

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 and Risk Committee. The conduct of Audit and Risk Committee meetings is provided for in the *Local Government Regulation 2012*² and the *Western Downs Regional Council Audit and Risk 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, unless in a particular month, Council considers it would be impracticable or unnecessary to do so⁷.
- 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.

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)



4.4 Closed Meetings¹⁰

- 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;
 - (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*; or
 - (i) a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 4.4.2 A resolution to close a meeting cannot be made if a quorum is lost.
- 4.4.3 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.
- 4.4.4 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 or a resolution to come out of the closed session).

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.

¹⁰ Local Government Regulation 2012 - section 254J

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 and any committee meeting for which the Mayor is appointed Chairperson, including managing the conduct of the meeting participants.¹⁷
- 6.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 6.1.3 If the office of the Mayor is vacant, the Deputy Mayor acts as Mayor and presides at meetings of the local government.
- 6.1.4 If the Mayor and the Deputy Mayor are both prevented from presiding, and no other Council has been delegated the responsibility 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 Link¹⁸**

- 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 Officer¹⁹ to participate by audio link²⁰ or audio-visual link²¹ 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 fifteen (15) 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 Officer²².
- 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.

¹⁷ *Local Government Act 2009* - section 12(4)(a)

¹⁸ *Local Government Regulation* - section 254K

¹⁹ per delegated authority

²⁰ see *Evidence Act 1977*, section 39C

²¹ see *Evidence Act 1977*, Schedule 3

²² *Local Government Regulation 2012* - Section 261



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.

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.²³
- 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;
 - (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 Material Personal Interests and 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.

²³ 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;
 - (h) that the Meeting stand adjourned; or
 - (i) that the Chairperson has engaged in unsuitable meeting conduct.
- 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**
 - (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.
- (i) **Motion – That the Chairperson has Engaged in Unsuitable Meeting Conduct**
 - (i) A procedural motion 'that the Chairperson has engaged in unsuitable meeting conduct' may be moved by a Councillor or Committee Member if the Chairperson does not take remedial action following a point of order made by a Councillor who reasonably believes that the conduct of the Chairperson during a meeting is unsuitable meeting conduct.
 - (ii) The Chairperson must not vote on the motion.
 - (iii) If the votes are equal, the motion is resolved in the negative.
 - (iv) Where a motion 'that the Chairperson has engaged in unsuitable meeting conduct' is carried:
 - (1) the Councillors will make an order reprimanding the Chairperson for the unsuitable meeting conduct; and
 - (2) the Chairperson returns to the business in the agenda and the meeting continues.

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) the Councillor reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct;
 - (c) a matter before Council is in contravention of this procedure, the Act or the Regulation; or
 - (d) 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.²⁴
- 9.9.2 A motion is decided by a majority of the votes of the Councillors present.²⁵
- 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.²⁶
- 9.9.5 If a Councillor present and entitled to vote fails to vote, the Councillor is taken to have voted in the negative.²⁷
- 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 If a Councillor with a declared real or perceived conflict of interest in a matter has voted on the matter, the minutes must record how the Councillor voted.²⁸
- 9.9.10 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.
- 9.9.11 If a division is taken, the names of the Councillors voting and how they voted must be recorded.²⁹
- 9.9.12 The Chairperson must declare the result of a vote or a division as soon as it has been determined.
- 9.9.13 Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.
- 9.9.14 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

²⁴ *Local Government Regulation 2012* - section 254E (1)

²⁵ *Local Government Regulation 2012*- section 254E (2)(a)

²⁶ *Local Government Regulation 2012* - section 254E (2)(b)

²⁷ *Local Government Regulation 2012* - section 254E (2)(c)

²⁸ *Local Government Act 2009* - section 150EJ(6)(d)

²⁹ *Local Government Regulation 2012* - section 254F(2)(b)



- 9.9.15 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 23.2).

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.³⁰
- 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:

- (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.

