a meeting that results in a loss of a quorum for deciding the matter, Council may resolve to deal with the matter in the following ways:
- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, unless the matter cannot be delegated under subsection 3 because an Act says it must be decided by resolution of Council.
 - decide by resolution to defer the matter to a later meeting when a quorum can be formed
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that Council must decide the matter.
- (b) Council may by resolution delegate a power under section 257 of the LGA to:
- the Mayor or Chief Executive Officer;
 - a standing committee, or joint committee of Council;
 - the chairperson of a standing committee or joint standing committee of Council; or
 - another local government for a joint government activity.

3.3 Motions

3.3.1 Motion to be moved

- (a) A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, the chairperson will decide whether or not to accept the motion and then it will become subject to the control of Council and cannot be withdrawn without the consent of the Council Meeting.
- (b) Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
 - a motion brought before a meeting of Council in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
 - the chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
 - the chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- (c) The chairperson may call the motions in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.
- (d) No more than one motion or one proposed amendment to a motion may be put before a Council Meeting at any one time.

3.3.2 Absence of mover of motion

- (a) Where a councillor who has given notice of a motion is absent from the Council Meeting 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.

3.3.3 Motion to be seconded

- (a) A motion or an amendment to a motion will not be debated at a meeting of Council unless or until the motion or the amendment is seconded.
- (b) Procedural motions are an exception to this rule and do not need to be seconded.

3.3.4 Amendment of motion

- (a) An amendment to a motion should maintain or further clarify the intent of the original motion and not contradict the motion.
- (b) Where an amendment to a motion is before a meeting of Council, no other amendment to the motion will be considered until after the first amendment has been voted on.
- (c) Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

3.3.5 Speaking to motions and amendments

- (a) The mover of a motion or amendment will read it and state that it is moved and can speak to the motion before 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 councillors who wish 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) The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- (e) Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.
- (f) Where two or more councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- (g) In accordance with section 254H of the LGR, if a decision made at the Council Meeting is inconsistent with a recommendation or advice given to Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: 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.

3.3.6 Method of taking vote

- (a) 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.
- (b) A councillor abstaining from the vote, will be recorded as voting against the motion.
- (c) The chairperson will declare the result of the vote.
- (d) A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- (e) Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- (f) Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

3.3.7 Withdrawing a motion

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

3.3.8 Repealing or amending 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 legislation (five business days).
- (b) Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three months.

3.3.9 Procedural motions

- (a) A councillor at a meeting of Council may during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
 - that the question/motion be now put before the meeting
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceeds to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the chairperson's decision
 - that this report/document be tabled
 - to suspend the rule requiring that [insert requirement]
 - that the meeting stands adjourned.
- (b) A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.
- (c) A procedural motion that 'the motion or amendment now before the meeting be adjourned', may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
 - a further motion may be moved to specify a time or date; or
 - the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- (d) Where a procedural motion that 'the meeting proceed to the next item' is carried, debate on the matter that is the subject of the motion will cease and may be considered again by Council on the giving of notice in accordance with the standing orders.
- (e) A procedural motion that 'the question lie on the table' will 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, Council will proceed with the next matter on the agenda.
- (f) A 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.

- (g) 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 legislation; or
 - is beyond the jurisdiction of the Council Meeting.

Note: Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.

- (h) Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.
- (i) 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, further consideration of any matter will be suspended until after a ruling is made. For example, where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.
- (j) The motion that 'a 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.
- (k) 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 will specify the duration of the suspension.
- (l) 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 will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the Council Meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

3.3.10 Questions

- (a) At a Council Meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting. The question is asked 'with permission of the chairperson' or 'a question put through the chair to'. The chair may or may not allow the question.
- (b) Questions will be asked categorically and without argument and no discussion will be permitted at the Council Meeting in relation to a reply or a refusal to reply to the question.
- (c) 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.
- (d) A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

3.4 Meeting Conduct

3.4.1 Process for dealing with Unsuitable Meeting Conduct

The conduct of a councillor *is unsuitable meeting conduct if the conduct happens during a Council Meeting and contravenes a behavioural standard of the Code of Conduct for Councillors in Queensland*. When dealing with an instance of unsuitable meeting conduct by a councillor in a meeting, the following procedures must be followed:

- (a) The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting. The chairperson may consider the seriousness of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 3.4.1(f) below.
- (b) 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:
 - ceasing and refraining from exhibiting the conduct
 - apologising for their conduct
 - withdrawing their comments.
- (c) If the councillor complies with the chairperson's request for remedial action, no further action is required.
- (d) If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order of unsuitable meeting conduct being issued.
- (e) If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (f) If the councillor fails to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 3.4.1(b), the chairperson may make one or more of the orders below:
 - an order reprimanding the councillor for the conduct
 - 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.
- (g) 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.
- (h) Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent.

Note: Contravention of an order to leave the meeting is misconduct and a notice must be given to the Assessor by a (councillor/mayor or chief executive officer) providing all the information about the matter for a preliminary assessment to be undertaken. This may attract disciplinary action under 150L(1)(c)(v) of the LGA. Following the completion of the meeting the chairperson must ensure the minutes of the meeting record the information about the unsuitable meeting conduct and be recorded in the councillor conduct register with any order made against the councillor including the name of the councillor.

