

# STANDING ORDERS OF GYMPIE REGIONAL COUNCIL

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## STANDING ORDERS OF GYMPIE REGIONAL COUNCIL

### 1.0 Object

- 1.1 The *Local Government Act 2009* (the Act) is based on the principles of:
- transparent and effective processes and decision-making in the public interest
  - sustainable development and management of assets and infrastructure, and delivery of effective services
  - democratic representation, social inclusion and meaningful community engagement
  - good governance of, and by, local government and
  - ethical and legal behaviour of Councillors and local government employees.

Under s 12(3)(c) of the Act, Councillors are required to attend meetings regularly and vote on matters coming before a meeting. The object of these Standing Orders is to regulate the conduct of meetings of the local government and its standing committees.

### 2.0 Definitions

- 2.1 The dictionary in the schedule defines particular words used in these Standing Orders.

### 3.0 Application

- 3.1 The Standing Orders provide rules for the conduct of meetings of the local government and of its committees. These Standing Orders do not apply to meetings of the Audit Committee.
- 3.2 The Standing Orders shall apply to a post-election meeting of the local government as far as practicable.
- 3.3 Any provision of the Standing Orders may be suspended by resolution of a meeting of the local government.
- 3.4 A separate resolution is required for a suspension of a standing order.
- 3.5 A resolution to suspend a standing order must specify the application and duration of the suspension.
- 3.6 Where a matter arises at a meeting of the local government which is not provided for in the Standing Orders, the matter may be determined by the Chairperson.

## ***Procedures***

### 4.0 Quorum at Meetings

- 4.1 In accordance with s 260 of the *Local Government Regulation 2012* (the Regulation), business may be conducted at a meeting of a local government only if a quorum is present. A quorum of a local government is a majority of its Councillors or one half of the number of Councillors in the case of an evenly numbered council. At all stages of a meeting there must be a quorum present.
- 4.2 Any member of the Council can as a point of order draw attention to the lack of a quorum. A call for a check on the quorum should be addressed to the Chairperson. The call for a quorum check takes precedence over any other business at the meeting.
- 4.3 In accordance with s 269 of the Regulation a quorum of a committee is:
- (a) a majority of its members.
  - (b) however, if the number of members is an even number, one-half of the number is a quorum.

- 4.4 Councillors who have identified a Material Personal Interest in a matter, are excused from the meeting while that matter is being discussed and voted on, and cannot be counted in the quorum, without the prior approval of the Minister under s 172(7) and (8) of the Act.
- 4.5 If in the situation that the absence of this Councillor means that there is no longer a quorum, the Chairperson should adjourn the matter to later in the meeting or to a future meeting, recall the Councillor who had left the meeting because of material personal interest or a conflict of interest, and continue the meeting. The matter should be considered later in the meeting or at a future meeting, when a quorum is present.

## 5.0 Order of Business

- 5.1 The order of business must be determined by resolution of the local government.
- 5.2 The order of business for meetings may be altered for a particular meeting.
- 5.3 A motion to alter the order of business may be moved without notice.
- 5.4 Unless otherwise altered pursuant to subsection 5.2, the order of business for ordinary meetings will be:
- (a) Declaration of opening
  - (b) Acknowledgement
  - (c) Disclosure of Interests by Councillors
  - (d) Open with a prayer and condolences
  - (e) Apologies and leave of absence
  - (f) Confirmation of minutes of proceeding meeting
  - (g) Petitions
  - (h) Report from committee chair and adoption of previous committee recommendations (where relevant);
  - (i) Portfolio Councillor Reports
  - (j) Notified Motions
  - (k) General Business
  - (l) "In committee" matters
  - (m) Meeting dates when applicable
  - (n) Declaration of close of meeting
- 5.5 The procedure of a committee for dealing with business must be in accordance with –
- (a) procedural directions given to the committee by resolution of the local government, or
  - (b) if there is no procedural direction governing a particular matter, the Chairperson's decision.
- 5.6 No discussion shall be permitted with respect to the content of previous minutes except with respect of the accuracy of the record of the proceedings.
- 5.7 Admission of deputations, invitees and visitors shall be at the discretion of either of:
- (a) the Mayor
  - (b) the local government
  - (c) the committee chair or
  - (d) the CEO.

## 6.0 Special Meetings

- 6.1 The CEO must call a special meeting of the local government if:
- (a) the special meeting is required by a resolution of the local government or
  - (b) a written request for the special meeting is lodged with the CEO.

- 6.2 A written request for a special meeting of the local government must:
- (a) be signed by the Mayor or three or more Councillors
  - (b) specify the object of the special meeting and
  - (c) propose a date and time for the holding of the special meeting.
- 6.3 The CEO calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor.

## **7.0 Preparing a Meeting Agenda**

- 7.1 The CEO must prepare or have prepared a meeting agenda for each meeting.
- 7.2 In accordance with s 258 of the Regulation, a written notice of each meeting is to be made available to Councillors at least two days before the day of the meeting unless it is impracticable to give the notice. The written notice must state the date, time and object of the meeting. The written notice may be given to a Councillor by sending the notice to the Councillor electronically.
- 7.3 A meeting agenda shall include, but not be limited to:
- (a) matters requiring attention from a previous meeting
  - (b) officers' reports and correspondence
  - (c) matters or recommendations referred to the local government by a committee
  - (d) any other business the local government determines should be included in the meeting agenda.
- 7.4 The agenda items should clearly identify linkages to the Corporate Plan and Operational Plan and should emphasise policy and budgetary implications where relevant, as well as an indication of the consultation undertaken during the development of the report.
- 7.5 A list of the items to be discussed at a meeting of Council must be open to inspection at the time the agenda for the meeting is made available to Councillors as per s 277(5) of the Regulation.
- 7.6 A copy of the agenda must be given to each Councillor at least seven days before the day of the meeting unless it is impracticable to do so.
- 7.7 A copy of the agenda is to be made available for inspection by the public via the Council's website at least two days prior to the day of the meeting unless it is impracticable to do so.

