

Western Downs Regional Council Meetings Procedure

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PART 1 – INTRODUCTION

1. Purpose

The *Western Downs Regional Council Meeting Procedure* provides standing orders for the orderly and proper conduct of Council meetings. It provides a framework to ensure that meetings of Council are conducted in a professional, efficient, effective, fair, and transparent manner to facilitate appropriate contributions from elected members, staff, and the community in a way which supports the highest standards of democratic governance.

2. Principles

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;
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) Democratic representation, social inclusion and meaningful community engagement;
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of Councillors and local government employees.

3. Organisational Scope

- 3.1 The *Western Downs Regional Council Meeting Procedure* (Procedure) applies to all local government meetings¹ of Western Downs Regional Council and all participants in those meetings. It does not apply to meetings of the Audit Committee. The conduct of Audit Committee meetings is provided for in the *Local Government Regulation 2012*² and the *Western Downs Regional Council Audit Committee – Terms of Reference*.

¹ *Local Government Act 2009* - Schedule 4

² *Local Government Regulation 2012* - sections 210, 211



PART 2 – PREPARATION FOR COUNCIL MEETINGS

4. Categories of Meetings

4.1 **Post-Election Meetings**³

- 4.1.1 Council must hold a Post-Election Meeting within fourteen (14) days after:
 - (a) the conclusion of each quadrennial election⁴; and
 - (b) the conclusion of a fresh election of its Councillors.
- 4.1.2 The Chief Executive Officer will fix the date and time for the Post-Election Meeting.
- 4.1.3 Council must, by resolution, appoint a Deputy Mayor from its Councillors:
 - (a) at the Post-Election Meeting; or
 - (b) at the first meeting after the office of the Councillor who is the Deputy Mayor becomes vacant⁵.
- 4.1.4 The matters to be considered at a Post-Election Meeting must include the day and time for holding Council's Ordinary Meetings⁶.

4.2 **Ordinary Meetings**

- 4.2.1 Council must meet at least once each month, except where a written application by Council to vary this requirement has been approved by the Minister⁷.
- 4.2.2 The Chief Executive Officer 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 Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date, time and location for the meetings.
- 4.2.3 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 meeting⁸.

4.3 **Special Meetings**

- 4.3.1 The Chief Executive Officer must call a Special Meeting of Council if:
 - (a) the Special Meeting is required by a resolution of Council;
 - (b) a written request for a Special Meeting is lodged with the Chief Executive Officer 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;
 - (c) a Special Meeting is required to comply with the *Local Government Act* or some other legislation; or
 - (d) where the Chief Executive Officer determines it is in the best interests of Council that a Special Meeting be held.
- 4.3.2 The only business that may be conducted at a Special Meeting is the business specified in the notice of meeting⁹.

4.4 **Closed Meetings**¹⁰

- 4.4.1 Council may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
 - (a) appointment, dismissal or discipline of the Chief Executive Officer;

³ *Local Government Act 2009* - section 175(1)

⁴ *Local Government Electoral Act 2011* - section 7

⁵ *Local Government Act 2009*- section 175(2)

⁶ *Local Government Regulation 2012* - section 256(1)

⁷ *Local Government Regulation 2012* - section 257(1)(2)

⁸ *Local Government Regulation 2012* - section 257(3)

⁹ *Local Government Regulation 2012* - section 254C(4)

¹⁰ *Local Government Regulation 2012* - section 254J



- (b) industrial matters affecting employees;
- (c) the Council's budget which does not include the monthly financial statements;
- (d) rating concessions;
- (e) legal advice obtained by Council, including legal proceedings that may be taken by or against the Council;
- (f) matters that may directly affect the health and safety of an individual or a 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 the Council under the *Acquisition of Land Act 1967*;
- (i) a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- (j) an investigation report given to the local government under Chapter 5A, Part 3, Division 5 of the *Local Government Act 2009*.

4.4.2 A Council meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a prescribed or declarable conflict of interest in the matter.

4.4.3 Furthermore, 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:

- (a) delegate the matter;
- (b) decide by resolution to defer to a later meeting; or
- (c) decide by resolution to take no further action on the matter.

Note: None of the above actions will be considered, discussed, voted on, or made during a closed session.

4.4.4 If a closed session includes attendance by audio link or audio-visual link, the Councillor(s) must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

4.4.5 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).

Note: discussion and debate whilst in a closed session continues as it would in an open session of Council.

