

# COUNCIL MEETING PROCEDURES POLICY

## STATUTORY POLICY



### 1 Scope

This policy applies to Councillors and employees during meetings of Rockhampton Regional Council. This policy does not apply to meetings of Council's Audit and Business Improvement Committee.

### 2 Purpose

The purpose of this policy is to:

- (a) Provide direction for the orderly and proper conduct of meetings, including the post-election meeting;
- (b) Ensure the local government principles are reflected in the conduct of meeting; and
- (c) Strengthen public confidence in Council to deal with the conduct of Councillors, conflicts of interests, loss of quorum and closed meetings.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Acquisition of Land Act 1967*

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Public Records Act 2002*

Code of Conduct for Councillors in Queensland (Queensland Government)

Councillor Conduct Register

Councillor Investigation Policy

Councillor Portfolio Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Queensland Government)

Petition Submission Form

Petitions Factsheet

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## 4 Definitions

To assist in interpretation, the following definitions apply:

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| Act                                    | <i>Local Government Act 2009</i>  |
| Agenda                                 | <p>Compilation of reports to be discussed at a meeting. The agenda for any meeting must indicate:</p> <p>(a) Business to be conducted at the meeting;</p> <p>(b) Business arising from previous meetings; and</p> <p>(c) Any business for which due notice has been given (Notice of Motion, Questions on Notice).</p> <p>An agenda will not include any matter that is unlawful.</p>   |
| Alternative/<br>Foreshadowed<br>Motion | A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.   |
| Amendment                              | <p>In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p> <p>Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.</p>   |
| Behavioural<br>Standard                | As defined in the Act, a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.   |
| CEO                                    | <p>Chief Executive Officer</p> <p>A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.</p>   |
| Chairperson                            | Person presiding at a meeting.  |
| Committee                              | A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee.   |
| Conduct Breach                         | <p>As defined in the Act, the conduct of a Councillor is a conduct breach if the conduct contravenes:</p> <p>(a) A behavioural standard; or</p> <p>(b) A policy, procedure or resolution of Council.</p> <p>Also, the conduct of a Councillor is a conduct breach if:</p> <p>(a) The conduct contravenes an order of the chairperson of a meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or</p> <p>(b) For conduct of a Councillor, including the chairperson, at the meetings - it is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the Councillor on three occasions within a period of one year.</p> |
| Council                                | Rockhampton Regional Council  |
| Council Meeting                        | A meeting of the local government as detailed in Chapter 8, Part 2, Division 1 of the Regulation, other than meetings of its committees.  |
| Councillor                             | The Mayor and/or Councillors of Council, within the meaning of the Act.   |
| Day                                    | A business day unless specified.  |

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| Delegated Committee         | A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council, excluding matters that require a resolution of a Council meeting.  |
| Deputation                  | A presentation from a member of the public (which could be on behalf of an organisation or individual) to a meeting.   |
| Employee                    | Local government employee:<br>(a) The CEO; or<br>(b) A person holding an appointment under section 196 of the Act.   |
| General Manager             | An employee appointed to a position with a corporate band 2 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register, positions include Deputy Chief Executive Officer, general managers and executive managers.  |
| Local Government Principles | As defined in the <i>Local Government Act 2009</i> .   |
| Mayor                       | The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.   |
| Meeting                     | Council meeting or committee meeting.  |
| Motion                      | A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.  |
| Motion of Dissent           | A motion set out in these meeting procedures, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the chairperson.  |
| Non-Delegated Committee     | A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next Council meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.   |
| Petition                    | A request for action on a matter over which Council has the power to act. The “terms” of a petition consist of the reasons for petitioning Council and a request for action by Council.  |
| Portfolio Councillor        | A Councillor who has been allocated responsibility of a portfolio by Council.  |
| Procedural Motion           | A set of motions that can be employed in specific ways to control the conduct of meetings.   |
| Record                      | A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings. |
| Region                      | Rockhampton Regional Area defined by the Local Government Areas of Queensland.   |
| Regulation                  | <i>Local Government Regulation 2012</i>  |
| Report                      | Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council’s obligations under the <i>Information Privacy Act 2009</i> .   |

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| Resolution                 | A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the “Council decision”, the word “resolution” also indicates the process by which the decision was made. |
| Seriatim                   | When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.   |
| Special Meeting            | As defined in the Regulation, a meeting of a local government at which the only business that may be conducted is the business stated in the notice of the meeting.  |
| Unsuitable Meeting Conduct | As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct:<br>(a) Happens during a local government meeting; and<br>(b) Contravenes a behavioural standard.              |

## 5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of local government meetings.

Council is committed to conducting its meetings in accordance with the principles of the Act, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our Region.