3.4.2 Process for dealing with Unsuitable Meeting Conduct by a Chairperson

The conduct of the chairperson is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors in Queensland.

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

- (a) If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor may raise the matter in the meeting by point of order.
- (b) The chairperson may take remedial action such as:
 - Ceasing and refraining from exhibiting unsuitable meeting conduct, or
 - Apologising for their conduct, or
 - Withdrawing their comments.
- (c) If the chairperson does not take remedial action, the councillor may move a procedural motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). The councillors present, excluding the chairperson, must decide by voting on the resolution if the conduct is unsuitable meeting conduct.
- (d) The chairperson may remain at the meeting as chairperson but must not vote on the motion as prescribed in section 150IA of the LGA. If the votes are equal, the motion is resolved in the negative.
- (e) If it is decided that the chairperson has engaged in unsuitable meeting conduct, the councillors will make an order reprimanding the chairperson for the conduct.

Following an order being made the chairperson returns to the business in the agenda and the meeting continues. Note: Details of any reprimand order must be recorded in the minutes of the meeting. The Chief Executive Officer is responsible to ensure details of any order made is updated in Council's councillor conduct register including the name of the chairperson engaging in unsuitable meeting conduct.

3.4.3 General conduct during meetings

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

3.4.4 Disorder

- (a) The chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a councillor.
- (b) On resumption of the meeting, the chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters will be deferred to a future meeting.

3.5 Attendance and non-attendance

3.5.1 Attendance of public and the media at a Council 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 will be permitted to attend the meeting.
- (b) When Council is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

3.5.2 Closed session

- (a) A Council Meeting, standing committee meeting and advisory committee meeting may resolve that all, or part, of a meeting be closed to the public if it considers it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR:
 - appointment, dismissal, or discipline of the Chief Executive Officer
 - industrial matters affecting employees
 - Council's budget (which does not include the monthly financial statements)
 - rating concessions
 - legal advice obtained by Council or legal proceedings involving Council, including for example, legal proceedings that may be taken by or against Council
 - matters that may directly affect the health and safety of an individual or a group of individuals
 - negotiations relating to a commercial matter involving Council for which a public discussion would be likely to prejudice the interests of Council
 - negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*
 - a matter that Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
- (b) A resolution to close the meeting to the public cannot be made if a quorum is lost due to the number of conflicted councillors who leave the meeting. The council may instead:
 - Delegate consideration and decision on the matter, under section 257 of the LGA, unless the matter cannot be delegated.
 - Decide by resolution to defer the matter to a later meeting when a quorum may be formed.
 - Decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that Council must decide the matter.
 - Councillors who have a personal interest in the matter can vote on the resolution.
- (c) None of the above will be considered, discussed, voted on or made during a closed session.

- (d) If a closed session includes attendance by audio or audio visual link, the councillor/s attending must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA).
- (e) To take a matter into a closed session Council must abide by the following process:
 - pass a resolution to close the meeting
 - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
 - Not make a resolution while in a closed meeting (other than a procedural resolution).

3.5.3 Teleconferencing of meetings

- (a) If a councillor wishes to be absent from a Council Meeting place during a meeting, the councillor must apply to Council to participate by teleconference, at least 3 business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. Council may allow a councillor to participate in a Council Meeting by teleconference.

Note: There is no legislative requirement for a resolution to allow a councillor to participate by audio link or audio-visual link. This means Council may delegate the matter. For example, Council may delegate to the chairperson of Council or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.

- (b) The councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

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

4 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012

5 RELATED DOCUMENTS:

Councillor Code of Conduct Policy

6 CONSIDERATION OF HUMAN RIGHTS

Gladstone Regional Council has considered the human rights protected under the *Human Rights Act 2019 (Qld)* when adopting and/or amendment this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to any human rights relevant to the decision.

7 ATTACHMENTS:

Nil.

8 EVALUATION OF POLICY

Success for this policy will be that:

- Council Meetings are conducted in an orderly and respectful manner consistent with the Model Meeting Procedures; and
- councillors and officers have clarity in the procedures to be applied at a Council Meeting.

9 DEFINITIONS:

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

Term	Definition
Council Meeting	General Meetings, special meetings, standing committee meetings and advisory committee meetings of Council.
Informal Meeting	A Councillor Information Session, councillor workshop or briefing meeting.
LGA	Local Government Act 2009
LGR	Local Government Regulation 2012
Model Meeting Procedures	The model meeting procedures developed in accordance with s150F of the LGA.

10 Document Control

Version	Change/Notes	Date	Council Resolution
0	Originally Approved	30/09/2008	08/952
1		1/12/2011	G/11/439
2		4/09/2012	G/12/1203
3	Finance & Corporate Governance Committee – FCGC/16/0036	19/07/2016	G/16/2850
4		19/10/2017	S/17/3212
5	Revision to ensure consistency with Queensland Government Model Meeting Procedures & Standing Orders	4/12/2018	G/18/3592
6	Revision to comply with amendments to the LGA and LGR	2/11/2020	S/20/4336
7	Alignment with changes to Model Meeting Procedures and Best Practice Standing Orders	1/10/2024	GM/24/5321
8	Alignment with changes to Model Meeting Procedures and Standing Orders		