## **8.0 Petitions**

- 8.1 Any petition, must be in legible writing or typewritten and contain a minimum of 10 signatures with names and addresses before it is placed on the agenda of an ordinary meeting by the CEO or presented to an ordinary meeting of the local government. The name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue) must be included.
- 8.2 If the document supplied does not meet the criteria outlined in 8.1 above, it is not deemed to be a petition and will not be presented.
- 8.3 A petition may be presented to an ordinary meeting by a Councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.
- 8.4 On presenting a petition to an ordinary meeting, a Councillor must:
- (a) state the nature of the petition and
  - (b) read the petition.
- 8.5 When a petition is first presented to an ordinary 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 tabled for consideration at a future ordinary meeting or
- (b) the petition be received and referred to a Standing Committee or the CEO for consideration, and where appropriate, for a report to be presented to the local government or
- (c) the petition not be received.

8.6 Consultation will be undertaken with the relevant portfolio and/or divisional Councillor(s) in relation to the petition matter. Council will respond to the Principal Petitioner in relation to all petitions deemed valid within two months of the petition being received. All Councillors shall be provided with a copy of the response.

## 9.0 Deputations

- 9.1 A deputation wishing to attend and address a meeting shall apply in writing to the CEO not less than ten clear business days before the meeting.
- 9.2 The CEO must notify the Chairperson, who will determine whether the deputation is to be heard.
- 9.3 The CEO must inform the deputation of the determination.
- 9.4 Where it has been determined that the deputation is to be heard, a convenient time must be arranged for that purpose, and a time period allowed for the deputation to address the meeting.
- 9.5 For deputations comprising three or more persons, only two persons may be heard unless the Chairperson determines otherwise.
- 9.6 A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- 9.7 The Chairperson of a meeting may terminate an address by a person 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 or
  - (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 threatening Actions.

## 10.0 Adjournments

- 10.1 The Chairperson may adjourn the meeting for a period of not less than 15 minutes if disorder occurs. This is achieved by making the declaration and physically vacating the chair.
- 10.2 If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by:
  - (a) a majority of the Councillors present or
  - (b) if only one Councillor is present—the Councillor or
  - (c) if no Councillors are present—the CEO.
- 10.3 On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 10.4 Where a motion to reconvene is lost, the Chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

## 11.0 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council meeting, standing or advisory committee meeting (other than ordinary

business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 11.1 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.
- 11.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 11.3 When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
  - 11.3.1 if it arises because of a gift, loan or contract, the value of the gift, loan or contract
  - 11.3.2 if it arises because of an application or submission, the subject of the application or submission
  - 11.3.3 the name of any entity, other than the Councillor, that has an interest in the matter
  - 11.3.4 the nature of the Councillor's relationship with the entity that has an interest in a matter
  - 11.3.5 details of the Councillor's and any other entity's interest in the matter.
- 11.4 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.
- 11.5 Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

## 12.0 Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA or Section 177T of COBA applies.

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

- 12.1 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.
- 12.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 12.3 When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
  - 12.3.1 the nature of the declarable conflict of interest
  - 12.3.2 if it arises because of the Councillor's relationship with a related party:
    - i. the name of the related party to the Councillor
    - ii. the nature of the relationship of the related party to the Councillor
    - iii. the nature of the related party's interest in the matter
  - 12.3.3 if it arises because of a gift or loan from another person to the Councillor or a related party:
    - i. the name of the other person

- ii. the nature of the relationship of the other person to the Councillor or related party
  - iii. the nature of the other person's interest in the matter
  - iv. the value of the gift or loan and the date the gift or loan was made.
- 12.4 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.
- 12.5 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.
- 12.6 The other Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted Councillors
- 12.7 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.
- 12.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 12.9 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 circumstances of the matter including, but not limited to:
- 12.9.1 how does the inclusion of the Councillor in the deliberation affect the public trust
  - 12.9.2 how close or remote is the Councillor's relationship to the related party
  - 12.9.3 if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
  - 12.9.4 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
  - 12.9.5 how does the benefit or detriment the subject Councillor stands to receive compare to others in the community
  - 12.9.6 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
  - 12.9.7 whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 12.10 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- 12.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about

the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.

- 12.12 In making the decision under 12.6 and 12.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 12.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

## **12A Reporting a suspected conflict of interest**

- 12A.1 If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 12A.2 The chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
- 12A.3 If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 12A.4 The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.
- 12A.5 If the Councillors cannot reach a majority decision then they are taken to have determined that the Councillor has a declarable conflict of interest.

## **12B Loss of quorum**

- 12B.1 In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:
- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA; or
  - defer the matter to a later meeting
  - not to decide the matter and take no further action in relation to the matter.
- All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 12B.2 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.
- 12B.3 If the matter cannot be delegated under an Act, the council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

## 12C Recording prescribed and declarable conflicts of interest

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

- the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest
- the particulars of the prescribed or declarable conflict of interest provided by the Councillor
- the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest
- any decision then made by the eligible Councillors
- whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- the council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
- the name of each Councillor who voted on the matter and how each voted
- If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted
- where a decision has been made under section 12.6 above – 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.

