

COUNCIL MEETINGS PROCEDURES POLICY

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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
Review Due:	4 years from the date of adoption

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 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.
- 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

- 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.
- 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.
- If the Mayor is absent or ~~has a temporary incapacity and~~ 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 both prevented from chairing the meeting because of absence or temporary incapacitation~~, 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 does not prescribe that other councillors have the responsibility of chairing local government meetings. Other councillors cannot assume the chairperson role except when they are delegated by the mayor to perform the extra responsibilities of a chairperson or a resolution has been passed by the councillors present to select a councillor to act as chairperson of a particular meeting, because the mayor, a delegated councillor and the deputy mayor are unavailable. 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 incapacitated 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
 - Prior NotificationDeclarations 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.

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

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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 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.

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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 ~~fairly~~ arising from the agenda, will not be considered at any Council Meeting unless permission for that purpose is given by Council at the meeting.
- (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, ~~including any summary investigation report for a conduct breach matter,~~ 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.
- ~~(f) Matters on the agenda that may require the Council Meeting to be in a closed session consistent with the provisions under section 254J LGR, can be identified on the agenda as 'may be closed by resolution of the meeting for the matter to be debated'.~~

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; ~~and~~
 - 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 ~~terminate~~ end the deputation.
- (e) The chairperson may ~~terminate~~ 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.
- ~~(f)~~(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) In each Council Meeting, time may be required to permit members of the public to address Council on matters of public interest related to local government. An appropriate time period will be allowed (e.g. 15 minutes) and no more than three speakers shall be permitted to speak at one meeting. The right of any individual to address Council during this period shall be at the absolute discretion of the Council Meeting chairperson.~~
- ~~(c)~~(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.
- ~~(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; or~~
 - ~~• note the matter and take no further action.~~
- ~~(e)~~(c) Any person addressing Council shall act and speak with decorum and frame any remarks in respectful and courteous language.

~~(f)~~(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 ~~Prescribed conflict of interest~~ Procedure for Managing Material Personal Interest

Councillors are ultimately responsible for ~~informing of any prescribed conflict of interest~~ managing and declaring any material personal interest in ~~on~~ matters to be discussed at a Council Meeting, ~~standing or advisory committee meeting, (other than ordinary business matters as prescribed under section 150EF of the LGA).~~

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. ~~Section 150ED of the LGA outline several exceptions in relation to which personal interests of councillors do not apply. When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:~~

~~(a) A councillor who has notified the Chief Executive Officer in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a Council Meeting must also give notice during the meeting at the time when the matter is to be dealt with. 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-~~

~~(a) • 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 first becomes aware of a prescribed conflict of interest in a matter during a Council Meeting must immediately inform the meeting of the conflict of interest and the particulars. 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) When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided: 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:~~

- ~~• for a gift, loan, or contract — the value of the gift, loan, or contract. 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~~
- ~~• for an application for which a submission has been made — the matters the subject of the application and submission. Whether the councillor took part in the meeting, or was at the place during the meeting, under ministerial approval.~~
 - ~~i. the name of the entity, other than the councillor, that has an interest in the matter;~~
 - ~~ii. the nature of the councillor's relationship with the entity; and~~
 - ~~iii. details of the councillor's, and any other entity's, interest in the matter.~~

~~(d) The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister for Local Government (the Minister) to participate in deciding the matter in a meeting including participating in the discussion and the vote.~~

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Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, Council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each councillor individually. If the councillor with the suspected declarable conflict of interest considers there is no conflict of interest, then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA applies.

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.

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3.2.9 Declarable conflict of interest

Councillors are ultimately responsible for informing a meeting of any declarable conflict of interest (real or perceived), on matters to be discussed at a Council Meeting and standing or advisory committee meetings, that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA and ordinary business matters prescribed under section 150EF of the LGA).

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 councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each councillor individually. The eligible councillors must then make a decision under section 150EX(2) of the LGA.