4.5 Committee Meetings

4.5.1 Meetings of a Committee are held at the times and places decided by the Committee¹¹.

4.5.2 If there is no resolution fixing the date, time, and place for a Committee meeting, the Chief Executive Officer may fix the date, time and place for the meeting.

4.5.3 Before the Chief Executive Officer fixes the date, time and place for a Committee meeting, the Chief Executive Officer must, if practicable, consult with the Chairperson of the Committee.

¹¹ *Local Government Regulation 2012* - section 268



5. **Preparation**

5.1 **Times of Meetings**

- 5.1.1 The Council may, by resolution, fix dates, times, and locations for its Ordinary and Committee meetings.
- 5.1.2 If there is no resolution fixing the dates, times, and locations for an Ordinary or Committee meeting, the Chief Executive Officer must fix the date, time, and location for the meeting.
- 5.1.3 Before the Chief Executive Officer fixes the date, time, and location for an Ordinary or Committee meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date, time, and location for the meeting.

5.2 **Notice of Meetings and Agendas**

- 5.2.1 The Chief Executive Officer must give notice of each Ordinary, Special, and Committee Meeting or adjourned Ordinary, Special, 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 time¹².
- 5.2.2 The notice must state the day, time, and location of the Meeting and include the agenda for the meeting¹³.
- 5.2.3 The notice for Special Meetings must also state the business to be conducted at the meeting.¹⁴
- 5.2.4 The notice will ordinarily be given to a Councillor and Committee Member electronically.
- 5.2.5 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 Chief Executive Officer;
 - (f) deputations and delegations from the community which are approved to attend; and
 - (g) any other business Council determines by resolution be included on the agenda.
- 5.2.6 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 to the Chief Executive Officer at least five (5) business days before the notice of meeting is given (refer to section 9.7 for further detail regarding Notices of Motion).
- 5.2.7 Business not on the agenda or not fairly arising from the agenda must not be considered at any meeting unless such meeting resolves to admit such business.
- 5.2.8 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.¹⁵
- 5.2.9 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.¹⁶
- 5.2.10 Matters on the agenda requiring the meeting to be in a closed session consistent with the provisions under section 254J of the *Local Government Regulation* will be clearly identified on the agenda, including the reasons why the session will be closed.

¹² *Local Government Regulation 2012* - section 254C(1)(b)

¹³ *Local Government Regulation 2012* - section 254C(2)(a)(c)

¹⁴ *Local Government Regulation 2012* - section 254C(2)(b)

¹⁵ *Local Government Regulation 2012* - section 254D(1)(2)(3)

¹⁶ *Local Government Regulation 2012* - section 254D(2)(b)(3)



6. **Attendance**

6.1 **Presiding Officer**

- 6.1.1 The Mayor will preside at a meeting of the local government.
- 6.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 6.1.3 If the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting must preside at the meeting.

6.2 **Participation by Audio Link or Audio Visual Link¹⁷**

- 6.2.1 If a Councillor wishes to be absent from a Council meeting place during a meeting, the Councillor must apply to the Chairperson or Chief Executive Officer¹⁸ to participate by audio link¹⁹ or audio-visual link²⁰ 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 or Chief Executive Officer may allow a Councillor to participate in a Council or Committee meeting by audio link or audio-visual link.
- 6.2.2 A Councillor taking part by audio link or audio-visual link 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 being present at the meeting.

Note: Audio link or audio-visual link 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.

6.3 **Quorum**

- 6.3.1 Business may be conducted at a meeting only if a quorum is present.
- 6.3.2 A quorum at a meeting is a majority, being at least one half of its Councillors or Members.
- 6.3.3 If a quorum is not present within thirty (30) minutes after the time appointed for a Meeting, the Meeting may be adjourned to a later hour or another day within fourteen (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 Chief Executive Officer²¹.
- 6.3.4 Apologies for late or non-attendance by Councillors or Members shall be directed to the Chairperson and/or Chief Executive Officer prior to commencement of the meeting. Such apologies shall be in writing where practicable.

6.4 **Leave of Absence**

- 6.4.1 A Councillor must seek a leave of absence from a meeting where a Councillor cannot attend a meeting due to a private or business purpose.
- 6.4.2 Leave is granted at the discretion of the Council.
- 6.4.3 An application for leave of absence does not need to be made in person. Consequently, Council may grant such leave while a Councillor is absent.
- 6.4.4 Where a Councillor is absent from a meeting without an approved leave of absence or a submitted apology, the Councillor will not be listed in the apologies section of the meeting minutes.
- 6.4.5 A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for the Councillor to attend a conference or event.