³⁰ *Local Government Regulation 2012* - section 262



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- 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.
- 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 – PERSONAL INTERESTS OF COUNCILLORS

16. Material Personal Interest³¹

- 16.1 Councillors are ultimately responsible for declaring and managing any material person interest in matters to be discussed at a Council or Committee Meeting. A Councillor or their associate has a material personal interest if they stand to gain a benefit or suffer a loss, either directly or indirectly, depending on the outcome of a consideration of a matter at a meeting. Section 150ED of the *Local Government Act* outlines several exceptions in relation to which personal interests of Councillors do not apply.
- 16.2 A Councillor who has a material personal interest in a matter to be discussed in a Council meeting must:
- (a) inform the meeting of the details of the material personal interest; and
 - (b) 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.
- 16.3 A Councillor who has a material personal interest in a matter may ask the Chairperson to defer the matter to allow the Councillor the opportunity to apply for ministerial approval to participate in deciding the matter. In these circumstances, the matter may be deferred by resolution to a later meeting.
- 16.4 The following information must be recorded in the minutes of the meeting:
- (a) the name of the Councillor who has the material personal interest in the matter;
 - (b) the nature of the material personal interest, as described by the Councillor; and
 - (c) whether the Councillor took part in the meeting or was at the place, under ministerial approval, during the meeting.

Note: *Contravention of the requirements of this section is misconduct that could result in disciplinary action being taken against a Councillor³². In addition, contravention of these requirements, including voting on a matter, with an intention to gain a benefit or avoid a loss for the Councillor or someone else is an offence attracting a maximum penalty of 200 penalty units or two years imprisonment.*

If a Councillor becomes aware that another Councillor is engaging in possible misconduct (for example, has a material personal interest in a matter and is participating in a decision about that matter), the Councillor or Chief Executive Officer, must notify the Independent Assessor of the information about the Councillor's conduct.³³

17. Conflict of Interest³⁴

- 17.1 Councillors are ultimately responsible for informing of any real or perceived conflict of interest in matters to be discussed at Council or Committee Meetings. A Councillor has a real or perceived conflict of interest where a Council or their related party's interests might lead to a decision that is contrary to the public interest (other than interests that are not conflicts of interest³⁵ and matters to which personal interests of Councillors do not apply³⁶).
- 17.2 If a Councillor has a real or perceived conflict of interest in a matter to be discussed at a meeting, the Councillor must deal with the conflict in a transparent and accountable way. The Councillor must:
- (a) inform the meeting of the Councillor's personal interest in the matter; and
 - (b) if the Councillor participates in the meeting in relation to the matter, advise how the Councillor intends to deal with the real or perceived conflict.
- 17.3 If a quorum at the meeting cannot be formed because a Councillor proposes to exclude themselves from the meeting, the Councillor does not contravene these provisions merely by participating and voting in the meeting in relation to the matter.

³¹ *Local Government Act 2009* - Chapter 5B Part 2

³² *Local Government Act 2009* - section 150L(1)(c)(iii)

³³ *Local Government Act 2009* - section 150R

³⁴ *Local Government Act 2009* - Chapter 5B Part 3

³⁵ *Local Government Act 2009* - section 150EO

³⁶ *Local Government Act 2009* - section 150EF



- 17.4 If a Councillor has a conflict of interest in a matter and proposes to exclude themselves from the meeting, the Chairperson may ask the Councillor if the Councillor has considered another way to manage their conflict of interest.
- 17.5 If the Councillor who was proposing to be excluded from the meeting is reconsidering their decision to remain in the meeting, the Councillor may consider the following in determining how they manage the conflict of interest:
- (a) how their participation in the meeting may affect the public trust?
 - (b) how close is their relationship to the related party if the conflict arises because of a related party?
 - (c) how will the benefit or loss the Councillor or the related party stand to receive from the decision compare to that of others in the community? and
 - (d) does the Councillor have skills, knowledge, or expertise that might help make the best decision in the public interest?
- 17.6 If the Councillor decides to participate in the decision, the Councillor must comply with section 17.2 by informing the meeting of their personal interest and the steps they will take in managing the conflict of interest in the public interest.
- 17.7 The following information must be recorded in the minutes of the meeting:
- (a) the name of the Councillor who has the real or perceived conflict of interest in a matter;
 - (b) the nature of the personal interest as described by the Councillor;
 - (c) how the Councillor dealt with the real or perceived conflict of interest;
 - (d) if the Councillor voted on the matter, how the Councillor voted; and
 - (e) how the majority of Councillors at the meeting voted on the matter.

