

# Meetings - Council Policy

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<b>Related Documents</b>	Code of Conduct for Councillors in Queensland Model Meeting Procedures Investigations - Council Policy Confidentiality - Council Policy Information Privacy - Council Policy Acceptable Request Guidelines - Council Policy Advisory Committees - Council Policy Disclosures (Conflicts of Interest, Gifts and Personal Benefits and Prescribed Personal Interests) - Council Policy

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## PART 1 - INTRODUCTION

### 1. Policy Objectives/Purpose

The object of this policy is to provide standing orders for the orderly and proper conduct of Council meetings.

#### **Principles**

The Meetings - Council Policy complements the provisions of the *Local Government Act 2009*, *Local Government Regulation 2012* and *Western Downs Regional Council Local Law No. 1 (Administration) 2011*. Collectively, these documents provide the procedures and standards for the proper conduct of business by Council at its Meetings. Chapter 8 part 2 of the *Local Government Regulation 2012* provides core requirements for local government meetings.

Council has an obligation to act in accordance with the Local Government Principles as detailed in section 4 of the *Local Government Act 2009*, namely:-

- a. Transparent and effective processes, and decision-making in the public interest; and
- b. Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c. Democratic representation, social inclusion and meaningful community engagement; and
- d. Good governance of, and by, local government; and
- e. Ethical and legal behaviour of Councillors and local government employees.

### 2. Organisational Scope

- 2.1 This policy (standing orders) applies to all local government meetings of Western Downs Regional Council, and all participants in those meetings. These standing orders do not apply to meetings of the audit committee. The conduct of audit committee meetings is provided for in the *Local Government Regulation 2012*<sup>1</sup> and the *Western Downs Regional Council Audit Committee - Terms of Reference*.
- 2.2 The provisions of these standing orders may be suspended by resolution at any meeting of the local government except those sections that are mandatory under the *Local Government Act 2009* (LG Act) and *Local Government Regulation 2012* (LG Regulation). A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 2.3 Where a matter arises at the local government meeting that is not provided for in these standing orders or legislation, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

<sup>1</sup> *Local Government Regulation 2012* - sections 210, 211



## PART 2 - PREPARATION FOR WESTERN DOWNS REGIONAL COUNCIL MEETINGS

### 3. Frequency of Meetings

#### 3.1 Post-Election Meetings<sup>2</sup>

- 3.1.1 Council must hold a Post-Election Meeting within 14 days after -
- the conclusion of each quadrennial election; and
  - the conclusion of a fresh election of its Councillors.
- 3.1.2 The CEO will fix the date and time for the Post-Election Meeting.
- 3.1.3 Council must, by resolution, appoint a Deputy Mayor from its Councillors:-
- at the Post-Election Meeting; and
  - at the first meeting after the office of the Councillor who is the Deputy Mayor becomes vacant.<sup>3</sup>
- 3.1.4 The matters to be considered at a Post-Election Meeting may include the day and time for holding Council's Ordinary Meetings.<sup>4</sup>

#### 3.2 Ordinary Meetings

- 3.2.1 Council must meet at least once each month, except where a written application by Council to vary this requirement has been approved by the Minister<sup>5</sup>.
- 3.2.2 The CEO may fix the date and time for Ordinary Meetings and the location of the Ordinary Meetings where the meetings are to be held at one of Council's Customer Service Centres. The CEO must, if practicable, consult with Council about the proposed date, time and location for the meetings.
- 3.2.3 Where an Ordinary Meeting is to be held at any place other than one of Council's Customer Services Centres, Council must, by resolution, fix another place for the meeting.<sup>6</sup>

#### 3.3. Special Meetings

- 3.3.1 The CEO must call a Special Meeting of Council if:-
- the Special Meeting is required by a resolution of Council; or
  - a written request for a Special Meeting is lodged with the CEO signed by the Mayor or three (3) or more Councillors which specifies the object of the Special Meeting and proposes a day and time for the holding of the Special Meeting; or
  - a Special Meeting is required to comply with the LG Act or some other legislation; or
  - where the CEO determines it is in the best interests of Council that a Special Meeting be held.
- 3.3.2 The only business that may be conducted at a Special Meeting is the business specified in the notice of meeting.<sup>7</sup>