¹⁷ *Local Government Regulation* - section 254K

¹⁸ per delegated authority

¹⁹ see *Evidence Act 1977*, section 39C

²⁰ see *Evidence Act 1977*, schedule 3

²¹ *Local Government Regulation 2012* - Section 261



6.5 Public Attendance and Participation at Meetings

- 6.5.1 An area must be made available at the place where a meeting is to take place for members of the public to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- 6.5.2 If, in accordance with section 254J of the *Local Government Regulation*, Council resolves that all or part of the meeting be closed to the public, the public will be excluded from the meeting.
- 6.5.3 A member of the public may take part in the proceedings of a meeting only when invited to do so by the Chairperson.
- 6.5.4 In each meeting, time may be allowed to permit members of the public to address the local government on matters of public interest related to Council. The appropriate time period allowed for each speaker and the number of speakers allowed shall be at the discretion of the Chairperson.
- 6.5.5 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may request the person to cease making the submission or comment.
- 6.5.6 For any matter arising from a submission or comment from a member of the public, Council may:
 - (a) refer the matter to a Committee; or
 - (b) deal with the matter immediately; or
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- 6.5.7 Any person addressing Council shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language. If a person is considered by the Council or Chairperson to be acting inappropriately, 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.



PART 3 – PROCESS FOR COUNCIL MEETINGS

7. Order of Business

7.1 Post- Election Meetings

- 7.1.1 The Chief Executive Officer will Chair the Post-Election Meeting until the Mayor completes his/her Declaration of Office.²²
- 7.1.2 The order of business for the Post-Election Meeting may include:
- (a) Present / Apologies;
 - (b) Opening Prayer;
 - (c) Mayoral Address;
 - (d) Appointment of Deputy Mayor;
 - (e) Consideration and Composition of Committees, Working Groups and Steering Groups and Councillor Portfolios;
 - (f) Appointment of Committee, Working Groups and Steering Groups Chairpersons;
 - (g) Appointment to Committees, Statutory Bodies and Other Organisations;
 - (h) Setting of Meeting Dates, Times and Venues.

7.2 Order of Business Generally

- 7.2.1 Council must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 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) Officers' Reports;
 - (j) Consideration of notices of motion;
 - (k) Urgent General Business; and
 - (l) Deputations / Public Participation at 10.30 am, unless otherwise notified.

8. Commencement of Business

- 8.1 The Council shall commence business as soon as practicable after the time specified in the notice of meeting, once a quorum is present.

²² Local Government Act 2009 - section 169(3)



9. **Motions**

9.1 **Consideration of Motions, Amendments, and Modifications**

- 9.1.1 A Councillor is required to 'move' a motion or an amendment to a motion and another Councillor is required to 'second' the motion or amendment to a motion.
- 9.1.2 Before a recommendation in a Council Officer's report is moved, Councillors may ask questions of the relevant officers only to clarify or obtain further information in relation to the recommendation.
- 9.1.3 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.
- 9.1.4 An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- 9.1.5 In the absence of a mover of a motion, the meeting shall move to the next item of business.
- 9.1.6 When a motion has been moved and seconded, it becomes subject to the control of the Chairperson and cannot be withdrawn without the consent of the mover.
- 9.1.7 A motion or an amendment to a motion must not be debated at a Meeting of the Council unless or until the motion or the amendment is seconded.
- 9.1.8 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- 9.1.9 Notwithstanding subsection 8.2.1, 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.
- 9.1.10 An amendment to a motion must:
 - (a) be in terms which maintain or further clarify the intent of the motion; and
 - (b) does not contradict or negate the motion.
- 9.1.11 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 9.1.12 A modification to a motion must be accepted by both of the Councillors who have moved and seconded the motion. Any modification to a motion must not contradict or negate the motion.
- 9.1.13 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.
- 9.1.14 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.
- 9.1.15 A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

9.2 **Speaking to Motions and Amendments**

- 9.2.1 The mover of a motion or an amendment to a motion must read it and state that it is so moved but must not speak to it until it is seconded.
- 9.2.2 A Councillor or Committee Member may request further information through or from the Chairperson before or after the motion or the amendment to the motion is seconded.
- 9.2.3 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 alternately for and against the motion or amendment, unless the Chairperson, at their discretion, rules otherwise.
- 9.2.4 The mover of a motion has the right to conclude the debate immediately before the vote is taken (the 'right of reply').
- 9.2.5 The mover of an amendment to a motion has no 'right of reply'.



- 9.2.6 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, at their discretion, rules otherwise.
- 9.2.7 Each speaker is restricted to not more than five minutes and must speak directly to the motion or amendment, unless the Chairperson, at their discretion, rules otherwise.
- 9.2.8 Where two or more Councillors request to speak at the same time, the Chairperson is to determine who is entitled to priority.

9.3 Withdrawal of a Motion

- 9.3.1 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.

9.4 Foreshadowed Motion

- 9.4.1 During debate on a motion, a Councillor may indicate a foreshadowed motion that the Councillor intends to move if the motion under consideration is lost or withdrawn.
- 9.4.2 A foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is subsequently moved and seconded.

9.5 Absence of Mover

- 9.5.1 Where a Councillor who has given notice of a motion (in accordance with section 5.2.6) is absent from the meeting of Council 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.

9.6 Procedural Motion

- 9.6.1 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) that the meeting procedures be suspended; or
 - (h) that the Meeting stand adjourned/resumed.
- 9.6.2 Procedural motions are detailed as follows:
- (a) **Motion – That the Motion be Put**
 - (i) A procedural motion 'that the motion be put', may only be moved by a Councillor who has not spoken to the motion or amendment.
 - (ii) Where the procedural motion is passed, the motion or amendment to which the procedural motion referred must be put to the vote, without further debate.
 - (iii) Where the procedural motion is lost, debate on the motion or amendment must continue.
 - (b) **Motion – That the Debate be Adjourned**
 - (i) A procedural motion 'that the debate on the motion and/or amendment be adjourned', must specify a time and date to which the debate is to be adjourned.
 - (ii) 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.



(c) **Motion – That the Meeting Proceed to the Next Item of Business**

- (i) 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.
- (ii) 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 8.7 of this Procedure.

(d) **Motion – That the Matter Lie on the Table**

- (i) 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 (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.
- (ii) A procedural motion 'that a motion or question lie on the table' must specify the additional information or action required and the timeframe for the matter to be brought back to the Council.
- (iii) 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.
- (iv) Where a motion is carried whilst an amendment is before the Chair, both the motion and the amendment are laid on the table.
- (v) Where a motion is lost, debate continues and the tabling motion cannot be moved again in respect to that substantive motion.

(e) **Motion – That the Chairperson's Ruling be Dissented From**

- (i) A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order.
- (ii) Where a motion is moved, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (iii) Where a motion of dissent is carried:
 - (1) the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
 - (2) 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.

(f) **Motion – That a Report/Document be Tabled**

- (i) 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.
- (ii) On the tabling of a report or document, the report or document ceases to be a confidential document and is available for public scrutiny.

(g) **Motion – That the Meeting Procedures be Suspended**

- (i) A procedural motion 'that a provision of these meeting procedures be suspended for a specified period' may be made by a Councillor in order to permit some action that otherwise would be prevented by a procedural rule.
- (ii) A procedural motion to suspend the meeting procedures must specify the reason and the duration of the suspension.
- (iii) At the conclusion of the specified period, a procedural motion 'to resume the meeting procedures' must be made to reinstate the meeting procedures.

(h) **Motion – That the Meeting Stand Adjourned/Resumed**



- (i) A procedural motion 'that the Meeting be 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.
- (ii) Such a procedural motion must 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.

9.7 Notices of Motion

- 9.7.1 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.
- 9.7.2 Submission of Notice of Motion must be given at least five (5) business days before the notice of meeting at which the motion is to be presented.
- 9.7.3 Where a Councillor or Committee Member who has a 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.
- 9.7.4 Notified motions must:
 - (a) be framed as succinctly as possible;
 - (b) include relevant discussion and background material;
 - (c) be relevant to the good order of business of the local government; and
 - (d) not be an action that would be dealt with in operational procedures.

9.8 Points of Order

- 9.8.1 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;
 - (b) a matter before Council is in contravention of this procedure, the Act or the Regulation; or
 - (c) a matter before Council is beyond the jurisdictional power of the Council.
- 9.8.2 A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- 9.8.3 The Chairperson must determine whether the point of order is upheld.
- 9.8.4 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.
- 9.8.5 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.

