



Code of Meeting Practice

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Introduction

1 Legislation

Part 2, Division 1 of the *Local Government Regulation 2012* provides the core requirements for the conduct of meetings of the local government and the committees of the local government.

Part 2, Division 1 section 150F of the *Local Government Act 2009* provides the requirements for the conduct of meetings and committee meetings of the local government.

- (a) how the Chairperson of a local government meeting may deal with a councillor's unsuitable meeting conduct; and
- (b) how the suspected inappropriate conduct of a councillor referred to the local government by the assessor must be dealt with at a local government meeting.

Part 2, Division 1 section 150AF of the *Local Government Act 2009* provides the requirements for investigation of suspected inappropriate conduct.

1. The local governments must investigate the councillor's conduct.
2. The investigation must be conducted-
 - a. In a way that is consistent with-
 - i. Any recommendation of the assessor made under section 150AC(3); and
 - ii. To the extent the local government's investigation policy is not inconsistent with a recommendation of the assessor-the investigation policy; or
 - b. In another way the local government, by resolution, decides.
3. A resolution under subsection (2)(b) must state the decision, and the reasons for the decision.

2 Principles

This Code of Meeting Practice complements the provisions of the *Local Government Act 2009* and the *Local Government Regulation 2012*. Together these provide procedures and standards for the proper conduct of business by Council at its meetings.

The Council has an obligation to act in accordance with the local government principles set out at 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 Scope

The Code of Meeting Practice applies to all meetings of Lockyer Valley Regional Council, including meetings of committees, and all participants in those meetings. Any provision of the Code may be suspended by resolution of any meeting.

Meetings

Types of Meetings:

Meetings – include Ordinary Meetings, Special Meetings, Post-Election Meetings and Councillor Workshops.

Ordinary Meeting – is the meeting each local government (i.e. all Councillors) must hold at least once a month.

Special Meeting - is a meeting at which the only business that may be conducted is stated in the notice of the meeting (section 258(3), *Local Government Regulation 2012*)

Post – Election Meeting – is the meeting held within 14 days after the conclusion of each quadrennial election and the conclusion of a fresh election of its Councillors. At this meeting the local government must, by resolution, appoint a Deputy Mayor from its Councillors (other than the Mayor) (section 175 *Local Government Act 2009*)

Councillor Workshop – session for Councillors to provide direction on strategic matters but not make decisions and for the presentation of information on key projects or strategies.

Ordinary Meetings:

4 Times and places of Ordinary Meetings

The local government may, by resolution, fix dates and times for its ordinary meetings. If there is no resolution fixing the date and time for an ordinary meeting, the Chief Executive Officer must fix the date and time for the meeting and if practicable, consult with the Mayor about the proposed date and time for the meeting. Council meetings must not start before the time provided in the notice of the Council meeting.

Written notice must be given to each Councillor at least two days before the meeting, unless it is impracticable to give that notice. The notice must state the day and time of the meeting. If written notice of a rescission motion has been given in accordance with *section 262* then each councillor must be given at least five days notice before the meeting.

A notice under this section may be in electronic form where Councillors have the facilities to access the notice, agenda and business paper in that form.

In addition council will give notice to the public of the times, dates, places and matters to be considered at its Ordinary meetings and Standing Committees. These notices will be listed on council's website at least two days prior to each meeting.

5 Special Meetings

The Chief Executive Officer must call a special meeting of the local government if the special meeting is required by a resolution of the local government or a written request for the special

meeting is lodged with the Chief Executive Officer.

6 Agenda for Meeting

A list of the items to be discussed at a meeting of the local government must be open for inspection at the time the agenda for the meeting is made available to Councillors.

The agenda for a meeting must include—

- (a) items required under the Act to be included on the agenda
- (b) items required under these standing orders to be included on the agenda
- (c) items that are by resolution of the local government to be included on the agenda; and
- (d) each item whose inclusion on the agenda is requested by a Councillor.

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 to the Chief Executive Officer at least five (5) days before the notice of meeting is given. (Items for consideration may include questions on notice, rescission motions or a notice of motion). Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting. At a Special Meeting only the matters listed on the agenda may be considered.