### 5.1 Special Meeting

The CEO must call a special meeting of the Council if:

- (a) The special meeting is required by resolution;
- (b) A written request for the special meeting is lodged with the CEO signed by the Mayor or three or more Councillors which specifies the object of the special meeting and proposes the day and time for holding the meeting;
- (c) A special meeting is required to comply with the Act or other legislation; or
- (d) Where the CEO determines it is in the interests of the Council that a special meeting be held.

A special meeting may be for either a Council or committee meeting. The direction and conduct prescribed within this policy should be followed for special meetings.

### 5.2 Agenda for Meetings

A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice to the CEO at least seven days before the meeting at which the proposal is to be made. Items for consideration may include questions on notice, notice of motions or rescission of motions.

Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting.

Special meetings of Council must only consider matters listed on the agenda.

### 5.3 Order of Business

The order of business is determined by resolution of a Council meeting, however, a Council or committee meeting may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved, the order of business is as follows:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Public Forums/Deputations;

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- (f) Presentation of Petitions;
- (g) Reports;
  - (i) Committee (for Council meetings only);
  - (ii) Councillors;
  - (iii) Officers;
- (h) Notice of Motions;
- (i) Questions on Notice;
- (j) Urgent Business/Questions;
- (k) Closed Session; and
- (l) Closure of Meeting.

Meetings deal with items of business on its agenda in accordance with:

- (a) Procedural directions given to the meeting by resolution;
- (b) Procedural directions specified in this policy; or
- (c) If there is no procedural direction governing a particular matter, the chairperson's decision.

However, the meeting may, by resolution, overrule a decision on a procedural question made by the chairperson.

#### 5.4 Deputations

The maximum total time allocated per deputation will not exceed 10 minutes, unless otherwise agreed by the chairperson.

Unless the meeting otherwise resolves, the effect of calling on the next business item is that the deputation will not be heard at the meeting and a fresh request will be given to the CEO if the deputation wishes to be heard at a subsequent meeting.

The chairperson may terminate an address by a person in a deputation at any time where:

- (a) The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting;
- (b) The time period allowed for the deputation has expired;
- (c) The person uses insulting or offensive language; or
- (d) If a member of the deputation, other than the appointed speakers, continues to interject or attempt to address the meeting after the chairperson has warned the member of the deputation.

Details for applying and approving deputations are located on the Council's website.

#### 5.5 Petitions

A petition to be considered for presentation to Council must:

- (a) Be on paper in legible writing or typed;
- (b) Be addressed to the CEO;
- (c) Refer to a matter which the Council has the power to act;
- (d) State the reasons for petitioning the Council; and
- (e) Contain a request for action by the Council.

The Petition Submission Form contained on Council's website may be used.

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Submitted petitions must:

- (a) Include the reasons for the petition and the specific action requested (the terms) at the top of the first page of the petition and the action requested also at the top of every subsequent page;
- (b) Include the signature and contact details of the Principal Petitioner on the first page of the petition, and contact details of the Principal Petitioner on every subsequent page;
- (c) Include the name and contact details of the principal petitioner (i.e. the key contact);
- (d) Not have any letters, affidavits or other documents attached to it;
- (e) Include the postcode of all petitioners;
- (f) Contain signatures made by the person signing in their own handwriting, a petitioner who is not able to sign may ask another person to sign on their behalf;
- (g) Have signatures written on a page bearing the request part of the terms of the petition. Signatures must not be:
  - (i) Placed on a blank page or on the reverse of a sheet containing the terms of the petition; or
  - (ii) Be copied, pasted or transferred on to the petition;
- (h) Have at least 10 signatures from people supporting the terms of the petition; and
- (i) Not contain any alterations to the terms of the petition.

When a petition is received by Council an acknowledgement letter is sent to the Principal Petitioner and the petition is tabled for consideration at the next meeting.

A petition may be presented to a meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) CEO delegate,

who reads and states the nature of the petition, and becomes, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

Where a petition is presented to a meeting, no debate on or in relation to it is allowed, however, a Councillor presenting a petition may speak in respect of the matter the subject of the petition for a period of not more than one minute.

The only motions moved are:

- (a) That the petition be received;
- (b) That the petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- (c) The petition not be received because it is deemed invalid.

## 5.6 Committee Reports

### 5.6.1 Delegated Committees

Reports and resolutions of a delegated committee do not need to be submitted to a Council meeting for consideration or endorsement, provided there is an absolute majority in favour of the proposal. A casting vote cannot be used by the chairperson to determine a resolution and tied votes must be referred to a Council meeting for determination.