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

(a) A councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a Council Meeting must also give notice during the meeting at the time when the matter is to be dealt with. 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

(a) 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) A councillor who first becomes aware of a declarable conflict of interest in a matter during a Council Meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars. 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) When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

- the nature of the declarable conflict of interest
- if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party to the councillor; and
 - ii. the nature of the relationship of the related party to the councillor; and
 - iii. the nature of the related party's interest in the matter
- if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person; and
 - ii. the nature of the relationship of the other person to the councillor or related party and
 - iii. the nature of the other person's interest in the matter; and
 - iv. the value of the gift or loan and the date the gift or loan was made.

(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) After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest. 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?

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- 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?

(d) Does the councillor have skills, knowledge or expertise that might help make the best decision in the public interest?

(e) If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only eligible councillors (those who do not have a prescribed or declarable conflict of interest in the matter) can participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority, or does not form a quorum for the meeting, or is a single eligible councillor, consistent with section 150ET of the LGA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

Note: The ability to make a resolution without a seconder applies when making a resolution under section 150ES of the LGA.

(f)(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. The eligible councillor/s at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor to either participate or leave the meeting e.g. they may stay for the debate but must leave for the vote. The councillor must comply with any decision and any condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the Minister for Local Government under section 150EV.

(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).

(g) The councillor who is the subject of the decision may remain in the meeting while the debate is occurring about their ability to participate and can answer questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may

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remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

~~(h) When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to:~~

- ~~• how does the inclusion of the councillor in the deliberation affect the public trust?~~
- ~~• how close or remote is the councillor's relationship to the related party~~
- ~~• if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received~~
- ~~• will the benefit or detriment the subject councillor or their related party stands to receive from the decision have a major or minor impact on them~~
- ~~• how the benefit or detriment the subject councillor stands to receive compares to others in the community~~
- ~~• how this compares with similar matters that Council has decided and have other councillors with the same or similar interests decided to leave the meeting~~
- ~~• whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.~~

~~(i) If the eligible councillors cannot decide about the councillor's participation in the meeting with a declarable conflict of interest, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in section 150ET(3) of the LGA.~~

~~(j) A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a Council Meeting about the same matter e.g. workshops.~~

~~(k) In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).~~

~~(l) A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA.~~

3.2.10 Reporting a suspected conflict of interest

If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists must immediately inform the chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion. If more than one councillor is reported by another councillor to have a suspected personal interest in a matter, the meeting must deal with each councillor individually.

~~(a) The chairperson then should ask the councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they~~

have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.

- ~~(b) If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.~~
- ~~(c) The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.~~
- ~~(d) If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a Council Meeting about the same matter e.g. workshops.~~
- ~~(e) When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details.~~

Note: The minutes must include details of how the conflict of interest was dealt with, being (section 150FA of the LGA):

- ~~• the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest~~
- ~~• the particulars of the prescribed or declarable conflict of interest provided by the councillor~~
- ~~• the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest~~
- ~~• any decision then made by the eligible councillors~~
- ~~• whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval~~
- ~~• Council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision.~~

- ~~(f) The minutes of the meeting must record the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.~~

Note: The eligible councillors include a councillor who has either been granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g. the eligible councillors in this subsection means all councillors who were entitled to vote on the matter).

- ~~(g) If the councillor has a declarable conflict of interest, the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor.~~
- ~~(h) Where a decision has been made under section 150ES of the LGA, the minutes must include the:~~

- ~~decision and reasons for the decision~~
- ~~name of each eligible councillor who voted, and how each eligible councillor voted.~~