## 13.0 Mayoral Matters

- 13.1 The Mayor may introduce a matter or subject not on the agenda for consideration at a meeting. The matter may take precedence over all other matters for consideration at the meeting.
- 13.2 The motion comprising the mayoral matter may be put by the Mayor:
- (a) to the meeting of the local government without being seconded and
  - (b) at any stage of the meeting of the local government considered appropriate by the Mayor.
- 13.3 If the motion comprising the mayoral matter is passed by the local government, the mayoral matter becomes a resolution of the local government.

## 14.0 Notified Motions

- 14.1 A Councillor may bring forward to a meeting a motion on any matter by giving appropriate notice in writing to the CEO not less than seven clear business days before the meeting at which the motion is to be discussed.
- 14.2 The Chairperson may rule out of order a motion which does not comply with subsection 14.1.
- 14.3 Notified motions shall be forwarded to all Councillors for information and dated and recorded by the CEO as received.

## 15.0 Committees

- 15.1 Any Councillor may attend a meeting of a committee and may address the committee in accordance with the procedures established by the Chairperson of the committee.

- 15.2 A local government that appoints a committee may appoint one person as an alternate member of the committee. An alternate member, of a committee, is a person who attends meetings of the committee and Acts as a member of the committee only if another member of the committee is absent from the meeting of the committee.

## **Rules of Debate**

### **16.0 Motions**

- 16.1 A motion brought before a meeting in accordance with the Act or the Standing Orders may be received and put to the meeting by the Chairperson.
- 16.2 The Chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- 16.3 The Chairperson may call the notices of motion in the order in which they appear on the meeting agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- 16.4 An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- 16.5 When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.
- 16.6 It is the Chairperson's role to ensure any motions are within the meeting's jurisdiction. Therefore the Chairperson can rule a motion as out of order if it:
- (a) is unclear and vague in its language
  - (b) is the direct negative or inconsistent with a resolution just passed by the meeting
  - (c) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting
  - (d) proposes an action that is unlawful
  - (e) is a matter that was subject to a previous amendment or a repealed resolution which was defeated within the period of time specified in s 24 of the Standing Orders
  - (f) it is outside the jurisdiction of the Council
  - (g) contains defamatory statements or
  - (h) is vexatious and proposed only as a way to obstruct the orderly transaction of business.
- 16.7 The Chairperson has the discretion to seek the agreement of the meeting to separate out the parts of the motion so that the meeting can deal with them individually as if they were separate motions.

### **17.0 Moving a Motion**

- 17.1 A Councillor who moves a motion or an amendment to a motion creates a "right" to address the motion. This right can only be exercised at the time the motion is made—it cannot be 'reserved' to be exercised at a later stage of the debate.
- 17.2 The mover has, if the motion is accepted and debated, a right of reply. The exercise of the right of reply closes off the debate and the meeting goes to the vote.

### **18.0 Absence of Mover of Motion**

- 18.1 Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be moved by another Councillor at the meeting, or deferred to the next meeting.

## 19.0 Motion to be Seconded

- 19.1 A motion or an amendment to a motion must not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 19.2 A motion or an amendment to a motion (other than a procedural motion) that is not seconded lapses for want of a seconder. The meeting will move to the next item.
- 19.3 If a seconder emerges, the seconder has the right to speak to the motion. This right can be reserved to a later part of the debate.
- 19.4 Councillors who second a motion need to be aware that if they defer their right to speak:
  - (a) there is no right of reply
  - (b) a procedural resolution can cut off the debate before the right is exercised
  - (c) it is not possible to withdraw support for the motion
  - (d) Councillors cannot move amendments to motions they have seconded.

## 20.0 Speaking to Motions and Amendments

- 20.1 The mover of an amendment to a motion must read the amendment and state that the amendment is so moved, but must not speak to the amendment until it is seconded.
- 20.2 A Councillor may request further information from the Chairperson before or after the motion or the amendment to the motion is seconded.
- 20.3 Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment, and each subsequent speaker alternatively against and in favour of the motion or amendment.
- 20.4 The mover of an amendment to a motion has no right of reply.
- 20.5 Each Councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the Chairperson in his or her discretion rules otherwise.
- 20.6 Each speaker is restricted to not more than five minutes unless the Chairperson in his or her discretion rules otherwise.
- 20.7 Where two or more Councillors attempt to speak at the same time, the Chairperson is to determine who is entitled to priority.
- 20.8 In the case of the mover and the seconder addressing the motion consecutively in the positive, the Chairperson may decide to allow the next two speakers to be for the contra position. After these speakers the debate would revert to the pattern of speakers for and against alternatively.

## 21.0 Amendment of Motion

- 21.1 An amendment to a motion must:
  - (a) be in terms which retain the identity of the motion and
  - (b) not negate the motion and
  - (c) must be proposed before the debate on a motion has concluded – that is before the mover of the motion has had their “right of reply”.
- 21.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.
- 21.3 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.
- 21.4 Where an amendment is proposed but lapses or is lost, the meeting must return to the original motion.
- 21.5 A Councillor who proposes or seconds a motion must not propose or second an amendment to the original motion.

- 21.6 Once an amendment has been moved and seconded it cannot be withdrawn without the consent of the meeting.
- 21.7 At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (a) A motion foreshadowed may be prefaced with a statement that in the event a particular motion before the Chairperson is not resolved, a Councillor intends to move an alternative or additional motion.
  - (b) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
  - (c) A foreshadowed motion is not recorded in the minutes.

## 22.0 Closing the Debate

- 22.1 The close of debate is reached when any of the following occur:
- (a) speakers for one side of the debate have addressed Council consecutively
  - (b) the time allotted has expired
  - (c) the number of speakers for and against was limited by agreement and has been reached
  - (d) a procedural motion to close the debate—for example, 'I move that the question be now put'—has been proposed and has received majority support.
- 22.2 Upon the decision to move to close the debate, the mover now has the 'right of reply'. This is the final step in the debate.