9.9 Method of Voting

- 9.9.1 Business may be conducted at a meeting of a local government only if a quorum is present.²³
- 9.9.2 A motion is decided by a majority of the votes of the Councillors present.²⁴
- 9.9.3 Voting must be open.
- 9.9.4 Subject to chapter 5B of the *Local Government 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.²⁵

²³ *Local Government Regulation 2012 - Section 254E (1)*

²⁴ *Local Government Regulation 2012- Section 254E (2)(a)*

²⁵ *Local Government Regulation 2012 - Section 254E (2)(b)*



- 9.9.5 If a Councillor present and entitled to vote fails to vote, the Councillor is taken to have voted in the negative.²⁶
- 9.9.6 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again.
- 9.9.7 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.
- 9.9.8 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.
- 9.9.9 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.
- 9.9.10 If a division is taken, the names of the Councillors voting and how they voted must be recorded.²⁷
- 9.9.11 The Chairperson must declare the result of a vote or a division as soon as it has been determined.
- 9.9.12 Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.
- 9.9.13 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.
- 9.9.14 In accordance with section 254H of the *Local Government 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 24.2).

9.10 Rescinding or Amending Resolutions

- 9.10.1 A resolution of Council can only be rescinded or amended if it has not been acted upon.
- 9.10.2 A notice to rescind or amend a resolution must be provided to the Chief Executive Officer at least seven (7) business days before the meeting at which the proposal is to be made.
- 9.10.3 Notice of the rescission or amendment of a resolution must be given to Councillors at least five (5) days before the meeting at which it will be considered.²⁸
- 9.10.4 Where a notice to rescind or amend a resolution is received in accordance with this section, the original resolution shall be placed in abeyance.
- 9.10.5 Where a motion to rescind or repeal a 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.
- 9.10.6 Where a resolution of Council relates to a matter the subject of a resolution passed more than three (3) months previously, the earlier resolution is repealed or amended to the extent that it is inconsistent with the later resolution.

10. Petitions

10.1 Any petition presented to a meeting of the Council shall:

- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatories;
- (b) include the name and contact details of the principal petitioner (that is, 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.

10.2 A petition may only be presented to a meeting by:

²⁶ *Local Government Regulation 2012 - Section 254E (2)(c)*

²⁷ *Local Government Regulation 2012 - Section 254F(2)(b)*

²⁸ *Local Government Regulation 2012 - Section 262*



- (a) a Councillor, the Chief Executive Officer, 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; or
 - (b) a member of the public, as part of a deputation.
- 10.3 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.
- 10.4 Council will respond to the principal petitioner in relation to all petitions.
- 11. Deputations**
- 11.1 A person or group wishing to be received as a deputation by Council at a meeting should apply in writing to the Chief Executive Officer not less than seven (7) business days before the meeting, unless otherwise determined by the Chief Executive Officer.
- 11.2 The Chief Executive Officer must notify the Chairperson of the receipt of the request. The Chairperson will determine whether the deputation may be heard.
- 11.3 The Chief Executive Officer must inform the deputation of the Chairperson's determination.
- 11.4 If a member of the deputation other than the appointed speaker(s) interjects or attempts to address the Council meeting, the Chairperson may terminate the deputation.
- 11.5 The Chairperson of a meeting may terminate an address by a person in a deputation at any time if:
 - (a) the Chairperson has allotted a specific period of time for a person's address and the period of time has elapsed;
 - (b) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - (c) the person uses insulting or offensive language or is derogatory towards Councillors or others.
- 11.6 Any person invited to address a meeting shall:
 - (a) stand (where applicable), act, and speak with decorum;
 - (b) frame any remarks in respectful and courteous language;
 - (c) limit the address to a maximum of five (5) minutes; and
 - (d) if a person is considered by the Council or Chairperson to be inappropriately presented, 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.
- 11.7 Each deputation will be heard without debate.
- 11.8 The appointed speaker(s) will be notified of any developments or actions arising from the deputation.
- 11.9 Pertinent matters arising from deputations will be reported through the Business arising section of the meeting agenda.
- 12. Questions**
- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 The Chairperson may disallow a question which they consider is inconsistent with an acceptable request or good order.



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- 12.6 A Councillor may move a procedural motion that a ruling of the Chairperson under section 11.5 be dissented with and if such motion is carried, the Chairperson must allow the question.
- 13. Urgent General Business**
- 13.1 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.
- 14. Adjournment of Meetings**
- 14.1 An adjournment may be called by the Chairperson at any time in order for a rest break.
- 15. Procedure Not Provided For**
- 15.1 Where a matter arises at the local government meeting that is not provided for in the *Western Downs Regional Council Meeting Procedure* 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 this Procedure.