#### 3.4. Committee Meetings

- 3.4.1 Meetings of a Committee are held at the times and places decided by the Committee<sup>8</sup>.
- 3.4.2 If there is no resolution fixing the date, time and place for a Committee meeting, the CEO may fix the date, time and place for the meeting.
- 3.4.3 Before the CEO fixes the date, time and place for a Committee meeting, the CEO must, if practicable, consult with the Chairperson of the Committee and Councillor Committee members.

<sup>2</sup> Local Government Act 2009 - section 175(1)

<sup>3</sup> Local Government Act 2009- section 175(2)

<sup>4</sup> Local Government Regulation 2012 - section 256(1)

<sup>5</sup> Local Government Regulation 2012 - section 257(1)(2)

<sup>6</sup> Local Government Regulation 2012 - section 257(3)

<sup>7</sup> Local Government Regulation 2012 - section 254C(4)

<sup>8</sup> Local Government Regulation 2012 - section 268



## 4. Notice of Meetings and Agendas

- 4.1 The CEO must give notice of each Ordinary and Committee Meeting or adjourned Ordinary and Committee Meeting to each Councillor or Committee Member at least two (2) days before the day of the meeting, unless it is impracticable to give the notice before that time.<sup>9</sup>
- 4.2 The notice must state the day, time and location of the Meeting and include the agenda for the meeting.<sup>10</sup>
- 4.3 The notice for Special Meetings must also state the business to be conducted at the meeting.<sup>11</sup>
- 4.4 The notice will ordinarily be given to a Councillor and Committee Member electronically.
- 4.5 The agenda may contain:-
- a. notice of meeting
  - b. minutes of the previous meeting
  - c. business arising out of previous meetings
  - d. matters of which notice has been given
  - e. Officers' reports referred to the meeting by the CEO
  - f. deputations and delegations from the community that are approved to attend
  - g. any other business Council determines by resolution be included on the agenda.
- 4.6 A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business by way of a Notice of Motion (Councillor Business Paper) to the CEO at least two (2) days before the notice of meeting is given.
- 4.7 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 the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.
- 4.8 The agenda including related reports (with the exception of information confidential to Council) for a meeting must be made publicly available by 5.00pm on the next business day after notice of the meeting is given to each Councillor.<sup>12</sup>
- 4.9 Related reports (with the exception of information confidential to Council) made available to Councillors after the notice for the meeting is given and immediately before the meeting is held must be publicly available as soon as practicable after being made available to Councillors.<sup>13</sup>
- 4.10 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified, include the reasons why the session will be closed.

<sup>9</sup> Local Government Regulation 2012 - section 254C(1)(b)

<sup>10</sup> Local Government Regulation 2012 - section 254C(2)(a)(c)

<sup>11</sup> Local Government Regulation 2012 - section 254C(2)(b)

<sup>12</sup> Local Government Regulation 2012 - section 254D(1)(2)(3)

<sup>13</sup> Local Government Regulation 2012 - section 254D(2)(b)(3)



## PART 3 - PROCEDURES FOR WESTERN DOWNS REGIONAL COUNCIL MEETINGS

### 5. Order of Business

#### 5.1 Post- Election Meetings

- 5.1.1 The Chief Executive Officer will Chair the Post-Election Meeting until the Mayor completes his/her Declaration of Office.<sup>14</sup>
- 5.1.2 The order of business for the Post-Election Meeting may include:-
- a. Present / Apologies;
  - b. Opening Prayer;
  - c. *Local Government Act 2009* - Principles;
  - d. Declaration of Office - Mayor and Councillors;
  - e. Mayoral Address;
  - f. Appointment of Deputy Mayor;
  - g. Consideration and Composition of Committees, Working Groups and Steering Groups and Councillor Portfolios;
  - h. Appointment of Committee, Working Groups and Steering Groups Chairpersons;
  - i. Appointment to Committees, Statutory Bodies and Other Organisations;
  - j. Setting of Meeting Dates, Times and Venues.

#### 5.2 Order of Business Generally

- 5.2.1 Council must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- 5.2.2 However, Council may, by resolution, alter the order in which it proceeds with the business for a particular meeting. A motion to alter the order of business may be moved without notice.
- 5.2.3 The minutes of a preceding meeting (***previous minutes***) not previously confirmed may be taken into consideration at every meeting, in order that the previous minutes may be confirmed.
- 5.2.4 Unless otherwise altered, the order of business for Meetings may be as follows:
- a. Present / Apologies;
  - b. Opening prayer and one minute silence
  - c. Congratulations
  - d. Confirmation of Minutes and adoption of reports and minutes of meetings of Committees;
  - e. Business arising from the minutes of previous meetings;
  - f. Declarations of Conflicts of Interest
  - g. Presentation of petitions
  - h. Presentation of Mayoral Update
  - i. Reports and correspondence for each Area of Council Responsibility
  - j. Consideration of notices of motion
  - k. Questions Without Notice
  - l. Reception of notices of motion for next meeting
  - m. Urgent General Business
  - n. Deputations at 10.30 am unless otherwise notified.

<sup>14</sup> *Local Government Act 2009* - section 169(3)



## 6. Quorum

- 6.1 Business may be conducted at a meeting only if a quorum is present.
- 6.2 A quorum at a meeting is a majority of its Councillors or Members.
- 6.3 However, if the number of Councillors or Members is an even number, one-half of the number is the quorum.
- 6.4 If a quorum is not present within 15 minutes after the time appointed for a Meeting, the Meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by—
  - a. a majority of the Councillors or Members present; or
  - b. if only one Councillor or Member is present—the Councillor or Member; or
  - c. if no Councillors are present—the CEO<sup>15</sup>.
- 6.5 Apologies for late, non-attendance or requests to attend by teleconference by Councillors or Members shall be directed to the Mayor prior to commencement of the meeting. Such apologies shall be in writing where practicable.

## 7. Petitions

- 7.1 Any petition presented to a meeting of the Council shall:-
  - a. be in legible writing or typewritten and contain a minimum of 10 signatories;
  - b. include the name and contact details of the principal petitioner (i.e. the person who is the organiser and who will act as the key contact for the issue);
  - c. include the postcode of all petitioners; and
  - d. have the details of the specific request/matter appear on each page of the petition.
- 7.2 A petition may be presented to a meeting by a Councillor, the CEO or delegate who will read and state the nature of the petition, and before the meeting as far as practicable, become acquainted with the subject matter of the petition.
- 7.3 Where a petition is presented to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that—
  - a. the petition be received and a report be brought back to Council; or
  - b. the petition be received and no further action be taken; or
  - c. the petition not be received because it is deemed invalid.
- 7.4 Council will respond to the principal petitioner in relation to all petitions.

## 8. Deputations

- 8.1 A person or group wishing to be received as a deputation by Council at a meeting should apply in writing to the CEO not less than one (1) day before the meeting unless otherwise determined by the CEO..
- 8.2 The CEO must notify the Chairperson of the receipt of the request who will determine whether the deputation may be heard.
- 8.3 The CEO must inform the deputation of the determination.
- 8.4 A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- 8.5 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council meeting, the Chairperson may terminate the deputation.

<sup>15</sup> Local Government Regulation 2012 - Section 261





- 8.6 The Chairperson of a meeting may terminate an address by a person in a deputation at any time if—
- the Chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
  - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
  - the person uses insulting or offensive language or is derogatory towards Councillors or others .
- 8.7 Any person invited to address a meeting shall—
- stand (where applicable), act and speak with decorum;
  - frame any remarks in respectful and courteous language;
  - limit the address to a maximum of 5 minutes; and
  - if a person is considered by the Council or Chairperson to be unsuitably dressed, the person 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

## 9. Closed Session<sup>16</sup>

- 9.1 Council may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
- appointment, dismissal or discipline of the CEO
  - industrial matters affecting employees
  - the Council's budget
  - rating concessions
  - legal advice obtained by Council, including legal proceedings that may be taken by or against the 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 the Council for which a public discussion could prejudice the interests of the Council
  - negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
  - a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 9.2 A Council meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's conflict of 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.
- 9.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and Council must:-
- delegate the matter;
  - decide by resolution to defer to a later meeting; or
  - decide by resolution to take no further action on the matter.
- Note:** None of the above (section 9.3) will be considered, discussed, voted on or made during a closed session.
- 9.4 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.

<sup>16</sup> Local Government Regulation 2012 - section 254J



- 9.5 To take a matter into a closed session 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 it is deemed necessary to take the issue into closed session must be stated
  - d. not make a resolution while in a closed meeting (other than a procedural resolution).

## 10. **Prescribed Conflict of Interest**<sup>17</sup>

- 10.1 Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Committee Meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:
- 10.2 A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 10.3 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 the interest.
- 10.4 When notifying the Meeting of a prescribed conflict of interest, the following details must be provided:-
- a. if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - b. if it arises because of an application or submission, the subject of the application or submission;
  - c. the name of any entity other than the Councillor that has an interest in the matter;
  - d. the nature of the Councillor's relationship with the entity that has an interest in a matter;
  - e. details of the Councillor's and any other entity's interest in the matter.
- 10.5 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 given under section 150EV of the LG Act to participate in the matter.
- 10.6 Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

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<sup>17</sup> Local Government Act 2009 - Chapter 5B Part 2



## 11. Declarable Conflict of Interest<sup>18</sup>

- 11.1 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Committee Meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).
- 11.2 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 have a belief or suspicion the personal interest might be a conflict of interest, the Councillor has a duty to report their belief or suspicion pursuant to section 150EW of the LGA.
- 11.3 When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- a. A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
  - b. A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council 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 details must be provided:
    - i) the nature of the declarable conflict of interest
    - ii) if it arises because of the Councillor's relationship with a related party:
      - the name of the related party to the Councillor
      - the nature of the relationship of the related party to the Councillor
      - the nature of the related party's interest in the matter
    - iii) if it arises because of a gift or loan from another person to the Councillor or a related party:
      - the name of the other person
      - the nature of the relationship of the other person to the Councillor or related party
      - the nature of the other person's interest in the matter
      - the value of the gift or loan and the date the gift or loan was made.
- 11.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 11.5 If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- 11.6 The other non-conflicted Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted Councilors.
- 11.7 In deciding on a Councillor's declarable conflict of interest in a matter, 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 LGA.
- 11.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 11.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the particular circumstances of the matter

<sup>18</sup> Local Government Act 2009 - Chapter 5B Part 3



including, but not limited to:

- a. how does the inclusion of the Councillor in the deliberation affect the public trust;
- b. how close or remote is the Councillor's relationship to the related party;
- c. if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
- d. will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
- e. how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
- f. 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;
- g. whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

- 11.10 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- 11.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter e.g. briefing sessions or workshops.
- 11.12 In making the decision under 11.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 11.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

## **12. Reporting a Suspected Conflict of Interest<sup>19</sup>**

- 12.1 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.
- 12.2 The Chairperson then should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
- 12.3 If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 12.4 The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have 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.
- 12.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

<sup>19</sup> *Local Government Act 2009* - section 150EW & 150EX

## **13. Loss of Quorum**

- 13.1 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, the Council must resolve to:
- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
  - defer the matter to a later meeting; or
  - not decide the matter and take no further action in relation to the matter.
- 13.2 All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 13.3 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.
- 13.4 If the matter cannot be delegated under an Act, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

## **14. Recording Prescribed and Declarable Conflicts of Interest<sup>20</sup>**

- 14.1 When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:
- 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;
  - the name of each Councillor who voted on the matter and how each voted;
  - 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 about a Councillor with a declarable conflict of interest participation in a decision – 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.

## **15. Questions**

- 15.1 At a Meeting a Councillor may ask a question for reply by another Councillor or an officer of the Council regarding any matter under consideration at the Meeting.
- 15.2 A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- 15.3 A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or for a specified future meeting.
- 15.4 A Councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.

<sup>20</sup> Local Government Act 2009 - section 150FA



15.5 The Chairperson may disallow a question which he or she considers is inconsistent with an acceptable request or good order.

15.6 A Councillor may move a procedural motion that a ruling of the Chairperson under section 19.5 be dissented with, and if such motion is carried, the Chairperson must allow the question.

## **16. Urgent General Business**

16.1 Councillors may raise a matter of a genuinely urgent or emergent nature that is not a change to Council Policy and cannot be delayed until the next scheduled Council Meeting.

## **17. Motions**

### **17.1 Notices of Motion (Councillor Business Papers)**

17.1.1 Notices of Motion are a means available of showing an intention to do something at a particular Meeting. An advantage of giving notice is that interested persons are made aware of the motion on the Agenda and therefore have time to consider its implications.

17.1.2 Submission of "Notice of Motion" must be given at least seven (7) days prior to the Meeting, at which the motion is to be presented.

17.1.3 Where a Councillor or Committee Member, 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 or Member at the Meeting; or
- b. deferred to the next appropriate Meeting.

17.1.4 Notified motions must:-

- i. be framed as succinctly as possible; and
- ii. include relevant discussion and background material; and
- iii. be relevant to the good order of business of the local government; and
- iv. not be an action that would be dealt with in operational procedures.

17.1.5 The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

### **17.2 Notices of Motion - Rescinding or Repealing Previous Resolutions**

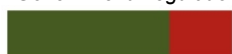
17.2.1 A resolution of Council can only be rescinded or repealed if it has not been acted upon.

17.2.2 If a Councillor or Committee Member wishes to rescind or repeal a resolution, a notice to rescind or repeal, along with a notice of intention to move the alternative motion must be provided a least five (5) days (but preferably seven (7) days) before the meeting at which the proposal is to be made.<sup>21</sup>

17.2.3 Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three (3) months after the date on which the first mentioned motion to rescind was lost, unless Council or the Committee, by resolution, decides otherwise.

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<sup>21</sup> Local Government Regulation 2012 - Section 262



## **17.3 Consideration of Motions and Amendments**

- 17.3.1 A motion brought before a meeting in accordance with the LG Act or Council's Meetings Policy may be received and put to the meeting by the Chairperson.
- 17.3.2 The Chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- 17.3.3 An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- 17.3.4 When a motion has been moved and seconded, it becomes subject to the control of the Council and must not be withdrawn without the consent of the mover.
- 17.3.5 A motion or an amendment to a motion with the exception of a procedural motion, must not be debated at a Meeting of the Council unless or until the motion or the amendment is seconded.
- 17.3.6 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- 17.3.7 Notwithstanding subsection 17.3.5, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.
- 17.3.8 An amendment to a motion must—
- i. be in terms which maintain or further clarify the intent of the of the motion; and
  - ii. does not contradict or negate the motion.
- 17.3.9 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 17.3.10 Where an amendment to a motion is before a Meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- 17.3.11 Where a motion is amended by another motion and determined, the original motion must not be put as a subsequent motion to amend the substantive motion.
- 17.3.12 A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

## **17.4 Speaking to Motions and Amendments**

- 17.4.1 Subject to section 17.3.6 and 17.3.7, the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, but must not speak to the amendment until it is seconded.
- 17.4.2 A Councillor or Committee Member may request further information from the Chairperson before or after the motion or the amendment to the motion is seconded.
- 17.4.3 Following the seconding of a motion or an amendment of a motion, the Chairperson will manage the debate by allowing the mover of the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion or amendment, unless the Chairperson in his or her discretion rules otherwise.
- 17.4.4 The mover of a motion has the right of reply.
- 17.4.5 The mover of an amendment to a motion has no right of reply.
- 17.4.6 Each Councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the Chairperson in his or her discretion rules otherwise.



17.4.7 Each speaker is restricted to not more than five minutes and must speak directly to the motion or amendment unless the Chairperson in his or her discretion rules otherwise.

17.4.8 Where two or more Councillors request to speak at the same time, the Chairperson is to determine who is entitled to priority.

## **17.5 Withdrawal of a Motion**

17.5.1 A Councillor who has moved a motion may elect to withdraw the motion:-

- a. before an amendment to the motion is moved and seconded; or
- b. after an amendment is seconded but not adopted.

17.5.2 A modification to a motion may be accepted by the Councillors who have moved and seconded the motion if there is full agreement by both the mover and seconder.

## **17.6 Foreshadowed Motion**

21.6.1 During debate on a motion, a Councillor may indicate a foreshadowed motion that the Councillor intends to move after the motion under consideration has been dealt with.

21.6.2 A foreshadowed motion may not be debated or put to a vote unless and until the motion under consideration has been dealt with.

## **18. Method of Voting**

18.1 Business may be conducted at a meeting of a local government only if a quorum is present.<sup>22</sup>

18.2 Voting must be open.

18.3 A motion is decided by a majority of the votes of the Councillors present.<sup>23</sup>

18.4 Subject to chapter 5B of the LG Act, each Councillor present has a vote on each question to be decided and, if the votes are equal, the Chairperson presiding also has a casting vote.<sup>24</sup>

18.5 If a Councillor present and entitled to vote fails to vote, the Councillor is taken to have voted in the negative.<sup>25</sup>

18.6 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the CEO or delegate.

18.7 The Chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.

18.8 On recording the vote, if the motion is not carried unanimously, the number of votes in the affirmative and the negative shall be recorded in the minutes.

18.9 Any Councillor may call for a division or seek clarification in relation to the taking of a vote immediately following the Chairperson declaring the result of the vote.

18.10 If a division is taken, the CEO must record the names of the Councillors voting and how they voted.<sup>26</sup>

18.11 The Chairperson must declare the result of a vote or a division as soon as it has been determined.

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<sup>22</sup> Local Government Regulation 2012 - Section 254E (1)

<sup>23</sup> Local Government Regulation 2012- Section 254E (2)(a)

<sup>24</sup> Local Government Regulation 2012 - Section 254E (2)(b)

<sup>25</sup> Local Government Regulation 2012 - Section 254E (2)(c)

<sup>26</sup> Local Government Regulation 2012 - Section 254F(2)(b)





- 18.12 Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.
- 18.13 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.
- 18.14 In accordance with section 254H of the LG Regulation, 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 (see section 26).

## **19. Points of Order**

1. A Councillor may ask the Chairperson to decide a point of order where it is believed that:-
  - a. another Councillor has failed to comply with proper procedures; or
  - b. a matter before Council is in contravention of this policy, the Act or the Regulation; or
  - c. a matter before Council is beyond the jurisdictional power of the Council.
2. A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
3. The Chairperson must determine whether the point of order is upheld.
4. Upon a point of order arising during the process of a debate, the Councillor raising the point of order may speak to the point of order.
5. Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.



## 20. Procedural Motions

1. At a meeting, a Councillor may, during the debate of a matter at the meeting and without the need for a seconder, move as a procedural motion the following motions:-

- a. that the motion be put;
- b. that the debate be adjourned;
- c. that the Meeting proceed to the next item of business;
- d. that the matter lie on the table;
- e. that the Chairperson's ruling be dissented from;
- f. that a report/document be tabled;
- g. to suspend requirements of a rule;
- h. that the Meeting stand adjourned/resumed.

2. Procedural motions are detailed as follows:-

### **1. Motion - That the Motion be Put**

- a. A procedural motion "that the motion be put", may only be moved by a Councillor who has not spoken to the motion or amendment before the Meeting.
- b. Where a procedural motion is lost, debate on the motion or amendment before the Meeting must continue.

### **2. Motion - That the Debate be Adjourned**

- a. A procedural motion "that the debate on the motion and/or amendment before a meeting be adjourned", may specify a time and date, to which the debate is to be adjourned.
- b. A motion must not adjourn debate on a matter the subject of a motion for more than two months after the date of the procedural motion.

### **3. Motion - That the Meeting Proceed to the Next Item of Business**

- a. Where a procedural motion "that the meeting proceed to the next item" is carried, debate on the matter the subject of the motion must cease and the motion is deemed to have lapsed.
- b. However, debate on the matter the subject of the motion may be considered again on the giving of a notice of motion in accordance with section 17.1 of this Policy.

### **4. Motion - That the Matter Lie on the Table**

- a. A procedural motion "that a motion or question lie on the table" can 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 the Council or a person is required) before the matter may be concluded at the Meeting or a later Meeting.
- b. Where a motion is carried, another procedural motion "that the matter be taken from the table" may be moved at any time during the Meeting or at a later Meeting.
- c. Where a motion is carried whilst an amendment is before the Chair, both the motion and the amendment are laid on the table.
- d. Where a motion is lost, debate continues and the tabling motion cannot be moved again in respect to that substantive motion.

### **5. Motion - That the Chairperson's Ruling be Dissented From**



- a. A Councillor may move "a motion of dissent" in relation to a ruling of the Chairperson on a point of order.
- b. Where a motion is moved further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- c. Where a motion of dissent is carried—
  - i. the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
  - ii. where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

**6. *Motion - That a Report/Document be Tabled***

- a. A motion "that a report or document be tabled" may be used by a Councillor to introduce a report or other document to a Meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws.
- b. On the tabling of a report or document, the report or document ceases to be a confidential document and is available for public scrutiny.

**7. *Motion - To Suspend Requirements of a Rule***

- a. A procedural motion "to suspend the requirements of a rule" may be made by a Councillor in order to permit some action that otherwise would be prevented by the standing orders.
- b. A motion must specify the duration of the suspension.

**8. *Motion - That the Meeting Stand Adjourned/Resumed***

- a. A procedural motion "that the Meeting stands adjourned" may be moved by a Councillor or Committee Member at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's or Committee Member's time for speaking to the matter, and must be put without debate.
- b. A motion may specify the time for the resumption of the Meeting and on the resumption of the Meeting the Council must continue with the business before the meeting at the point where it was discontinued on the adjournment.
- c. At the conclusion of the specified period, a procedural motion "that the Meeting be resumed" be made.



## PART 4 - CONDUCT AT WESTERN DOWNS REGIONAL COUNCIL MEETINGS

### 21. Conduct during Council Meetings

- 21.1 Councillors must conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the [Code of Conduct for Councillors in Queensland](#).
- 21.2 After a meeting of the Council has been formally constituted and the business commenced, a Councillor must not enter or leave the meeting without first notifying the Chairperson.
- 21.3 A Councillor may stand and address the Chairperson while—
- moving any motion or amendment.
  - proposing a Foreshadowed Motion.
- 21.4 A Councillor must address the Chairperson while—
- seconding any motion or amendment; or
  - taking part in any discussion; or
  - placing or replying to any question; or
  - addressing the Council for any other purpose.
- 21.5 Councillors must address each other during a meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers must—
- designate them by their respective official or departmental title; and
  - confine their remarks to the matter then under consideration.
- 21.6 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 21.7 A Councillor must not interrupt another Councillor who is speaking except upon a point of order being raised either by the Chairperson or the Councillor.
- 21.8 If the Chairperson speaks during the process of a debate, any Councillor then speaking or offering to speak will immediately cease speaking, and each Councillor present must preserve strict silence so that the Chairperson may be heard without interruption.
- 21.9 The Chairperson may:-
- call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or Officer; and
  - direct a Councillor or Officer to discontinue a speech.



## 22. Process for Dealing with Unsuitable Meeting Conduct

- 22.1 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. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:
- 22.1.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 22.1.2 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, proceed to step 22.1.7.
- 22.1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - apologising for their conduct;
  - withdrawing their comments.
- 22.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 22.1.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order being issued.
- 22.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 22.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 22.1.3, 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.
- 22.1.8 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
- 22.1.9 Following the completion of the meeting, the Chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting
  - if it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the Council and treated as inappropriate conduct
  - the Council's (CEO) is advised to ensure details of any order made is updated in the Council's Councillor conduct register.
- 22.1.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 22.1.1, 22.1.7 and 22.1.8 above.

**Note:** Chairpersons of a meeting are carrying out a statutory responsibility under the LG Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust do not arise because Councillors disagree with the Chairperson's decision or ruling during the meeting.



## **23. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council by the Independent Assessor (IA)**

- 23.1 Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 22.1.9 (b). When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:
- 23.1.1 Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the LGR to discuss the allegation.
  - 23.1.2 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor 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 committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
  - 23.1.3 Should the complainant be 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 section 11. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 11. 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.
  - 23.1.4 Council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LG Act or deferred to another date when a quorum will be present.
  - 23.1.5 If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 23.1.6, 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.
  - 23.1.6 Council may order that no action be taken against the Councillor or make one or more of the following:
    - a. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
    - b. an order reprimanding the Councillor for the conduct
    - c. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
    - d. an order that the Councillor be excluded from a stated Council meeting
    - e. an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a State board or Committee
    - f. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
    - g. an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's inappropriate conduct.



- 23.1.7 A local government may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.
- 23.1.8 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.
- 23.1.9 The Chairperson must ensure the meeting minutes reflect the resolution made.

## 24. **Teleconferencing**<sup>27</sup>

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

## 25. **Acts of Disorder**

- 25.1 The Chairperson may, where disorder arises at a meeting other than by a Councillor, adjourn the meeting for 30 minutes.
- 25.2 On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 25.3 Where a motion to proceed with the meeting under subsection 29.6 is lost, the Chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

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<sup>27</sup> Local Government Regulation - section 254K



## PART 5 - RECORD OF WESTERN DOWNS REGIONAL COUNCIL MEETINGS

### 26. Recording of Reasons for Particular Decisions<sup>28</sup>

- 26.1 If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of Council and either or both of the following apply to the decision—
- i. the decision is about entering into a contract the total value of which is more than the greater of the following—
    - a. \$200,000 exclusive of GST;
    - b. 1% of Council's net rate and utility charges as stated in Council's audited financial statements included in the Council's most recently adopted annual report;
  - ii. the decision is inconsistent with a policy adopted by Council resolution or the approach ordinarily followed by Council for the type of decision.
- 26.2 In this section, an advisor of Council, is a person—
- i. who is an employee of the local government or is otherwise engaged to provide services to the local government; and
  - ii. whose duties include giving a recommendation or advice.
- 26.3 The CEO must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

### 27. Audio and Video Recording of Meetings

- 27.1 A person must not make an audio or video recording of any proceedings at a Meeting unless approved by Council resolution or with the permission of the Chairperson.
- 27.2 Should approval be given to record any or all of the meeting, all persons in attendance at the Meeting will be made aware that the proceedings are being recorded.

### REVIEW TRIGGER:

List of factors which require the policy to be reviewed e.g.:-

- Periodic review
- Change in legislation; corporate plan, planning scheme etc affecting this policy
- Change in community priorities or circumstances relating to this policy.

<sup>28</sup> Local Government Regulation 2012 - section 254H