7 Chairperson

The Mayor or appointed Chairperson will preside at any of Council's meetings. If the Mayor and Deputy Mayor are absent, a Councillor may be elected to the chair by the Councillors present at the meeting.

If at the time designated for holding the meeting no Chairperson is present, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

8 Duties of the Chairperson

The Chairperson has a duty to preserve order and ensure proceedings are conducted in a proper manner by:

- determining that the meeting is properly constituted and a quorum is present
- informing Councillors as to the business and objectives of the meeting
- formulating for discussion and decision any proposed resolution (motion) that has been moved for consideration of the meeting
- deciding whether proposed resolutions and amendments are in order i.e. clarifying the wording of resolutions prior to the vote being undertaken
- deciding points of order and other incidental matters that require a decision
- facilitating an exchange of views and ideas on key issues before the meeting
- confining discussion to within the scope of the meeting and within reasonable limits of time
- preserving order at the meeting
- focussing on serving the public interest
- putting relevant questions to the meeting and conducting a vote (and where authorised, giving a casting vote)

- declaring the result
- ensuring a division is taken if properly requested
- ensuring the record of minutes of the meeting is maintained
- ensuring that only an authorised recording of the meeting is made
- adjourning the meeting when circumstances justify that course
- declaring the meeting closed when its business is complete.

9 Post-Election Meeting

The Chief Executive Officer will conduct the Post-Election meeting until the Mayor completes his/her declaration.

Committee Meetings:

10 Times and places of Committee Meetings

A committee may, by resolution, fix dates, times and places for its meetings. 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. The Chief Executive Officer must, if practicable, consult with the Chairperson of the committee regarding the date, time and place of meetings.

11 Special Committee Meetings

The Chief Executive Officer must call a special meeting of a committee if the special meeting is required by a resolution of the local government; or a written request for the special meeting is lodged with the Chief Executive Officer.

12 Notice of Meetings and Agenda

The Chief Executive Officer must give written notice of a committee meeting setting out the date, time and place of the meeting, and the business to be considered at the meeting, to each member of the committee. The notice must be given, if practicable, at least two (2) days before the day of the meeting. A list of the items to be discussed at a meeting of a committee must be open to inspection at the time the agenda for the meeting is made available to the members of the committee.

13 Chairperson

The Chairperson of a committee must preside at a meeting of a Lockyer Valley Regional Council committee. Refer to Clause 8: Duties of the Chairperson.

14 Procedure at meetings

The procedure of a committee for dealing with business must be in accordance with procedural directions given to the committee by resolution of Lockyer Valley Regional Council; or if there is no procedural direction governing a particular matter, this Code of Meeting Practice.

Code of Practice

15 Application

This Code of Meeting Practice (the Code) provides rules for the conduct of meetings of the Lockyer Valley Regional Council (other than a post-election meeting) and where applicable, committee meetings of the local government. The Code shall apply to a post-election meeting of the local government as far as practicable.

Provisions of the Code may be suspended by separate resolution of a meeting of Lockyer Valley Regional Council outlining the duration and the application of the suspension.

Where a matter arises at a meeting which is not provided for in the Code, it may be dealt with via resolution to the meeting without notice.

Procedures for meetings:

16 Order of business

The order of business must be determined by resolution of Lockyer Valley Regional Council from time to time. The order of business may be altered for a particular meeting where the Councillors at the meeting pass a motion. Such a motion may be moved without notice.

The regular order of business will be:-

Ordinary meetings:

Meeting Opened

Leave of Absence

Condolences/Get Well Wishes

Declaration of Material Personal Interest and Conflict of Interest by councillors and senior staff

Mayoral Minute

Confirmation of Minutes

Business Arising from Minutes

Committee Reports

Deputations/ Presentations

Officer Reports

Items for information

Confidential items

Meeting Closed

Special Meetings and Committee Meetings:

Meeting Opened

Leave of Absence

Declaration of Material Personal Interest and Conflict of Interest by councillors and senior staff

Deputations/ Presentations (if relevant)

Officer Reports

Confidential items

Meeting Closed

Post-Election Meeting:

Opening of meeting

Local Government Act 2009 – Principles

Declaration of Office – Mayor and Councillors

Address by the Mayor

Appointment of Deputy Mayor

Appointment to Special Committees, Advisory Committees, Statutory Bodies and other organisations

Set the meeting cycle (i.e. number of meetings per month and day of meetings)

Other business as the Mayor may direct

The order of business for the post-election meeting may not be altered.

The minutes of the preceding meeting (*previous minutes*) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.

Admission of deputations, invitees and visitors shall be at the discretion of either of Mayor or Council (refer to Clause 20 Deputations). The time for receipt of petitions shall be at the discretion of the local government (refer to Clause 19 Petitions).

17 Meeting Agenda

The Chief Executive Officer must prepare or have prepared a meeting agenda for each meeting. The agenda must, where practical, be made available to Councillors two days prior to the meeting. A meeting agenda shall include, but not be limited to—

- (a) matters requiring attention from a previous meeting
- (b) officers' reports and relevant correspondence
- (c) matters or recommendations referred to the local government by a committee

- (f) any other business the local government determines should be included in the meeting agenda.

18 Agenda Reports

Reports included in the agenda may include personal information only to the extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the *Information Privacy Act 2009* (Queensland). It may be necessary where personal information is required to consider the item in a Closed Meeting of Council (see Clause 21).

Any agenda report information provided to an individual Councillor for his/her use will also be provided to all other Councillors.

19 Petitions

Any petition presented to a meeting of the local government must be in legible writing or typewritten and contain a minimum of ten signatures.

A petition may be presented to a meeting by a Councillor who must become familiar with the

subject matter of the petition if possible. The Councillor must state the nature of the petition and read the petition. No debate on or in relation to the petition shall be allowed.

A motion may be moved to receive the petition and give it consideration at a future meeting or for the petition be received and referred to a committee or the Chief Executive Officer for consideration or that the petition not be received.

20 Deputations

A person or group wishing to be received as a deputation by the Council:

- must make a written request at least seven (7) days before the meeting, to the Chief Executive Officer setting out the matter to be raised by the deputation and specifying the name and address of the person authorised to receive notices on behalf of the deputation; or
- may be invited by the Chairperson to address Council on a matter listed on the agenda for which they have an interest, without notice.

The Chief Executive Officer must inform the Chairperson immediately upon the receipt of the request. Unless otherwise directed by the Chairperson, the Chief Executive Officer must list the hearing of the deputation on the next Ordinary meeting agenda and give to the person specified in the request notice of the time and date when the deputation will be heard as well as guidance on acceptable behaviour requirements.

The Chairperson will determine the number of people in the deputation who will be permitted to address Council or respond to questions. The appointed speakers must restrict their addresses to not more than five minutes or as determined by the Chairperson.

If a member of the deputation other than the appointed speaker/s interjects or attempts to address the Council, the Chairperson may warn the deputation that a repetition may result in the deputation not being further heard.

If there is further interjection after the Chairperson has given the warning the Chairperson may call on the next item of business.

Unless the Council otherwise resolves, the effect of calling on the next business is that the deputation will not be heard further at that meeting and, if the deputation wishes to be heard at a subsequent meeting, a fresh request must be given to the Chief Executive Officer.

21 Closed Meetings

The Council has limited powers under the *Local Government Act 2009* and *Local Government Regulation 2012* to close Council meetings to the public.

The Council cannot resolve that a meeting be closed to the public if any person is to take part in the meeting by teleconferencing. A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

Only procedural resolutions may be made during a closed meeting. The meeting must be re-opened before any substantive resolution on the matter is made i.e. no decisions are able to be made in closed session.

When the Council resolves to close the meeting to the public, the Chairperson may direct all persons other than Councillors and the Chief Executive Officer to leave the Council Chambers. The Chairperson may allow additional persons (including officers of the Council, and legal and technical advisers) to remain in the meeting. All other persons must immediately leave the Council Chambers.

A person failing to comply with a direction to leave the Council Chambers may be removed from the Council Chambers using reasonably necessary force. For the purpose of effecting the removal the Chairperson may call upon the assistance of a member of the Police Service.

Unless the Council, upon the resumption of its open meeting, resolves to the contrary, all matters discussed in a closed meeting must be kept confidential.

Only Councillors that participate in a closed session of Council can vote on any resolutions moved as a result of the closed session discussion.

A closed session of Council is not to be recorded.

Motions:

22 Motions

A motion brought before a meeting in accordance with the Act or this Code may be received and put to the meeting by the Chairperson. 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.

The Chairperson will generally call the motions in the order as per the agenda. Where there is no objection to a motion, the Chairperson may put the motion to the vote without discussion.

An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.

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.

23 Absence of the mover of motion

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

24 Motion to be seconded

A motion or an amendment to a motion must not be debated at a meeting unless or until the motion or the amendment is seconded, with the exception of a procedural motion. If such a motion is not seconded it lapses. However, 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.

25 Amendment of a motion

An amendment to a motion must retain the identity of the motion and not negative the motion. Not more than one (1) motion or one (1) proposed amendment to a motion may be put before a meeting at any one time on the matter before Council.

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.

Where the original motion is amended by another motion the original motion cannot be repeated as an amendment the second motion. A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

26 Speaking to motions and amendments

The mover of a motion or amendment must read the amendment and state that the amendment is so moved, and may only speak in support of the amendment before it is seconded with the permission of the Chairperson and may speak in support of the amendment after it is seconded.

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

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, unless the Chairperson in his or her discretion rules otherwise.

The mover of a motion has the right of reply. The mover of an amendment to a motion has no right of reply.

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.

Each speaker is restricted to not more than five (5) minutes unless the Chairperson in his or her discretion rules otherwise.

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

27 Method of taking vote

Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the Chief Executive Officer.

Each Councillor is entitled to one vote.

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.

The Councillors will vote by a show of hands or as otherwise directed by the Chairperson. Any Councillor present that fails to vote is taken to have voted in the negative.

In the event of an equality of votes, the Chairperson has a casting vote in addition to their own vote. The Chairperson must advise the meeting that he/she is exercising their right to use the casting vote.

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

If a division is taken, the Chief Executive Officer must record—

- (a) the names of the Councillors voting in the affirmative; and
- (b) the names of the Councillors voting in the negative.

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

Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.

28 Rescinding or amending resolutions

A resolution of Council is effective from the moment it is passed and it is the function and duty of the Chief Executive Officer to give effect to such resolution.

To rescind a resolution of council the following must occur:

- written notice must be signed by at least three Councillors and provided to the Chief Executive Officer, in accordance with clause 6, and will be considered at the next Ordinary Meeting (prior to confirmation of the minutes in the agenda);
- if a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Notice of the rescission motion must be given to Councillors at least five days before the meeting at which it will be considered (clause 4).

The Chairperson must put the rescission motion to the meeting for determination.

If the motion has been negated by Council, a motion having the same effect must not be considered within three months.

29 Procedural motions

A Councillor may, during the debate of a matter, without the need for a seconder, move one of the following procedural motion:

- (a) that the question/motion be now put to the vote; or
- (b) that the motion and amendment now before the meeting be adjourned; or
- (c) that the meeting proceed to the next item of business; or
- (d) that the question/motion lie on the table; or

- (e) a point of order; or
- (f) a motion of dissent against a point of order; or
- (g) that a report or document be tabled; or
- (h) to suspend the rule requiring that ...; or
- (i) that the meeting stand adjourned.

The Chairperson may put a procedural motion to the vote without debate, subject to the motion being moved and seconded and no dissent being voiced by the Councillors present.

30 Motion that debate be adjourned

- (a) 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.
- (b) A motion under subsection (a) must not adjourn debate on a matter the subject of a motion for more than two (2) months after the date of the procedural motion.

31 Motion to proceed to next item of business

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. However, debate on the matter of the motion may be considered again on the giving of notice in accordance with the Code of Meeting Practice.

32 Motion that the motion lie on the table

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 at the meeting.

If such a motion is passed the local government must proceed with the next matter on the agenda or 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. If the matter is to be considered at a future meeting, the matter is to be deferred to that future meeting via a resolution of Council to defer the item.

33 Points of order

A Councillor may ask the Chairperson to decide a point of order where it is believed that another Councillor has failed to comply with proper procedures; or is in contravention of the Code of Meeting Practice or the Act; or is beyond the jurisdictional power of the local government.

Where a point of order is raised, consideration of the matter about which the Councillor was speaking may be suspended and not re-commenced until the Chairperson determines whether the point of order is upheld. The Councillor raising the point of order may speak to it. A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.

34 Motion of dissent

A Councillor can without notice move a motion of dissent in relation to a ruling of the Chairperson on a point of order to suspend further consideration of any matter until after the procedural motion is determined.

Only the mover of the procedural motion, then the Chairperson, may speak to the procedural motion, no other member may speak.

The Chairperson must put the procedural motion under consideration to a vote, the Chairperson shall proceed as though that ruling had not been made; or if lost, the ruling of the Chairperson shall stand.

35 Motion that a report be tabled

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.

36 Motion to suspend requirements of a rule

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 Code of Meeting Practice. Such a motion must specify the duration of the suspension.

37 Motion that meeting stands adjourned

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. Such a motion must specify the time for the resumption of the meeting and on the resumption of the meeting the business will be continued at the point at which it was suspended.

Mayoral minute:

38 Mayoral minute

The Mayor may direct the attention of Council to a matter or subject not on the agenda by a minute signed by the Mayor without notice on any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

The Mayoral minute must be delivered to the Chief Executive Officer and when introduced, take precedence over all business before Council.

A motion comprising the Mayoral minute may be put by the Mayor without being seconded and at any stage of the meeting. If the motion comprising the Mayoral minute is passed, the Mayoral minute becomes a resolution of the local government.

Amendments to Mayoral minutes that are consistent with the intent of the terms of the minute are permitted, provided such amendments have the agreement of the Mayor

Conduct during meetings:

39 Conduct during meetings

All Councillors have a responsibility to participate in Council meetings, policy development and decision making, for the benefit of the local government area.

After a meeting of the Council has commenced, a Councillor must not enter, leave or withdraw from the meeting without first notifying the Chairperson.

Mobile telephones and other devices must be turned off or placed in silent mode in the meeting room.

A Councillor must address the Chairperson while—

- (a) moving any motion or amendment; or
- (b) seconding any motion or amendment; or
- (c) taking part in any discussion; or
- (d) placing or replying to any question; or
- (e) addressing the local government for any other purpose.

Councillors must address each other during a meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers must designate them by their respective official or departmental title; and confine their remarks to the matter then under consideration.

Councillors must remain seated and silent while a vote is being taken except when calling for a division. A Councillor must not make personal reflections on or impute improper motives to another Councillor or any officer of the local government. 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. 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.

Councillors are to ensure their conduct at Council Meetings is in accordance with the Councillor Code of Conduct. Specifically, Councillors must demonstrate respect for fellow Councillors, Council staff and other members of the public and refrain from harassing, bullying or intimidating fellow Councillors, Council staff or other members of the public.

Councillors are not provided with rights, powers and immunities from the law to fulfil their duties. A Councillor can be sued or prosecuted for anything they say in a meeting and therefore should be mindful of their conduct at Council Meetings.

40 Disclosures of Interest

Councillors must disclose any material personal interest or conflict of interest arising from any matters to be considered at the meeting and comply with sections 175C and 175E of the *Local Government Act 2009*.

Material Personal Interest

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- a) A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:

- The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
 - How a person or other entity stands to gain the benefit or suffer the loss
 - If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor’s relationship to the person or entity.
- b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- c) Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
- d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item a).
- f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
- the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - if the matter cannot be delegated under section 257 of the LGA, the Local Government 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.
- g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council’s website) record:
- The name of the Councillor who has a material personal interest in the matter
 - The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

Conflict of Interest

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:

- a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
- The nature of the interest
 - If the Councillor’s personal interest arises because of the Councillor’s relationship with, or receipt of a gift or benefit from, another person:
 - the name of the other person
 - the nature of the relationship or value and date of receipt of the gift or benefit received, and
 - the nature of the other person’s interests in the matter.
- b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
- d) If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way
- f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
- The size or significance of the benefit the subject Councillor stands to receive or benefit
 - The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - The closeness of any relationship the subject Councillor may have with a given person or group.
- g) In making the decision under 4.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

- h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- i) The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item d).
- j) In the event the majority of Councillors inform of a personal interest in a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, or
 - if the matter cannot be delegated under the section 257 of the LGA, the Local Government 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.
- k) Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - The name of the Councillor who has declared the conflict of interest
 - The nature of the personal interest, as described by the Councillor
 - The decisions made under 4.3 and 4.5 above
 - Whether the Councillor participated in the meeting under an approval by the Minister
 - If the Councillor voted on the matter, how they voted
 - How the majority of Councillors voted on the matter.

Questions:

41 Questions

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. The person who is asked the question may request that the question be taken on notice for the next meeting.

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. The Chairperson may disallow a question which he or she considers is inconsistent with good order. A Councillor may move a motion that such a ruling of the Chairperson be disagreed with, and if such motion is carried, the Chairperson must allow the question.

Disorder and business:

42 Disorder

Where disorder arises at a meeting, the meeting may be adjourned. On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to

determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

43 Business of objectionable nature

At a meeting, if the Chairperson or a Councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the Chairperson or the Councillor may declare on a point of order, that the matter not be considered further.

Councillor Conduct:

44 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting:

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

- a) The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- b) If unsuitable conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings issued for unsuitable meeting conduct. If the Chairperson decides the conduct was of a less serious nature, the Councillor may be asked to refrain/cease the unsuitable conduct, apologise for their conduct or withdraw their comment. If the Councillor complies, no further action is required.
- c) If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
- d) If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- e) If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- f) If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- g) If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one or more of the orders below: an

- order reprimanding the Councillor for the conduct
 - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- i) Following the completion of the meeting, the Chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting
 - if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA
 - the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts a), g) and h) above.

45 Process for dealing with suspected inappropriate conduct which has been referred to a Local Government for decision/penalty:

After receiving a referral by the Independent Assessor of a suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council Meeting, unless it has delegated responsibility for this decision under section 257 of the *Local Government Act 2009*. When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor, Council has an obligation to act in accordance with the local government principles. Where the complainant or other person/s may be adversely affected due to the nature of the complaint, the Council may decide under section 275 of the *Local Government Regulation 2012* to go into closed session to deal with the matter.

When deliberating on the issue the subject Councillor must leave the meeting, including any area set aside for the public. Should the complainant be a Councillor, they must inform the meeting of the personal interest and follow the conflict of interest procedure in section 40. Council should debate the issue and decide whether the Councillor engaged in inappropriate conduct.

If Council decides that the Councillor has engaged in inappropriate conduct, Council is required to decide what penalty or penalties are to be imposed on the Councillor:

- An order that the Councillor make a public admission they engaged in inappropriate conduct
- An order reprimanding the Councillor for the conduct

- An order that the Councillor attend training/counselling to address the conduct, at the Councillor's expense
- An order that the Councillor be excluded from a Council Meeting
- An order that the Councillor be removed, resign from a position representing Council, other than the office of Councillor, (i.e. orders to resign from an appointment representing Council on a board or committee)
- An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct.
- An order that the Councillor reimburse Council for all or some of the costs associated from the Councillor's inappropriate conduct.

When making an order, Council can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted or not challenged and that Council is reasonably satisfied is true.

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.

Council must ensure the meeting minutes reflect the resolution made.

Attendance and non-attendance:

46 Quorum and lapse of a Quorum

A quorum of local government is a majority of its Councillors. A quorum of a Committee is the number fixed by the local government or by the Committee.

If during the conduct of a meeting, the Chairperson becomes aware that a quorum is no longer present, the meeting will be adjourned for thirty (30) minutes. If after thirty minutes a quorum is still not present, the meeting will be adjourned to a date and time to be determined by the Chairperson but no later than fourteen (14) days from the date of the adjournment, recommencing at the point of the meeting at which the loss of quorum occurred.

A member shall be deemed to be present at a meeting only when:

- that member is within the room in which the meeting is held; or
- when a Councillor is permitted by Council resolution to take part in a meeting by teleconferencing.

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

47 Teleconferencing

A Councillor is allowed to take part in a meeting by teleconferencing in accordance with section 276 of the *Local Government Regulation 2012*. A Councillor is taken to have attended the meeting if leave of absence from attending the meeting in person is granted by resolution of the local government either in advance, or at the commencement of the meeting; and the Councillor is able to be simultaneously in audio contact with each other person at the

meeting.

The Council cannot resolve that a meeting be closed to the public if any person is to take part in the meeting by teleconferencing.

48 Attendance of public and media at meetings

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.

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.

Each member of the public 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 Chief Executive Officer.

Members of the public must not make an audio or video recording of a meeting of a local government or a local government committee unless the Chairperson at the meeting gives consent to the recording of the meeting.

49 Public participation at meetings

The Chairperson may invite a member of the public to take part in the proceedings of a meeting. During debate on a motion, the Chairperson may invite submissions, comments or questions from members of the public provided it is not irrelevant, offensive or unduly long.

For matters arising from a member of the public, the local government 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.

Any person invited to address a meeting must stand, act and speak with decorum; and frame any remarks in respectful and courteous language.

Committees:

50 Reports by committees

All committee reports must be submitted to a meeting of the local government under the signature of the Chief Executive Officer or a delegate of the Chief Executive Officer and if a report of a committee makes distinct recommendations, the local government may make a separate decision on each recommendation.

51 Attendance at committee meetings

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.

52 Public participation at committee meetings

At a committee meeting, a person who is not a Councillor or a member of the committee must not take part in the meeting unless invited by the committee Chairperson.

Any person wishing to be heard personally or as a deputation on any matter relevant to a committee, may make an appointment with the Chief Executive Officer and the committee will determine if the matter is to be heard. The address will not exceed ten minutes and no more than two members of the deputation will speak.

Record of Meetings:

Minutes of the ordinary meeting and the reports of the proceedings of Committees must include:

- the names of Councillors or committee members present at the meeting
- the name of Councillors moving and seconding a motion and the outcome of that motion at Council meetings
- recommendations agreed, by majority at committee meetings
- if a division is called on a question – the names of all persons voting on the question and how they voted
- any disclosure of material personal interest or conflict of interest
- reasons for decisions required under section 273 of the *Local Government Regulation 2012*.

At each Ordinary Meeting, the minutes of the previous meeting must be confirmed by the Councillors present and signed by the person presiding at the latter meeting.

A copy of the minutes of each meeting must be available for inspection by the public at the local government office and on the website ten (10) days after the end of the meeting and when confirmed must be available for purchase.

Audio or Video Recording of a Meeting:

An authorised person may make audio or video recording of a meeting of the local government or a local government committee for the purpose of verifying the accuracy of the minutes of the meeting.

Such an audio or video recording must be destroyed or dealt with as directed by the local government after being used to verify the accuracy of the minutes of the meeting that was recorded.

A person (other than an authorised person making an audio or video recording for the purpose of the verifying the accuracy of the minutes) must not make an audio or video recording of a meeting of a local government or a local government committee unless the Chairperson at the meeting gives consent to the recording of the meeting.

Councillor Workshops or Briefing Sessions:

The Chief Executive Officer may conduct workshops or briefing sessions for Councillors on various matters. The Chairperson for the workshops or briefing sessions will be the Chief Executive Officer

or an officer appointed by the Chief Executive Officer. The objective of these workshops or briefing sessions is to provide direction on matters, not to make decisions.

Procedure not provided for:

If method of dealing with a matter is not provided for in the Code of Meeting Practice, the matter may be determined by resolution by a motion which may be put without notice in conformity with the Code.