## 23.0 Right of Reply

- 23.1 Once the mover has exercised the 'right of reply' all further debate on the motion ceases. The Chairperson should not call the mover until the time to close off the debate has emerged.
- 23.2 In exercising the 'right of reply' the following conventions should be observed:
- (a) it can be waived and the meeting can go straight to the vote, particularly if there have been no speakers against the motion
  - (b) the purpose of the 'right of reply' is basically to respond to any points raised in the debate, and to present a final brief summary of the case for the motion
  - (c) new arguments cannot be introduced during the right of reply
  - (d) at the end of the right of reply the motion is put to the vote
  - (e) if the majority supports the motion it becomes a formal resolution of Council and as such is the Council's official policy
  - (f) the motion fails if it does not receive the majority support and the motion lapses unless revived at a later stage
  - (g) in the event of a tied vote, the Chairperson can exercise a casting vote.

## 24.0 Method of Taking Vote

- 24.1 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the CEO or minutes clerk.
- 24.2 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.
- 24.3 The local government must vote by a show of hands or as otherwise directed by the Chairperson.

- 24.4 A question is decided by a majority of the votes of the Councillors present. Each Councillor present has a vote on each question to be decided and, if the votes are equal, the Councillor presiding as Chairperson has a casting vote.
- 24.5 In accordance with s 260(2)(d) of the Regulation, if a Councillor present fails to vote, the Councillor is taken to have voted in the negative. A Councillor cannot 'abstain' from voting if present in the meeting room when the vote is taken.
- 24.6 The Chairperson must declare the result of a vote as soon as it has been determined.
- 24.7 As the default procedure for recording the vote in the minutes, the names of all Councillors voting in the affirmative, and the names of all Councillors voting in the negative, will be recorded in the minutes for each vote taken in the same manner as if a division was called under s 272(2)(b) of the Regulation.

## 25.0 Repealing or Amending Resolutions

- 25.1 A resolution of a local government may be repealed or amended only if written notice of intention to propose the repeal or amendment is given to each Councillor at least five days before the meeting at which the proposal is to be made, in accordance with s 262 of the Regulation.
- 25.2 Where a motion to repeal or amend a resolution is defeated, a second motion proposing repeal or amendment cannot not be moved for at least three months after the date the original repeal or amendment motion was defeated.
- 25.3 Councillors present at the meeting at which the motion to repeal or amend is put may defer consideration of the motion, however, consideration of the motion must not be deferred for more than three months.

## 26.0 Types of Motions

- 26.1 A formal motion is a proposition that requires or acknowledges Action that has to be done or has been done. It can also state a view or a preferred position on a particular issue.
- 26.2 Procedural motions are a set of resolutions that can be employed in specific ways to control the conduct of meetings. Procedural motions fall into two categories:
- (a) Permanent— resolutions that dispose of the matter permanently.
  - (b) Temporary— resolutions that temporarily set the matter aside without a vote being taken.
- 26.3 Where a procedural motion is lost, debate on the motion or amendment before the meeting must continue.

## 27.0 Procedural Motions

- 27.1 At a meeting, a Councillor may during the debate of a matter at the meeting, move a motion (each a *procedural motion*):
- (a) that the question/motion be now put to the vote
  - (b) that the meeting proceed to the next item of business
  - (c) that the motion and amendment now before the meeting be adjourned
  - (d) that the question/motion lie on the table
  - (e) that the matter be put to committee
  - (f) a point of order
  - (g) a motion of dissent against a point of order
  - (h) that a report or document be tabled
  - (i) to suspend the rule requiring that ...
  - (j) that the meeting stand adjourned or

(k) that the time is up.

- 27.2 If unsuccessful when first called, a procedural motion to close the resolution may be moved again later in the debate. However, a later closure resolution may:
- (a) not be moved by the person who moved it originally and
  - (b) not be moved by a person who has previously spoken in the debate.

## ***Permanent Procedural Motions***

### **28.0 Motion that the Question be Put - Closure**

- 28.1 A procedural motion that the question be put may be moved when no other Councillor at the meeting wishes to speak to the motion or amendment before the meeting.
- 28.2 The motion does not need to be seconded.
- 28.3 Where a motion "that the question be put" is carried, the Chairperson must immediately put the motion or amendment before the meeting to the vote.
- 28.4 The motion that the question be put can only be made by the Chairperson or by a Councillor who has not already spoken in the debate.
- 28.5 If the motion is successful, the Chairperson should:
- (a) in the case of an amendment, proceed to the vote
  - (b) in the case of a motion, permit the mover of the motion to exercise the right of reply before calling for the vote or
  - (c) if the closure resolution is defeated, the debate continues from the stage at which it was interrupted. A speaker standing when the procedural resolution was moved is permitted to continue and can use up the balance of permitted time.

### **29.0 Motion to Proceed to Next Item of Business**

- 29.1 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.
- 29.2 The motion does not need to be seconded.
- 29.3 This motion cannot be moved by a Councillor who has already spoken to the motion – that is it cannot be used to stifle debate from other Councillors.
- 29.4 This motion cannot be proposed while a speaker is still speaking to a motion or an amendment.
- 29.5 Debate on the subject of the motion may be considered again at a future meeting with the giving of notice in relation to the order of business in accordance with s 7.3(a) of these Standing Orders.