PART 4 – CONFLICTS OF INTEREST

16. Prescribed Conflict of Interest²⁹

- 16.1 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 matters³⁰). When dealing with a prescribed conflict of interest, Councillors must abide by this section.
- 16.2 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 16.3 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.
- 16.4 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; and
 - (e) details of the Councillor's and any other entity's interest in the matter.
- 16.5 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 *Local Government Act* to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the 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 *Local Government 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.

Note: Ministerial approval may be obtained when a quorum is lost due to the number of Councillors with a prescribed conflict of interest in the matter, and the matter cannot be delegated. The Councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

17. Declarable Conflict of Interest³¹

- 17.1 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 interests that are not declarable conflicts of interest³² and ordinary business matters³³).
- 17.2 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 *Local Government Act*. 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 *Local Government Act*.
- 17.3 When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- (a) A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting;
 - (b) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council

²⁹ *Local Government Act 2009* - Chapter 5B Part 2

³⁰ Ordinary business matters prescribed in section 150EF of *Local Government Act 2009*

³¹ *Local Government Act 2009* - Chapter 5B Part 3

³² *Local Government Act 2009* - section 150EO

³³ *Local Government Act 2009* - section 150EF



meeting must stop participating in the decision on the matter and must immediately inform the meeting of the conflict of the declarable interest including the particulars stated in 16.3(c); and

- (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:
 - (1) the name of the related party to the Councillor;
 - (2) the nature of the relationship of the related party to the Councillor; and
 - (3) the nature of the related party's interest in the matter; and
 - (iii) if it arises because of a gift or loan from another person to the Councillor or a related party:
 - (1) the name of the other person; and
 - (2) the nature of the relationship of the other person to the Councillor or related party; and
 - (3) the nature of the other person's interest in the matter; and
 - (4) the value of the gift or loan and the date the gift or loan was made.
- 17.4 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 or they have ministerial approval to participate.
- 17.5 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.³⁴
- 17.6 The other eligible (non-conflicted) Councillors at the meeting must then decide, by resolution, whether the Councillor (and separately in respect of each 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, 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.
- 17.7 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 or is a single eligible Councillor consistent with section 150ET of the *Local Government Act*. If there is a single eligible Councillor deciding, then a seconder for the resolution is not required.
- 17.8 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 eligible Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 17.9 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 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;

³⁴ *Local Government Act 2009* - section 150ES



- (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; and
 - (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 17.10 If the eligible 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 eligible Councillors discuss and vote on the matter³⁵.
- 17.11 A decision about a Councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions, about the same matter³⁶ 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 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.
- 17.12 In making the decision under 16.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 17.13 A Councillor must not participate in a decision relating to the matter unless the Councillor participates in the decision in compliance with a decision made under this procedure (section 150ES of the Act) or under written approval from the Minister³⁷.
- 18. Reporting a Suspected Conflict of Interest³⁸**
- 18.1 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 informing 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 to have a suspected personal interest in a matter, the meeting must deal with each Councillor individually.
- 18.2 The Chairperson asks the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflicts of interest in the matter. If the Councillor agrees that they have a conflict of interest, the Councillor must follow the relevant actions outlined in sections 15 and 16 of this *Meeting Procedure* for prescribed or declarable conflicts of interest.
- 18.3 If the Councillor believes that they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 18.4 The eligible (non-conflicted) Councillors must decide whether the relevant 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 actions outlined in sections 15 and 16 of this *Meeting Procedure* for prescribed or declarable conflicts of interest.
- 18.5 If the Councillors are unable to decide whether the Councillor has a declarable conflict of interest or whether the Councillor may or may not participate in the decision despite the subject Councillor's declarable conflict of interest, then they are taken to have determined that the Councillor must leave the meeting and stay away while the matter is being decided³⁹. A decision under these provisions regarding a Councillor participating in the meeting applies to the matter and subsequent decisions about the same matter, unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may

³⁵ *Local Government Act 2009* - section 150ET(3)

³⁶ *Local Government Act 2009* - section 150ET(4)

³⁷ *Local Government Act 2009* - section 150EV

³⁸ *Local Government Act 2009* - section 150EW and 150EX

³⁹ *Local Government Act 2009* - section 150ET



participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter (for example, briefing sessions).

19. **Recording Prescribed and Declarable Conflicts of Interest**⁴⁰

- 19.1 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:
- (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) Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
 - (g) the name of each Councillor who voted on the matter and how each voted;
 - (h) 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; and
 - (i) 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.

20. **Loss of Quorum**

- 20.1 If one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter and their absence results in a loss of a quorum for deciding the matter, the Council must:
- (a) resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act*, unless the matter cannot be delegated under this section because an Act prescribes that it must be decided by resolution of Council; or
 - (b) decide by resolution to defer the matter to a later meeting; or
 - (c) decide by resolution not to decide the matter and take no further action in relation to the matter unless the *Local Government Act* or another Act provides that the local government must decide the matter.
- 20.2 All Councillors, including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 20.3 The local government may delegate by resolution a power under section 257 of the *Local Government Act* to:
- (a) the Mayor or Chief Executive Officer;
 - (b) a standing committee or joint committee of the local government;
 - (c) the chairperson of a standing committee or joint standing committee of the local government; or
 - (d) another local government for a joint government activity.
- 20.4 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.

⁴⁰ *Local Government Act 2009* - section 150FA



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- 20.5 Council may only delegate a power to make a decision about a Councillor's conduct under section 150AG of the *Local Government Act*, pursuant to section 257(2) of the *Local Government Act*, to:
- (a) the Mayor; or
 - (b) a standing committee.
- 20.6 If the matter cannot be delegated under an Act, the Councillors with a conflict of interest should seek Ministerial approval to be able to consider and vote on the matter, subject to any conditions the Minister may impose.



PART 5 – MAINTENANCE OF GOOD ORDER

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:
- (a) moving any motion or amendment; or
 - (b) proposing a Foreshadowed Motion.
- 21.4 A Councillor must address the Chairperson while:
- (a) seconding any motion or amendment;
 - (b) taking part in any discussion;
 - (c) placing or replying to any question; or
 - (d) 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:
- (a) designate them by their respective official or departmental title; and
 - (b) confine their remarks to the matter under consideration.
- 21.6 Councillors must remain seated and silent while a vote is being taken except when a division has been called.
- 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:
- (a) call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or Officer; and
 - (b) direct a Councillor or Officer to discontinue a speech.

22. Process for Dealing with Unsuitable Meeting Conduct

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

- 22.1 If the Chairperson reasonably believes that unsuitable meeting conduct has been engaged in by a Councillor during a meeting, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings issued for unsuitable meeting conduct. If the Chairperson decides the conduct is of a serious nature or another warning is inadequate, then they must address the conduct in accordance with section 21.4.
- 22.2 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:
- (a) ceasing and refraining from exhibiting the conduct;
 - (b) apologising for their conduct; or
 - (c) withdrawing their comments.

If the Councillor complies with the Chairperson's request for remedial action, no further action is required.

- 22.3 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 for unsuitable meeting conduct being issued.



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If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

22.4 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides a warning was not adequate under 21.1, the Chairperson may make one or more of the following orders:

- (a) an order reprimanding the Councillor for the conduct; and/or
- (b) 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.

22.5 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.

22.6 Following the completion of the meeting, the Chairperson must ensure:

- (a) the minutes of the meeting record the information about unsuitable meeting conduct, including details of any order issued; and
- (b) if it is the third or more order made within a twelve (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 as a suspected conduct breach.

22.7 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 21.1, 21.2, 21.4, and 21.5.

23. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

23.1 If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.

23.2 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). The Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

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

23.4 If the original Chairperson remains in the meeting (as determined in accordance with section 22.3), they can put forward their reasoning about their conduct and respond to questions through the acting Chairperson from the eligible Councillors.

23.5 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).

23.6 If it is decided that the Chairperson has engaged in unsuitable meeting conduct, the Councillors can decide to make an order reprimanding the Chairperson for the conduct.

23.7 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.

23.8 The Chairperson then resumes the role of Chairperson and the meeting continues.

24. Meeting Process for Dealing with Suspected Conduct Breach including that which has been Referred to Council by the Independent Assessor

24.1 In relation to matters referred to Council by the Independent Assessor, Council may decide not to start or discontinue an investigation if:

- (a) the complainant withdraws the complaint;
- (b) the complainant consents to the investigation not starting or discontinuing;
- (c) the complainant does not provide extra information when requested;
- (d) there is insufficient information to investigate the complaint; or



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- (e) the Councillor vacates or has vacated their office as a Councillor.
- 24.2 The Council investigation must be conducted in a way consistent with Council's investigation policy.
- 24.3 Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available on or before the day and time prescribed by Regulation⁴¹.
- 24.4 Council must decide in a Council Meeting whether the Councillor has engaged in a conduct breach, unless the decision has been delegated to the Mayor under section 257(2)(a) or to a standing committee under section 257(2)(b) of the *Local Government Act*.
- 24.5 When dealing with an instance of a suspected conduct breach which has been referred to Council by the Independent Assessor:
- 24.5.1 The outcome of the investigation of the suspected conduct breach must be decided in an open meeting of Council. However, where the matter requires debate, Council may close all or part of a meeting to the public if considered necessary to discuss an investigation report⁴².
- 24.5.2 No resolution for a decision can be made in a closed session, including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.
- 24.5.3 Where Council makes a decision about a conduct breach matter at a Council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of reasons for the inconsistency must be included in the minutes of the meeting⁴³.
- 24.5.4 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 during the debate about the investigation report and may answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission about the conduct breach provided by the Councillor.
- 24.5.5 The subject Councillor who has a declarable conflict of interest 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.
- 24.5.6 If the complainant is a Councillor, that Councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the eligible Councillors (who do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant Councillor can be required to leave the meeting place or conditions may be applied to allow that Councillor to participate in the debate and/or the vote on any disciplinary action to be applied under section 150AH of the *Local Government Act*.
- 24.5.7 After making a decision under section 150AG of the *Local Government Act*, Council must make the full investigation report publicly available within ten (10) business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the Chief Executive Officer of Council if they were complainants and any Councillor who declared a conflict of interest in the matter.
- 24.5.8 If Council has lost a quorum due to the number of conflicted Councillors or another reason, Council must do one of the following:
- (a) delegate deciding the matter under section 257 of the *Local Government Act* to the Mayor or a standing committee, whichever is the most appropriate in the circumstances, or
- (b) decide, by resolution, to defer the matter to a later meeting.
- 24.5.9 If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in section 150AH of the *Local Government Act*, 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

⁴¹ *Local Government Act 2009* - Section 150AFA

⁴² *Local Government Regulation 2012* - Section 254J(3)(j)

⁴³ *Local Government Regulation 2012* - Section 254H



made in the investigation that was admitted or not challenged and that Council is reasonably satisfied is true.

- 24.5.10 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 apology, in a way decided by Council, for the 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 Council, 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; or
 - (g) an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's conduct breach.
- 24.5.11 A local government may not make an order in relation to a person who has vacated their office as a Councillor.
- 24.5.12 The subject Councillor and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made and the Chairperson must advise them of the decision made by Council and if relevant, any orders made by resolution.
- 24.5.13 The meeting minutes must reflect the decision 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 of the *Local Government Act*, the details of the order.

25. Acts of Disorder

- 25.1 The Chairperson may, where disorder arises at a meeting other than by a Councillor, adjourn the meeting for thirty (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 24.2 is lost, the Chairperson must declare the meeting closed and any outstanding matters must be referred to a future meeting.



PART 6 – RECORD OF COUNCIL MEETINGS

26. Minutes

26.1 **General**

- 26.1.1 The Chief Executive Officer must ensure minutes of each Council meeting are taken under the supervision of the person presiding at the meeting.
- 26.1.2 At each Council meeting, the minutes of the previous meeting must be confirmed by the Councillors present. No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 26.1.3 A copy of the minutes of each Council meeting must be made publicly available by 5pm on the tenth day after the meeting is held, unless the minutes are confirmed sooner.

26.2 **Recording of Reasons for Particular Decisions⁴⁴**

- 26.2.1 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:
 - (a) the decision is about entering into a contract the total value of which is more than the greater of the following:
 - (i) \$200,000 (exclusive of goods and services tax);
 - (ii) one (1) per cent 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; or
 - (b) the decision is inconsistent with a policy adopted by Council resolution or the approach ordinarily followed by Council for the type of decision.

The minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

- 26.2.2 For the purposes of section 25.2.1, an advisor of Council is a person:
 - (a) who is an employee of the local government or is otherwise engaged to provide services to the local government; and
 - (b) whose duties include giving a recommendation or advice.
- 26.2.3 If a decision is made about a conduct breach under section 154AG of the *Local Government Act 2009* that is inconsistent with a recommendation made by the entity who conducted the investigation into the conduct, the minutes of the meeting must 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:

Factors which may require this procedure to be reviewed include, inter alia:

- (1) periodic review;
- (2) change in legislation; corporate plan, planning scheme, etcetera affecting this procedure; or
- (3) change in community priorities or circumstances relating to this procedure.

⁴⁴ *Local Government Regulation 2012* - section 254H