3.2.113.2.10 Procedure for Loss of quorum

- (a) In the event where one or more councillors leave a meeting ~~due to a prescribed or declarable conflict of interest in a matter~~ that results in a loss of a quorum for deciding the matter, Council ~~must~~ may resolve to deal with the matter in the following ways:
- delegate the consideration and decision on the matter, ~~as described in 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.~~ under subsection three, 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 ~~under section 257 of the LGA~~ to:
- the Mayor or Chief Executive Officer; ~~or~~
 - a standing committee, or joint committee of Council; ~~or~~
 - the chairperson of a standing committee or joint standing committee of Council; or ~~(does not apply to Brisbane City Council)~~
 - another local government for a joint government activity.
- ~~the Establishment and Coordination Committee (only applies to Brisbane City Council).~~
- (c) ~~Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.~~
- (d) ~~Council may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:~~
- ~~the Mayor; or~~
 - ~~a standing committee.~~
- (e) ~~The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.~~

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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 ~~notices of 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 ~~but will not speak to it until it is seconded~~ 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.
- ~~(b)~~(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.
- ~~(c)~~(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.
- ~~(d)~~(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.
- ~~(e) 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 carried the chairperson will allow the question.~~

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 ~~by the chairperson of the Council Meeting:~~

- (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 ~~severity-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(fg) below ~~(order that a councillor be removed from the meeting).~~

- (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 ~~continues to fail~~ to comply with the chairperson's request for remedial action or the chairperson decides 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) Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note below).~~

~~Note: Details of any order issued must be recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next Council Meeting as a suspected conduct breach. Council is not required to notify the independent assessor (IA) about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. The Chief Executive Officer is advised to ensure details of any order made is updated in Council's councillor conduct register.~~

~~(h) Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 3.4.1(b), (c), (g) and (h) above.~~

~~(i) 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.~~

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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:

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(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.

~~(b)(c)~~ The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, 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.

~~(e)(d)~~ The chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out above for declarable conflict of interest. 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.

~~(d)~~ For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

~~(e)~~ If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the acting chairperson from the eligible councillors.

~~(f)~~ The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).

~~(g)(e)~~ If it is decided that the chairperson has engaged in unsuitable meeting conduct, the councillors can decide to will make an order reprimanding the chairperson for the conduct.

~~(h)~~ Once the councillors make a decision, following an order being made the chairperson returns to the business in the agenda and the meeting continues. (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

~~(i)~~ The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order must be recorded in the minutes of the meeting. The Chief Executive Officer is advised 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.

For conduct of a chairperson, at Council Meetings that is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the chairperson, on three occasions within a 12-month period, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach (in accordance with section 150J of the LGA and is a conduct breach under section 150K of the LGA), Council is not required to notify the Independent Assessor (the Assessor) about the conduct, and may deal with the conduct under section 150AG of the LGA as if an investigation had been conducted. It may be dealt with at the next Council Meeting.

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~~3.4.3 Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to Council by the Independent Assessor~~

~~Under chapter 5A, part 3, division 3A of the LGA, the Assessor must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply—see section 150SD of the LGA. If the Assessor finds that a matter is a suspected conduct breach it must refer the matter to Council to be dealt with. The Assessor refers the councillor's suspected conduct breach to Council by giving a referral notice.~~

~~Note: A conduct breach is conduct that:~~

- ~~• contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure, or resolution of Council; or~~
- ~~• the conduct contravenes an order of the chairperson of a Council Meeting for the councillor to leave and stay away from the place at which the meeting is being held; or~~
- ~~• an instance of a suspected conduct breach that may arise from circumstances of three instances of unsuitable meeting conduct orders within a 12-month period.~~

~~(a) In relation to matters referred by the Assessor to Council, Council may decide not to start or discontinue an investigation if:~~

- ~~• the complainant withdraws the complaint~~
- ~~• the complainant consents to the investigation not starting or discontinuing~~
- ~~• the complainant does not provide extra information when requested~~
- ~~• there is insufficient information to investigate the complaint~~
- ~~• the councillor vacates or has vacated their office as a councillor.~~

~~Note: Council's investigation must be conducted in a way that is consistent with Council's Investigation Policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AC of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation.~~