## ***Temporary Procedural Motions***

### **30.0 Motion that Debate be Adjourned**

- 30.1 A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- 30.2 The motion must be seconded.
- 30.3 The Chairperson has no discretion to refuse the motion.
- 30.4 The motion may not be moved by a Councillor who has participated in the debate on the motion.
- 30.5 A procedural motion "that the debate be adjourned" may adjourn the matter to a later part of the meeting or a future meeting. However, this motion must not adjourn debate on a matter for more than two months after the date of the procedural motion.

### **31.0 Motion that the Motion Lie on the Table**

- 31.1 A procedural motion that a motion or question lie on the table can only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- 31.2 The motion does not need to be seconded.
- 31.3 The mover of the motion must not have participated in debate and it must be proposed at the close of a speech not while a speaker is still speaking
- 31.4 Where a motion under subsection 31.1 above is passed, the local government must proceed with the next matter on the agenda.
- 31.5 Where a motion under subsection 31.1 above is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.
- 31.6 If the motion is not carried, it cannot be reintroduced at a later stage of the debate for that particular matter.

### **32.0 That the Matter be Referred to Committee**

- 32.1 A matter before the Council may be referred to a committee for consideration, advice and reporting back.
- 32.2 When a motion to refer the matter to committee is proposed:
  - (a) the motion must be seconded
  - (b) the Chairperson has no discretion to decline the motion
  - (c) it is possible to amend the procedural resolution to specify details of the terms of reference and composition of the committee
  - (d) debate and right of reply by the mover are permissible
  - (e) a Councillor who has participated in the debate can move the procedural resolution
  - (f) if carried, the motion and any amendments that have been accepted are held over until the committee reports back.

### **33.0 Points of Order**

- 33.1 A Councillor may ask the Chairperson to decide a point of order where it is believed that another Councillor:
  - (a) has failed to comply with proper procedures
  - (b) is in contravention of the Standing Orders, a local law or any other legislation or
  - (c) is beyond the jurisdictional power of the local government.
- 33.2 The motion does not need to be seconded.
- 33.3 A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- 33.4 Where a point of order is raised, consideration of the matter about which the Councillor was speaking may be suspended until further notice. 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.
- 33.5 Once the point of order has been raised, the Chairperson must determine whether the point of order is upheld or overruled.
- 33.6 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. The Chairperson must permit the Councillor calling the 'point of order' to state what standing order, code or procedure they believe has been breached.

- 33.7 The point of order must be made by another Councillor at the meeting at which the breach is alleged to have been committed.
- 33.8 The comment or actions that lead to the point of order may be withdrawn by the Councillor – and if accepted by the complainant – no further Action is required.
- 33.9 The Council can only deal with the complaint (point of order) at the meeting if the quorum exists, otherwise it is carried over to the next meeting.
- 33.10 Where unsuitable conduct arises during a meeting it is to be dealt with as per section 40 of the Standing Orders.

### **34.0 Motion of Dissent Against a Point of Order**

- 34.1 A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order. The procedural resolution is stated in the following terms 'that the Chairperson's ruling is dissented from'.
- 34.2 The motion does not need to be seconded.
- 34.3 Where a motion is moved under subsection 34.1, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- 34.4 Only a mover of the resolution and the Chairperson can speak to the resolution.
- 34.5 There is no 'right of reply'.
- 34.6 The Chairperson puts the resolution to the meeting in the form 'that the Chairperson's ruling be upheld'.
- 34.7 Where a motion of dissent is carried the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made.
- 34.8 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.

### **35.0 Motion that a Report be Tabled**

- 35.1 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.
- 35.2 The motion does not need to be seconded.

### **36.0 Motion to Suspend Requirements of a Rule**

- 36.1 A procedural motion to suspend the requirements of a rule may be made by a Councillor in order to permit some Action that otherwise would be prevented by the Standing Orders.
- 36.2 A motion under subsection 36.1 must specify the duration of the suspension.
- 36.3 The motion does not need to be seconded.

### **37.0 Motion that the Meeting Stands Adjourned**

- 37.1 A procedural motion that a meeting stands adjourned may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter, and must be put without debate.
- 37.2 The motion does not need to be seconded.
- 37.3 A motion that the "meeting stands adjourned" must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.
- 37.4 Where a motion under subsection 37.1 above is lost, the Chairperson must not accept a similar motion for at least 30 minutes after the time the motion was lost.

- 37.5 Notice of meeting to re-convene an adjourned meeting must be delivered to all Councillors at least two days before the day of the meeting unless it is impracticable to give the notice in accordance with s 258(1) of the Regulation.

### **38.0 That the Time is Up**

- 38.1 A procedural resolution from the Chairperson to indicate that the time limit for debating a particular matter has elapsed may be called in the form 'That the time is up'. In calling this motion, the Chairperson needs to consider the following:
- (a) there is adequate time provided for the mover of the motion to exercise the 'right of reply'
  - (b) the motion does not need to be seconded
  - (c) amendments to the limits or specified time are permissible – there is some flexibility if discussions are productive and facilitating good decision making
  - (d) once the procedural motion has been moved, no further debate is possible
  - (e) any Councillor can move this procedural resolution even if they have already participated in the debate.
- 38.2 In the event that the procedural resolution, 'That the time is up' is not carried, the debate is carried on under the normal rules. Furthermore, if the procedural motion is not carried, it should not be raised again with regard to the same matter.