Note: *Non-participation in a meeting is not the only way to appropriately deal with a real or perceived conflict of interest in a transparent and accountable way.*

Contravention of this section is misconduct that could result in disciplinary action being taken against the Councillor.³⁷

If a Councillor becomes aware of information that another Councillor has a conflict of interest in a matter and that Councillor is participating in a decision at a meeting on the matter, the Councillor or Chief Executive Officer must notify the Independent Assessor of the Councillor's conduct.³⁸

18. **Loss of Quorum**

- 18.1 If one or more Councillors leave a meeting due to a 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.
- 18.2 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.

³⁷ *Local Government Act 2009* - section 150L(1)(c)(iii)

³⁸ *Local Government Act 2009* - section 150R



PART 5 – MAINTENANCE OF GOOD ORDER

19. Conduct During Council Meetings

- 19.1 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](#).
- 19.2 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.
- 19.3 A Councillor may stand and address the Chairperson while:
- (a) moving any motion or amendment; or
 - (b) proposing a Foreshadowed Motion.
- 19.4 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.
- 19.5 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.
- 19.6 Councillors must remain seated and silent while a vote is being taken except when a division has been called.
- 19.7 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.
- 19.8 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.
- 19.9 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.

20. Process for Dealing with Unsuitable Meeting Conduct by a Councillor

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 meeting conduct by a Councillor, the following procedure must be followed.

- 20.1 The Chairperson must reasonably believe that the conduct of a Councillor during a meeting is unsuitable meeting conduct.
- 20.2 If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may consider the seriousness of the conduct and if the Councillor has had any previous warning for unsuitable meeting conduct issued.
- 20.3 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:
- (a) ceasing and refraining from exhibiting the conduct;
 - (b) apologising for their conduct; or
 - (c) withdrawing their comments.
- 20.4 If the Councillor complies with the Chairperson's request for remedial action, the Chairperson may take no further action.



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- 20.5 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 for unsuitable meeting conduct being issued.
- 20.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 20.7 If the Councillor fails to comply with the Chairperson's request for remedial action or the Chairperson decides a warning was not adequate under 20.5, 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.
- 20.8 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.
- 20.9 The Chairperson must ensure details of the unsuitable meeting conduct and the order are recorded in the minutes of the meeting and in the Councillor conduct register, including the name of the Councillor:
- 20.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent.

Note: *Contravention of an order to leave the meeting is misconduct and a notice must be given to the Independent Assessor by a local government official providing all the information about the matter for a preliminary assessment to be undertaken. This may attract disciplinary action under section 150(1)(c)(v) of the Local Government Act.*

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

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

- 21.1 If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor may raise the matter in the meeting by point of order.
- 21.2 The Chairperson may take remedial action such as:
- (a) ceasing and refraining from exhibiting unsuitable meeting conduct;
 - (b) apologising for their conduct; or
 - (c) withdrawing their comments.
- 21.3 If the Chairperson does not take remedial action, the Councillor may move a procedural motion that the Chairperson has engaged in unsuitable meeting conduct. The Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 21.4 The Chairperson may remain in the meeting but may not vote on the motion.³⁹ If the votes are equal, the motion is resolved in the negative.
- 21.5 If it is decided that the Chairperson has engaged in unsuitable meeting conduct, the Councillors will make an order reprimanding the Chairperson for the unsuitable meeting conduct.
- 21.6 Once the Councillors make a decision, the Chairperson returns to the business in the agenda and the meeting continues.
- 21.7 Details of the reprimand order must be recorded in the minutes of the meeting. The Chief Executive Officer is responsible for ensuring details of any order made, including the name of the Chairperson engaging in unsuitable meeting conduct, is included in the Councillor conduct register.

³⁹³⁹ *Local Government Act 2009 - section 150IA*



22. Acts of Disorder

- 22.1 The Chairperson may, where disorder arises at a meeting other than by a Councillor, adjourn the meeting for thirty (30) minutes.
- 22.2 On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 22.3 Where a motion to proceed with the meeting under subsection 22.2 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

23. Minutes

23.1 **General**

- 23.1.1 The Chief Executive Officer must ensure minutes of each Council meeting are taken under the supervision of the person presiding at the meeting.
- 23.1.2 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.
- 23.1.3 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.

23.2 **Recording of Reasons for Particular Decisions⁴⁰**

- 23.2.1 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.

- 23.2.2 For the purposes of section 23.2.1, 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.

- 23.2.3 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.

24. Audio and Video Recording of Meetings

- 24.1 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.
- 24.2 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.

⁴⁰ *Local Government Regulation 2012* - section 254H