### 5.6.2 Non-Delegated Committees

Non-delegated committees submit reports and/or recommendations to the CEO who lists them on the agenda for the next available Council meeting.

Recommendations to a Council meeting from a committee are to be the same as those resolved by the committee.

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

The chairperson of the Council meeting decides whether the distinct recommendations or parts of recommendations are considered separately by the Council meeting.

The Council meeting can:

- (a) Adopt;
  - (b) Amend and adopt; or
  - (c) Reject,
- the recommendation.

Such amendments may alter the meaning or intention of the committee recommendation or it may simply correct the wording.

The committee recommendations adopted by Council are resolutions of the Council.

## 5.7 Mayoral Minute

The Mayor, as the chairperson at a Council meeting or chairperson of a committee of the whole, is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

Such a minute, when put to the meeting, takes precedence over all business on the agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by an employee is, so far as adopted by the Council, a resolution of the Council.

Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.

## 5.8 Portfolio Councillor Reports

Reports to a meeting and relevant to portfolios allocated under Council's Councillor Portfolio Policy should be introduced by the relevant Portfolio Councillor.

## 5.9 Notice of Motion

Submission of a notice of motion must be given at least five days before the meeting at which the proposal is to be made.

Councillors may advise whether the notice of motion is to go to the next Council meeting or next appropriate committee meeting. However the CEO, in setting the agendas, may determine that the notice of motion is best dealt with by another Council or committee meeting.

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

- (a) Moved by another Councillor at the meeting; or
- (b) Deferred to the next appropriate meeting.

Notice of motions must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be an action that could be dealt with in operational procedures.

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## 5.10 Questions on Notice

The questions on notice from a Councillor are published in the agenda of the appropriate meeting providing such questions are received by the CEO in time for the publishing of the agenda.

Questions on notice must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be a question that could be answered under operational procedures.

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

## 5.11 Urgent Business/Questions

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

## 5.12 Closed Meetings

Council may resolve that a meeting or part of a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- (a) The appointment, dismissal or discipline of the CEO;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Legal advice obtained by Council, including legal proceedings that may be taken by or against Council;
- (f) Matters that may directly affect the health and safety of an individual or group of individuals;
- (g) Negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;
- (h) Negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*;
- (i) A matter that the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State; and/or
- (j) A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the Council under the Act chapter 5A, part 3, division 5.

A 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 prescribed or declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must resolve to:

- (a) Delegate the matter, unless the matter cannot be delegated;
- (b) Defer to a later meeting; or
- (c) Take no further action on the matter unless the Act or another Act provides that Council must decide the matter.

None of the above are considered, discussed, voted on or made during a closed session.

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If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the Act).

To take a matter into a closed session the Council must abide by the following:

- (a) Pass a resolution to close the meeting;
- (b) 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;
- (c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why the Councillors at the meeting may consider it is necessary to take the issue into closed session must be stated; and
- (d) Not make a resolution while in a closed meeting (other than a procedural resolution).

## 6 Procedures for Making Determinations

### 6.1 Motions

A motion is not debated at a meeting until the motion is seconded (with the exception of procedural motions which are not debated at all).

A motion (other than a procedural motion relating to a point of order or a Mayoral Minute) that is not seconded, lapses for want of a seconder.

A Councillor who moves a motion may speak, with the permission of the chairperson, for the purpose of explaining the purport of that motion before it is seconded.

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

Only one motion may be put at any one time.

### 6.2 Amendment to a Motion

A Councillor may move an amendment to any motion provided it does not change the original motion so substantially as to defeat its purpose.

Where an amendment to a motion is put before a meeting, no other amendment to the motion is considered until after the first amendment has been determined.

A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.

If an amendment is carried it becomes the motion.

If an amendment has been rejected, a further amendment can be moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

Where a motion is amended by another motion and determined, the original motion is not put as a subsequent motion to amend the substantive motion.

### 6.3 Alternative or Foreshadowed Motions

During debate on a motion, a member may indicate an alternative or foreshadowed motion that the member intends to move after the motion under consideration has been dealt with.

Alternative motions can only be put to a vote if the original motion is lost.

### 6.4 Withdrawal of a Motion

If a motion has been moved and seconded, the mover of the motion may elect to withdraw the motion:

- (a) Before the motion is voted on; or
- (b) Before an amendment to the motion is moved and seconded.

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If a modification to a motion is accepted by the Councillors who have moved and seconded a motion, the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

Once an amended motion has been moved and seconded and becomes the motion, the mover of that motion may elect to withdraw the motion before the motion is resolved.

## 6.5 Speaking to Motions and Amendments

The mover of a motion or amendment may read and state that it is moved but does not speak to it until the motion is seconded.

A Councillor may request from the chairperson for further information before or after the motion or amendment is seconded.

The order of speakers is:

- (a) The Councillor moving the motion;
- (b) Councillors alternatively against and for the motion;
- (c) Once alternative speakers are exhausted, as determined by the chairperson;
- (d) The mover of the motion has the final right of reply, provided there has been a speaker against the motion or amendment; and
- (e) The mover of an amendment motion will have no right of reply.

In the event that an amendment is passed, the Councillor who moved the original motion has a right of reply to the amended motion.

Once the right of reply has been exercised on a motion, debate on the motion is closed.

If a motion or amendment has been withdrawn by the mover, a Councillor does not speak to that motion or amendment. If an alternative motion is moved and seconded, only that alternative motion may be debated once moved and seconded.

Each speaker, including when exercising a right of reply, is restricted to not more than three minutes and speaks directly to the motion.

Any extension of time for a Councillor to speak is only granted by a resolution and any extension is for a period of not more than three minutes.

When two or more Councillors indicate to speak at the same time, the chairperson determines who speaks first.

In accordance with section 254H of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to the Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

## 6.6 Method of Taking Vote

Before any matter is put to the vote, the chairperson may direct the motion or amendment to be read again by the CEO or employee who is taking the minutes of the meeting.

Councillors vote by a show of hands.

A Councillor may call for a division on an item. If a division is called, the minutes record the names of Councillors and how they voted.

The chairperson declares the result of a vote as soon as it is determined.

The minutes of the meeting records the vote. A Councillor may request that their name be recorded for or against the vote.

Except upon a motion to rescind or alter it, the resolution is not discussed after the vote on it has been declared.

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## 6.7 Seriatim

When a motion consists of more than one statement, action or concept, a Councillor may request for the statement, actions or concepts be put seriatim.

If it is intended to debate a motion seriatim, then the request must be made immediately after the motion has been put and seconded.

If it is intended only to vote on a motion seriatim, then the request must be made prior to the mover of the motion exercising a right of reply.

## 6.8 Notice to Rescind or Repeal Previous Resolutions

A resolution can only be rescinded or repealed if it has not been acted upon.

If a Councillor wishes to rescind or repeal a resolution, a notice of intention to move an alternative motion must be provided to each Councillor within the Regulation timeframes, at least five days before the meeting.

Where there is no objection to a motion to rescind or repeal a previous resolution, the chairperson may put the motion to the vote without discussion.

If the motion to rescind or repeal a previous resolution is carried, an alternative motion may be moved and seconded for discussion and voting thereon.

Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not moved until at least three months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

## 7 Procedural Motions

A Councillor may, during the debate of a matter at the meeting, move any of the procedural motions listed.

A procedural motion will not be debated and will be immediately put to the vote by the chairperson.

Where a procedural motion is carried the chairperson will immediately put the motion or amendment under consideration.

Where a procedural motion is lost, debate on the motion or amendment to that motion may continue.

Where a procedural motion is lost, the chairperson does not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

### 7.1 That the Motion be Now Put

This procedural motion may be moved without notice and without comment, at the conclusion of the speech of any member, to the motion or amendment before the meeting, to bring on the finalisation of a motion.

Before the procedural motion can be put, the chairperson ensures the opportunity has been given for at least one speaker to be heard for the motion or amendment under consideration and at least one speaker to be heard against the motion or amendment.

A mover, seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.

### 7.2 That the Speaker No Longer Be Heard

Where this procedural motion is carried, the member against whom the motion was moved must cease speaking and be seated.

### 7.3 That the Debate be Adjourned

A procedural motion “that the debate on the motion and/or amendment be adjourned” specifies a time or date to which the debate is to be adjourned.

A procedural motion may not adjourn debate for a period more than two months after the date of that procedural motion.

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Where no time or date is specified in the procedural motion:

- (a) A further motion may be moved to specify such a time or date; or
- (b) The matter about which the debate is to be adjourned is included in the agenda for the next meeting.

#### **7.4 That the Meeting Proceed to the Next Item of Business**

Where this procedural motion is carried, debate on the matter being considered ceases and the motion is deemed to have lapsed.