## **Conduct During Meetings**

### **39.0 Appropriate Conduct During Meetings**

- 39.1 After a meeting of the local government has been formally constituted and the business commenced, a Councillor must not enter or leave the meeting without first notifying the Chairperson.
- 39.2 A Councillor must address the Chairperson while:
- (a) moving any motion or amendment
  - (b) seconding any motion or amendment
  - (c) taking part in any discussion
  - (d) placing or replying to any question or
  - (e) addressing the local government for any other purpose.
- 39.3 Councillors must address each other during a meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers must
- (a) address them in a respectful manner and
  - (b) confine their remarks to the matter then under consideration.
- 39.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 39.5 A Councillor must not make comments of a personal nature about or imply improper motives to another Councillor or any officer of the local government.
- 39.6 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.
- 39.7 If the Chairperson intervenes during the process of a debate, any Councillor then speaking or offering to speak, and each Councillor present, must preserve strict silence so that the Chairperson may be heard without interruption.
- 39.8 Councillors need to be mindful of the *Information Privacy Act 2009* and the *Defamation Act 2005* when conducting business at Council meetings.
- 39.9 Outside of the need to deal with a genuine emergency, communication devices will not be

used by Councillors during a meeting. Where a genuine emergency situation exists the Councillor will notify the Chairperson of the nature of the emergency in advance of the meeting and seek permission from the Chairperson to use a communication device during the meeting. The use of Council supplied equipment for the purpose of referencing the meeting agenda and related documents during a meeting is approved.

#### **40.0 Dealing with unsuitable meeting conduct by a Councillor in a meeting**

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

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 40.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 40.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to 40.7.
- 40.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial action such as:
  - 40.7.1 Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
  - 40.7.2 Apologising for their conduct
  - 40.7.3 Withdrawing their comments.
- 40.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 40.5 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 may result in an order being issued.
- 40.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 40.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 40.3, the Chairperson may make one or more of the orders below:
  - 40.7.4 an order reprimanding the Councillor for the conduct
  - 40.7.5 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.
- 40.8 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. The meeting must be adjourned whilst the Councillor is being removed.
- 40.9 Following the completion of the meeting, the Chairperson must ensure:
  - 40.9.1 details of any order issued is recorded in the minutes of the meeting.
  - 40.9.2 if it is the third or more order made within a 12-month period made 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 Local Government and treated as inappropriate conduct.
  - 40.9.3 the Council's CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.
- 40.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 40.1, 40.7 and 40.8 above.

**Note:** Chairpersons of a meeting are carrying out a statutory responsibility under the LGA and *City of Brisbane Act 2010* (COBA) to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because Councillors disagree with the chairperson's decision or ruling during the meeting.

#### **41.0 Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government by the Independent Assessor (IA)**

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 40.9.2 of this document.

In either case, the Council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and
- consistent with the Council's investigation policy; or
- in another way decided by resolution of the Council.

After the completion of the investigation, the Council must decide in a Council meeting, whether the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA or section 238 of the COBA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Council by the IA:

- 41.1 The Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the LGR or section 242J of the COBR to discuss the allegation.
- 41.2 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor through the Chairperson to assist the other Councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- 41.3 Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 12. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 12. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- 41.4 The Council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted

Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or section 238 of the COBA or deferred to another date when a quorum will be present.

- 41.5 If a decision is reached that the subject Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 41.6, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.
- 41.6 The Council may order that no action be taken against the Councillor or make one or more of the following:
- 41.6.1 an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
  - 41.6.2 an order reprimanding the Councillor for the conduct
  - 41.6.3 an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
  - 41.6.4 an order that the Councillor be excluded from a stated Council meeting
  - 41.6.5 an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the local government on a state board or committee
  - 41.6.6 an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
  - 41.6.7 an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- 41.7 A local government may not make an order under 41.6.3; 41.6.4; 41.6.5; 41.6.6 in relation to a person who is no longer a Councillor.
- 41.8 The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- 41.9 The Chairperson must ensure the meeting minutes reflect the resolution made.

## 42.0 Chairing a Meeting

- 42.1 It is the role of the Mayor to preside at meetings of Council (s 12(4)(a) of the Act). Under s165 of the Act if the Mayor is absent or if the office is vacant, the deputy Mayor Acts for the Mayor. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, and the Mayor has not delegated authority to chair the meeting to another Councillor, the Councillors present at the meeting will chose a Councillor to preside at the meeting.
- 42.2 In the case of a Council committee (s 267(1) of the Regulation), the Council can appoint a Chairperson. In the case of a Council not appointing a chair to the committee, the committee may choose and appoint one of its members as the chair. If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.
- 42.3 It is the duty of the Chairperson to:
- (a) preserve order and ensure proceedings are conducted in a proper manner by:
    - i. determining that the meeting is properly constituted and a quorum is present
    - ii. informing Councillors as to the business and objectives of the meeting
    - iii. providing a forum for the exchange of views and ideas on key issues before the Council or committee
    - iv. confining discussion to within the scope of the meeting and within reasonable limits of time
    - v. deciding whether proposed resolutions and amendments are in order

- vi. formulating for discussion and decision any proposed resolution (motion) that has been moved for the consideration of the meeting
  - vii. deciding points of order and other incidental matters that require a decision
  - viii. preserving order at the meeting
  - ix. ensuring the overall public interest is maintained.
- (b) ensure the decisions of the meeting are respected and properly handled:
- i. putting relevant questions to the meeting and conducting a vote (and where required, giving a casting vote)
  - ii. declaring the result
  - iii. ensuring a division is taken if properly requested
  - iv. ensuring the record of minutes of the proceedings is kept up-to-date
  - v. adjourning the meeting when circumstances justify that course
  - vi. declaring the meeting closed when its business is complete.
- (c) to preserve the right of all Councillors to participate in the meeting:
- i. a Councillor can alert the meeting Chairperson to an alleged incident that could be considered a point of order in relation to conduct
  - ii. as a sanction, the Chairperson may request that inappropriate behaviour be noted in the minutes of the meeting (s 181(5)(a) of the Act)
  - iii. the Chairperson may also make an order that the Councillor leave the place where the meeting is being held, including the place set aside for the public, and to stay away for the remainder of the meeting (s 181(5)(b) of the Act)
  - iv. if a Councillor refuses to comply with the order, the Chairperson can further order (s 181(5)(c) of the Act) to have the person removed from the place.
  - v. the meeting would usually be adjourned until the person has left or been removed.