~~(b) Council must decide in a General Meeting, whether the councillor has engaged in a conduct breach, unless the decision has been delegated to the Mayor under section 257(2)(a) of the LGA, or to a standing committee section 257(2)(b) of the LGA. Under the LGA, decisions about a conduct breach can only be delegated to the Mayor or a standing committee.~~

~~(c) When dealing with an instance of a suspected conduct breach which has been referred to Council by the Assessor:~~

- ~~• Council must act in a manner consistent with Council principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of Council. However, where the matter requires debate Council may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under section 254J of the LGR.~~
- ~~• no resolution for a decision can be made in the closed session including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.~~
- ~~• where Council makes a decision about a conduct breach matter at a Council Meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under section 254H of the LGR.~~

- the subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless the eligible councillors decide otherwise) during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission about the conduct breach provided by the councillor to Council.
- the subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- if the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the eligible councillors (who do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant councillor can be required to leave the meeting place, or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied under section 150AH of the LGA.

Note: After making a decision under section 150AG of the LGA, Council must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses, but including the name of a councillor or the Chief Executive Officer of Council if they were the complainant/s, or any councillor who declared a conflict of interest in the matter.

(d) If Council has lost quorum due to the number of conflicted councillors or another reason, Council must do one of the following:

- delegate deciding the matter under section 257 of the LGA to the Mayor or a standing committee, whichever is the most appropriate in the circumstances, or
- decide, by resolution, to defer the matter to a later meeting, or
- 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.

Note: Council cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be delegated to the Mayor or a standing committee, or the matter can be deferred to a later meeting when a quorum can be maintained.

If the conduct breach referral notice is about the suspected conduct breach by the Mayor, then the matter will need to be delegated to a standing committee for a decision.

A local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters. The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest. The standing committee will decide about the Mayor's conduct. While section 12(4)(f) of the LGA provides that the Mayor has the extra responsibility of being a member of each standing committee, the Mayor could not be a decision-making member of a standing committee dealing with decisions about the Mayor's conduct because of a conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

(e) If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 150AH of the LGA, if any, to impose on the councillor. In deciding what penalty to impose, Council may consider any

~~previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that Council is reasonably satisfied is true.~~

~~(f) Council may order that no action be taken against the councillor or make one or more of the following:~~

- ~~• an order that the councillor make a public apology, in the way decided by Council, for the conduct~~
- ~~• an order reprimanding the councillor for the conduct~~
- ~~• an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense~~
- ~~• an order that the councillor be excluded from a stated Council Meeting~~
- ~~• an order that the councillor is removed, or must resign, from a position representing Council, other than the office of councillor~~
- ~~• an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct~~
- ~~• an order that the councillor reimburse Council for all or some of the costs arising from the councillor's conduct breach.~~

~~(g) Council may not make an order in relation to a person who has vacated their office as a councillor.~~

~~(h) The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by Council and if relevant any orders made by resolution.~~

~~*Note: The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the Assessor as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.*~~

3.4.43.4.3 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.

3.4.53.4.4 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 s councillors and members considers it necessary to discuss any of the following matters pursuant to section 254(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
 - ~~a matter relating to the consideration of an investigation report for a conduct breach matter given to Council by the Assessor under the LGA chapter 5A, part 3, division 5.~~
- ~~(b) A Council Meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.~~
- ~~(c) Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting. Council must 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 available~~
 - ~~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) 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.

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- ~~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) ~~None of the above will be considered, discussed, voted on or made during a closed session.~~
- (e)(d) If a closed session includes attendance by ~~teleconference~~ audio or audio visual link, the councillor/s attending ~~by teleconference~~ must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA).
- (f)(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
 - ~~if it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated~~
 - ~~Not make a resolution while in a closed meeting no resolution can be made while in a closed meeting~~ (other than a procedural resolution).

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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	<u>Alignment with changes to Model Meeting Procedures and Standing Orders</u>		