#### **7.5 That the Matter Lay on the Table/Be Lifted from the Table**

A procedural motion “that the matter lay on the table” is only moved where the chairperson or a Councillor requires additional information on the matter, or the result of some other action of the Council or person is required, before the matter may be concluded at the meeting.

If the motion to lay the matter on the table is lost, debate continues and the “tabling motion” cannot be moved again in respect to that substantive motion.

If the motion to lay the matter on the table is moved and carried whilst an amendment is before the chair, both the motion and the amendment are laid on the table.

If the motion is carried, the matter is unable to be dealt with until a procedural motion “that the matter be lifted from the table and dealt with” is carried. This may be moved at the meeting at which the procedural motion to lay the matter on the table was carried or at any later meeting and placed in the order of business determined by Council at that meeting.

Matters laid on a committee table can only be lifted from that committee table by the same committee or the Council meeting.

Once the matter is returned to the table, all members, whether or not they have previously spoken, have the right to speak.

#### **7.6 That the Matter be Referred to a Committee**

If a procedural motion “that the matter be referred to a committee” is carried, debate on the matter ceases and the next matter on the agenda proceeds.

Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the committee to which the matter is to be referred.

#### **7.7 That this Report/Document be Tabled**

This motion may be used by a Councillor to introduce a report or other document to the meeting. Once the document is tabled, it ceases to be a confidential document and forms part of the minutes, unless otherwise resolved.

The only motion moved following tabling is that the report/document:

- (a) Be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) Not be received.

#### **7.8 That a Provision of These Meeting Procedures be Suspended for a Specified Period**

A procedural motion “that a provision of these meeting procedures be suspended for a specified period” may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.

A procedural motion to suspend a provision specifies the reason and duration of such a suspension.

At the conclusion of the specified period, a procedural motion “to resume a provision of these meeting procedures” are made to reinstate all provisions of the meeting procedures to the meeting.

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## 7.9 That the Meeting Be Adjourned/Resumed

A Councillor present at a meeting may at any time move a procedural motion “that the meeting be adjourned”. The procedural motion must specify a time for the resumption of the meeting and, on resumption, continues with the business before the meeting at the point where it was discontinued on the adjournment.

At the conclusion of the specified period, a procedural motion “that the meeting be resumed” be made.

## 7.10 That the Chairperson’s Ruling be Dissented From

A Councillor may move “a motion of dissent” in relation to a ruling of the chairperson.

Where such a motion is moved, further consideration of any matter is suspended until after the motion of dissent is determined.

Only the mover of the motion of dissent and the chairperson speaks to the motion. The mover of the motion and the chairperson speaks only once to the motion with the mover speaking first and the chairperson second.

Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made proceeds as though that ruling had not been made.

Where, as a result of that ruling, a matter was discharged as out of order, it is restored to the agenda and dealt with in the normal course of business.

Where a motion of dissent is not carried, the ruling of the chairperson stands.

# 8 Attendance at Meetings

## 8.1 Chairperson

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) presides at Council and Committee meetings.

If the Mayor and Deputy Mayor are absent from a meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

## 8.2 Quorum

Business must not be conducted at a meeting unless a quorum is present in accordance with the Regulation.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted approval to take part in a meeting by teleconferencing.

The chairperson is to be advised if a Councillor is unable to attend a meeting no later than 24 hours prior to the meeting, unless extenuating circumstances apply.

## 8.3 Leave of Absence from Meetings

Councillors must seek a leave of absence from a meeting where a Councillor cannot attend a meeting for private or business purposes. Leave is granted at the discretion of the Council. The CEO may approve a leave of absence when the Councillor is required to travel for Councillor business and a report to Council is not necessary.

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

Where a Councillor needs to seek leave from more than a single meeting, such applications are to be made in writing to the CEO specifying the dates of the meeting/s leave is being applied for.

Where a Councillor intends to attend a meeting when leave has been granted by the Council, two day’s written notice is provided to the CEO. This notice nullifies any future leave previously approved.

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If a Councillor attends a meeting, for which leave has been granted previously, any future absence requires additional leave to be granted, regardless if the original leave covered any future meetings.

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

Where Councillors are appointed by the Council as a Council representative on a committee or association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role. Should there be a lack of quorum at a meeting due to the Councillor attending an activity, the CEO will refer the approval for a leave of absence to the Council table.

#### **8.4 Absence from Meetings**

A request by a Councillor for an apology for not attending a meeting is recorded in the minutes. However, for the purpose of annual reporting, the Councillor is not considered as having attended the meeting. (An apology is not considered a leave of absence request.)

Where a Councillor is absent from a meeting without an approved leave of absence or submitted apology, the Councillor is not listed in the attendance section of the meeting minutes.

In the event that a Councillor leaves the meeting place for the duration of the discussion of that item, the time of the absence is recorded in the minutes.

#### **8.5 Employee Attendance**

Before entering into discussion on any matter, a meeting may call on the relevant general manager and/or the general manager's nominee to be present at the discussion.

#### **8.6 Attendance of Public and Media at Meetings**

Reasonable accommodation and facilities to report proceedings is provided within the meeting places of the meeting for representatives of the press, radio and television.

Copies of the meeting agenda, excluding confidential items, are made available to the representatives of the press, radio and television. Reasonable access is allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting, however, access will be withheld where the Council by resolution decides on the grounds that publication may prejudice the Council's interests.

Part of the meeting place is made available for the accommodation of the public, and such number of public as can reasonably be accommodated are permitted to attend at every meeting, except during a closed session.

#### **8.7 Public Participation at Meetings**

Except when invited to do so by the chairperson, a member of the public will not take or attempt to take part in the proceedings of a meeting.

During a debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.

Any person addressing a meeting will stand, act and speak with decorum and frame any remarks in respectful and courteous language.

The meeting may, as a mark of distinction, admit a non-member to a part of the meeting place normally reserved for Councillors during the conduct of a meeting to participate in the discussion of a particular item of business, on conditions decided by the meeting.

#### **8.8 Teleconferencing**

The Council has delegated to the CEO under section 254K of the Regulation the power to allow a person to take part in a meeting by teleconferencing.

A Councillor or committee member who takes part in a local government meeting by teleconferencing is taken to be present at that meeting if the Councillor or member was simultaneously in audio contact with each other person at the meeting.

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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.

## 9 Conduct at Meetings

### 9.1 Councillor Conduct

After a meeting has been formally constituted and the business commenced, a Councillor does not enter or leave the meeting without first notifying the chairperson.

During a meeting, unless exempted by the chairperson, Councillors address the chairperson while:

- (a) Moving any motion or amendment;
- (b) Seconding any motion or amendment;
- (c) Taking part in any discussion;
- (d) Replying to any question; or
- (e) Addressing the Council for any other purpose.

Councillors, during a meeting, address:

- (a) Other Councillors by their respective titles, "Mayor" or "Councillor"; and
- (b) Employees by designating them by their name or position title.

Councillors confine their remarks to the matter under consideration.

Councillors remain seated and silent while a vote is being taken.

Councillors act with due decorum during meetings to ensure the meeting is conducted in an efficient and effective manner. Councillors do not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

The chairperson may specify orally or in writing appropriate standards of decorum which are observed by all Councillors and other persons attending a meeting.

Councillors do not make personal reflections on or impute improper motives to other Councillors, employees or members of the public.

A Councillor who is speaking are not to be interrupted except upon a point of order being raised by either the chairperson or another Councillor.

When the chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, immediately ceases speaking and resumes their seat, and each Councillor present preserves strict silence so the chairperson may be heard without interruption.

The chairperson may:

- (a) Call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
- (b) Direct a Councillor to discontinue a speech.

The use of mobile phones in the meeting place or other meeting places is not permitted.

### 9.2 Points of Order

A Councillor may ask the chairperson to decide on a 'point of order' where it is believed that:

- (a) Another Councillor has failed to comply with proper meeting procedures;
- (b) A matter before the Council is in contravention of the Act or the Regulation or any other relevant State or Federal Legislation; or
- (c) A matter before the Council is beyond the Council's jurisdiction.

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Points of order do not require a seconder, and cannot be used as a means of contradicting a statement made by the Councillor speaking.

Where a 'point of order' is moved, further consideration of any matter is suspended until after the point of order is determined.

Upon a question of order arising during the process of a debate, a Councillor may rise to a point of order, and thereupon the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.

The chairperson will determine whether the point of order is upheld.

Despite anything contained in these meeting procedures or the Regulation to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other question.

### 9.3 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a 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, the following procedures must be followed:

- (a) The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
  - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - (ii) Apologising for their conduct; or
  - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson's request for remedial actions or the chairperson decided a warning was not appropriate under (e), the chairperson may make one or more of the orders below:
  - (i) An order reprimanding the Councillor for the conduct; or
  - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
  - (i) Details of any order issued is recorded in the minutes of the meeting;

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- (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as a conduct breach in accordance with the Act; and
  - (iii) The CEO is advised to ensure details of any order made is updated in the Councillor Conduct Register in accordance with the Act.
- (j) Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (b), (c), (g) and (h) above.

#### 9.4 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

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.

The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

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

For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson.

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, the chairperson can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible Councillors.

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).

If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct.

Once the Councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

The chairperson then resumes the role of chairperson, and the meeting continues.

Details of any reprimand order must be recorded in the minutes of the meeting. The CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.

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

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

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## 9.5 Prescribed Conflict of Interest

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

- (a) A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
  - (i) If it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - (ii) If it arises because of an application or submission, the subject of the application or submission;
  - (iii) The name of any entity, other than the Councillor, that has an interest in the matter;
  - (iv) The nature of the Councillor's relationship with the entity mentioned in paragraph 9.5(c)(iii) that has an interest in the matter; and/or
  - (v) Details of the Councillor's and any other entity's interest in the matter.
- (d) The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.
- (e) Once the Councillor has left the area where the meeting is being conducted, 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 Act, 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 prescribed 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 Act applies.

## 9.6 Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at meetings that might lead to a decision that is contrary to the public interest (other than interests prescribed under section 150EO of the Act and ordinary business matters prescribed under section 150EF of the Act).

The following processes must be undertaken:

- (a) A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the Act 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 Act.
- (b) When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
  - (i) A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a meeting must also give notice during the meeting.

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- (ii) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a meeting must inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
  - (i) The nature of the declarable conflict of interest; and
  - (ii) If it arises because of the Councillor's relationship with a related party:
    - (A) The name of the related party to the Councillor;
    - (B) The nature of the relationship of the related party to the Councillor; and
    - (C) The nature of the related party's interests in the matter.
  - (iii) If it arises because of a gift or loan from another person to the Councillor or a related party:
    - (A) The name of the other person;
    - (B) The nature of the relationship of the other person to the Councillor or related party;
    - (C) The nature of the other person's interests in the matter; and
    - (D) The value of the gift or loan, and the date the gift was given or loan was made.
- (d) After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- (e) If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- (f) The other Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting, for example, they may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the eligible Councillors. The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the Act or under an approval by the Minister for Local Government under section 150EV of the Act.
- (g) In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Act.
- (h) The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- (i) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible Councillors should consider the circumstances of the matter including, but not limited to:
  - (i) How does the inclusion of the Councillor in the deliberation affect the public trust;
  - (ii) How close or remote is the Councillor's relationship to the related party;

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- (iii) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - (iv) Will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
  - (v) How does the benefit or detriment the subject Councillor stands to receive compared to others in the community;
  - (vi) How does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting; and
  - (vii) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) If the eligible Councillors cannot decide about the Councillor's participation in the meeting with a declarable conflict of interest of, 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.
  - (k) A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide by resolution that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a meeting about the same matter for example briefing sessions or workshops.
  - (l) In making the decision about the Councillor's conflict of interest in a matter it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
  - (m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the Act.

## 9.7 Reporting of Suspected Conflict of Interest

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

The chairperson 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 procedures above for prescribed and declarable conflicts of interest.

If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

The eligible Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above. If 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.

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If the Councillors cannot reach a decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged. 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 the Council meeting about the same matter for example, workshops.

If the belief or suspicion of a conflict of interest relates to more than one Councillor, the above paragraphs in 9.7 must be complied with in relation to each Councillor separately.

## 9.8 Loss of Quorum

In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, all the Councillors including the conflicted Councillors must resolve to:

- (a) Delegate the consideration and decision on the matter, in accordance with section 257 of the Act unless the matter cannot be delegated;
- (b) Defer the matter to a later meeting; or
- (c) Not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.

The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

The Council may only delegate a power to make a decision about a Councillors conduct under section 150AEA or 150AG of the Act in accordance with section 257(2) of the Act, to:

- (a) The Mayor; or
- (b) A standing committee,
- (c) If it is a decision about the conduct of the Mayor, the decision must be delegated to a standing committee.

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 for Local Government may impose.

## 9.9 Recording Prescribed and Declarable Conflicts of Interest

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

- (a) The name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) The particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) The actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
- (d) Any decision then made by the eligible Councillors;
- (e) Whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) The Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;

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- (g) The name of each eligible Councillor who voted on the matter and how each voted. The eligible Councillors includes a Councillor who has either been granted approval by the Minister or their fellow Councillors to participate and vote on a matter (ie. all Councillors who were entitled to vote on the matter).

If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted.

Where a decision has been made under paragraph 9.6(f) of this policy, the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted.

### 9.10 Maintenance of Good Order at Meetings

In accordance with *Local Law No. 1 (Administration) 2011*, a person who is not a member of the Council or a Committee must not obstruct the proper conduct of a meeting of the Council or Committee.

If a person (other than a member) obstructs the proper conduct of a meeting, the chairperson may give the person a warning. If the chairperson reasonably believes that the person may continue to interrupt or obstruct the proper conduct of the meeting, the chairperson may ask the person to leave the meeting place.

A person failing to comply with a direction to leave the meeting place may be removed from the meeting place using reasonable necessary force. For the purpose of effecting the removal, the chairperson may call upon the assistance of a member of the Police Service.

The use of mobile phones in the area set aside for the representatives of the press, radio and television and the public in the meeting place or other meeting places is not permitted.

## 10 Meeting Process for Dealing with a Suspected Conduct Breach including those that have been Referred to Council by the Independent Assessor

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

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

Council's investigation must be conducted in a way that is consistent with Council's Councillor Investigation Policy. An investigation report must be prepared to assist the Councillors in deciding on the outcome under section 150AG of the Act. Before debating a matter to decide on an outcome, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the Act on or before the day and time prescribed by the Regulation.

Council must decide in a Council meeting whether the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision under section 257 of the Act to the Mayor or to a standing committee.

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

- (a) The Council must act in a manner consistent with the local government principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the Council. However, where the matter requires debate the Council may resolve to go into closed session under section 254J of the Regulation to discuss an investigation report. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- (b) Where the Council makes a decision about a conduct breach matter at a 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 in accordance with section 254H of the Regulation.
- (c) 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 they 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 provided by the Councillor to the Council.
- (d) 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.
- (e) If the complainant is a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in paragraph 9.6. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible Councillors (do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest under paragraph 9.6. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- (f) After making a decision under section 150AG of the Act, the 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 CEO of the Council if they were complainants, and any Councillor who declared a conflict of interest in the matter.
- (g) If the Council has lost quorum due to the number of conflicted Councillors or another reason, the Council must do one of the following:
  - (i) Delegate deciding the matter under section 257 of the Act to the Mayor or a standing committee;
  - (ii) Decide, by resolution, to defer the matter to a later meeting; or
  - (iii) Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.
- (h) Council cannot decide to take no further action on a decision about a conduct matter because a decision is required under the Act. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.
- (i) If it is decided that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in paragraph 10(j), if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous conduct breach of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.

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- (j) The Council may order that no action be taken against the Councillor or make one or more of the following:
  - (i) An order that the Councillor make a public apology, in the way decided by the Council;
  - (ii) An order reprimanding the Councillor for the conduct breach;
  - (iii) An order that the Councillor attend training or counselling to address the Councillor’s conduct, including at the Councillor’s expense;
  - (iv) An order that the Councillor be excluded from a stated meeting;
  - (v) An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, that the Councillor is ordered to resign from an appointment representing the Council on a state board or committee;
  - (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
  - (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor’s conduct breach.

A local government may not make an order in relation to a person who has vacated their office as a Councillor.

The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

The chairperson must ensure the meeting minutes reflect the resolution and any orders made. A notice must be given to the Independent 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.

## 11 Record of Meetings

### 11.1 Confirmation of Minutes

The minutes of a meeting must be compliant with the requirements of the Regulation.

The minutes of a meeting, not previously confirmed, are taken into consideration at the next meeting of the relevant meeting, so they can be confirmed.

The minutes of the final committee meetings for the term of Council must be confirmed at the final Council meeting in the Council term.

The minutes of the final Council meeting for the term of Council must be confirmed at the first Council meeting for the new term.

No discussion is permitted on the minutes except to confirm or correct their accuracy as a record of proceedings. If the Council needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

### 11.2 Live Streaming, Audio and Video Recording of Meetings

Council may direct that live streaming of meetings occur for members of the public to view the meeting without physically attending. Archival access of these meetings will be available through Council’s chosen streaming/hosting provider. Confidential items will not be live streamed. Council also retains a copy of the live streamed meeting for a period of seven years after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

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Council may also direct that an audio or video recording of a meeting be made for the purpose of verifying the accuracy of the minutes of the meeting. An audio or video recording made in accordance with this direction:

- (a) May only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- (b) Must be retained until the business action is completed after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

## 12 Exclusions

Any provision of this policy may be suspended by resolution of any meeting.

## 13 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

## 14 Document Management

|                        |                         |
|------------------------|-------------------------|
| Sponsor                | Chief Executive Officer |
| Business Owner         | Chief Executive Officer |
| Policy Owner           | Chief Executive Officer |
| Policy Quality Control | Legal and Governance    |



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