## **43.0 Questions**

- 43.1 At a meeting a Councillor may ask a question for reply by another Councillor or an officer of the Local Government regarding any matter under consideration at the meeting.
- 43.2 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.
- 43.3 A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting.
- 43.4 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.
- 43.5 The Chairperson may disallow a question which he or she considers is inconsistent with good order.
- 43.6 A Councillor may move a motion that a ruling of the Chairperson under subsection 43.5 above, be disagreed with, and if such motion is carried, the Chairperson must allow the question.

## ***Meetings Open to the Public***

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

- 44.1 In accordance with s 274 of the Regulation, a meeting is open to the public unless the Local Government or committee has resolved that the meeting is to be closed in accordance with section 45 of the Standing Orders.
- 44.2 An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as

- can reasonably be accommodated in the area must be permitted to attend the meeting.
- 44.3 If the Local Government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- 44.4 Each Councillor present at a meeting of the Local Government must sign his or her name in a book to be kept for that purpose by the CEO.
- 44.5 At a meeting, a person who is not a Councillor or a member of the committee must not take part in the meeting.
- 44.6 The Chairperson may invite a member of the public to take part in the proceedings of a meeting.
- 44.7 Except when invited to do so by the Chairperson, a member of the public must not take or attempt to take part in the proceedings of a meeting.
- 44.8 During debate on a motion, the Chairperson may invite submissions, comments or questions from members of the public.
- 44.9 If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the Chairperson may require the member of the public to cease making the submission or comment.
- 44.10 For any matter arising from a submission or comment from a member of the public, the Local Government may:
- (a) refer the matter to a committee
  - (b) deal with the matter immediately
  - (c) place the matter on notice for discussion at a future meeting or
  - (d) note the matter and take no further Action.
- 44.11 Any person invited to address a meeting must
- (a) stand, act and speak with decorum and
  - (b) frame any remarks in respectful and courteous language.
- 44.12 Council electronically records and live streams the proceedings of the public sessions of its Ordinary and Special meetings, and Councillor Workshops here practicable to do so. Recording device(s) are not to be positioned within the official meeting area without the prior permission of the Chairperson.

## 45.0 Closed Meetings

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another

person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.

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

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

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

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

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

- 45.1 Pass a resolution to close the meeting.
- 45.2 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.
- 45.3 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.
- 45.4 Not make a resolution while in a closed meeting (other than a procedural resolution).

## ***Confidentiality***

### **46.0 Dealing with confidential information**

- 46.1 An item on a Council or committee meeting agenda – and the information contained in the documentation or supporting material – that is declared confidential by the CEO (as part of the agenda preparation process) is to remain confidential unless or until Council or the committee resolves to the contrary.
- 46.2 If the Mayor or a Councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning the matter is confidential.
- 46.3 If a meeting of a committee resolves that an item – and the information contained in the documentation or supporting material – is to be confidential it remains confidential unless or until Council resolves to the contrary.
- 46.4 When questions arise as to the handling of confidential information during a meeting, these matters should be considered in accordance with the Councillor Confidentiality Procedure.

## ***Procedure not Provided for***

### **47.0 Procedure not Provided for**

- 47.1 If an appropriate or adequate method of dealing with a matter is not provided for in the Act or the Standing Orders, the method of dealing with the matter may be determined by the Chairperson.

## **Teleconferencing**

### **48.0 Teleconferencing meetings**

- 48.1 If a Councillor wishes to be absent from a council meeting place during a meeting, the Councillor must apply to the chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The chairperson may allow a Councillor to participate in a council meeting, standing or advisory committee meeting by teleconference. Under s 276 of the Regulation, a Local Government may allow a person to take part in a meeting by teleconferencing.
- 48.2 A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.  
**Note:** Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.
- 48.3 In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR and the COBR that will expire in June 2021.

These provisions allow the council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, that they must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the council's public offices or on the council's website
- chairperson the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

## **Record of the Meetings**

### **49.0 Minutes of the Meeting**

- 49.1 The minutes of a meeting of the Local Government or a committee must include a copy of any material necessary for a proper understanding of the proceedings of the meeting.
- 49.2 The material to be included in the minutes under this section is in addition to the statutory requirements in relation to the recording of declaration of interests by Councillors and dealing with Councillor conduct related matters under the Act.
- 49.3 Section 272 of the Regulation outlines a set of requirements for the recording of meetings. Specifically, the minutes of each meeting must include:
- (a) the names of Councillors or committee members present at the meeting
  - (b) if a division is called on a question, the names of all persons voting on the question and how they voted.
  - (c) the confirmation of the minutes from previous meetings as signed by the person presiding over the meeting.
- 49.4 The names of all Councillors voting in the affirmative, and the names of all Councillors voting in the negative, will be recorded in the minutes as the default procedure for recording each vote taken in the same manner as if a division was called under s 272(2)(b) of the Regulation.
- 49.5 Section 273 of the Regulation requires that Local Governments must record reasons for decisions made at a meeting that are inconsistent with a recommendation or advice given to the Local Government by an employee or person otherwise engaged by the Local

Government, where either or both of the following apply:

- (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 (ex GST) or
  - ii) 1% of the Local Government's net rate and utility charges as stated in the Local Government's audited financial statements included in the most recently adopted annual report.
- (b) the decision is inconsistent with:
  - i) the policy or approach ordinarily followed by the Local Government for the type of decision or
  - ii) the policy previously adopted by the Local Government by resolution and still in force.

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

49.6 All committee recommendations must be submitted to a meeting of the Local Government.

## **50.0 Confirmation of the Minutes**

50.1 Councils are required to have the minutes of a meeting confirmed by the Councillors or committee members present at the meeting and signed by the Chairperson at the subsequent meeting of the Council s 272(3) of the Regulation.

50.2 The confirmation of minutes is subject to a motion. The meeting may, until the vote on the confirmation of the minutes is carried, move amendments to the minutes. Once the minutes have been confirmed, they cannot be altered.

50.3 If at a later date an error is noted in the minutes, the correction may be noted in a resolution passed by Council. The minutes are not actually changed to incorporate the correction.

## **51.0 Adoption of Committee Recommendations**

51.1 Councils are required to have the recommendations of a meeting confirmed by the committee members present at the meeting and signed by the Chairperson at the subsequent meeting of the committee s 272(3) of the Regulation.

51.2 Recommendations of committee meetings are presented to the next ordinary meeting of Council for adoption.

51.3 Committee recommendations cannot be enforced or Acted upon until they have been adopted by Council at an ordinary meeting.

## **52.0 Distribution of the Minutes**

52.1 As per s 272 of the Regulation, a copy of the minutes of each meeting must be available for inspection by the public, at Council's public office(s) and on its website, within 10 days after the end of the meeting.

52.2 Once confirmed a copy of the minutes will be made available for purchase from Council's public office(s) as per the scheduled fees and charges.

## 53.0 General Business

- 53.1 Any Councillor who wishes to raise a matter during General Business is to provide all Councillors with at least 48 hours' email notice of same prior to the meeting. Such notice is to include a description of the matter proposed to be raised at the meeting with a copy of the notice also provided to the CEO. This is to allow all Councillors to consider any potential conflict issues in relation to the matter and to seek advice where necessary. It further allows the CEO to provide advice from staff on the subject matter if considered appropriate.
- 53.2 The Mayor may terminate the raising of the issue if it should be dealt with in closed business (e.g., staff or commercial in confidence matter) or is clearly not relevant to Council or the region.
- 53.3 Council may decide to:
- Not take the matter any further.
  - Discuss the matter further at the meeting.
  - Ask the Councillor to provide additional information on the matter which is to be provided at a later date, either at a meeting, by email or by other means.
  - Seek community consultation.
  - Seek further information from staff, other Councillors or other persons.
  - Request the Councillor to bring a Notified Motion to a subsequent Ordinary or Special Meeting of Council.

## 54.0 Reporting by Portfolio Councillors

- 54.1 Periodic written reports from Portfolio Councillors will be included in the Ordinary Meeting agenda as appropriate in line with the requirements of the Councillor Portfolio Policy. Such reports may be aligned to the timing of Council's quarterly statutory reporting obligations in relation to progress being made with the implementation of Council's annual Operational Plan and 5-year Corporate Plan.

**Adopted: F27/01/11**

**Amended: F18/09/11**

**Amended: M43/03/13**

**Amended: M14/07/15**

**Amended M13/04/16**

**Amended M16/11/18**

**Amended M09/06/20**

## Schedule One

### Dictionary

**the Act:** the *Local Government Act 2009*.

**Agenda:** a list of items in the order of the business to be considered at a meeting.

**Amendment:** is a proposed change of wording or intent in a motion.

**Chairperson:** the person presiding over the meeting of the local government or committee.

**CEO** a person who holds an appointment as Chief Executive Officer under s 194 of the Act.

**Defamation:** the result of a statement or printed material that—in the view of a reasonable member of the community—would cause them to think less of the person referred to in the communication. The statement may be expressed directly or by insinuation or irony, and may be spoken word, audible sounds, words, signs, signals, gestures or visible representation.

**Foreshadowed motion:** a motion or amendment that deals with the same subject matter as a current motion or amendment and proposes to be moved at the earliest opportunity after the current motion or amendment before the Chairperson lapses or is disposed of.

**Inappropriate conduct:** conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example:

- (a) a Councillor failing to comply with the local government's procedures or
- (b) a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

**Local law:** a law made by the local government.

**Majority:** a number greater than half the members entitled to vote, but may mean greater than half the members then in office (and not necessarily at the meeting).

**Model local law:** a local law as being suitable for adoption by all local governments approved and notified by gazette notice from the Minister.

**Minutes:** a summary of proceedings and resolutions of a meeting and the decisions reached.

**Motion:** a proposed resolution not yet voted on by a local government.

**Notice of meetings:** the written notice of a meeting stating day, date and time of the meeting.

**Ordinary meeting:** a periodic meeting of the local government as required under s 257 of the *Regulation*.

**Point of order:** a matter raised during consideration of a motion concerning the rules of a meeting, usually to draw attention to a breach in the rules of the meeting procedure.

**Public office:** the public offices for the Gympie Regional Council are:

- (a) Town Hall, 2 Caledonian Hill
- (b) 242 Mary St Gympie
- (c) 26 Bligh St Kilkivan

**Quorum:** the number of elected members that must be present to make proceedings of a meeting valid.

**the Regulation:** prescribed under the *Local Government Act 2009*, namely the *Local Government Regulation 2012*.

**Repeal:** means to withdraw a motion or resolution that has not yet been enacted.

**Resolution:** a formal expression of opinion or decision by Council.

**Standing Committee:** a committee of its Councillors that meets to discuss the topic decided by the local government when establishing the committee.

**Teleconferencing:** is the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen.