

Procedure



REGIONAL COUNCIL

CODE OF MEETING PRACTICE

March 2022

Document Control

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Introduction

1. Legislation

Chapter 8, Part 2, Division 1A 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.

Chapter 5A, 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 Independent Assessor (IA) is to be dealt with at a local government meeting.

Chapter 5A, Part 3, Division 5 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.

Council has an obligation to act in accordance with the local government principles set out at section 4 (2) 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 and Councillor advisors.

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, Councillor Workshops and Committee Meetings.

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 254C (4), *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

Council, by resolution, will 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 will be given to each Councillor at least two days before the meeting, unless it is impracticable to give that notice. The notice will state the day and time of the meeting. A written notice of intention to repeal or amend a resolution will be given at least five days' notice before the meeting in accordance with section 262 of the *Local Government Regulation 2012*.

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 in accordance with section 254D of the *Local Government Regulation 2012*. These notices will be listed on Council's website by 5pm on the next business day after the notice of the meeting is given under section 254C.

5. Special Meetings

The Chief Executive Officer will call a special meeting of Council if the special meeting is required by a resolution of Council or a written request for the special meeting is lodged with the Chief Executive Officer.

6. Agenda for Meeting

In accordance with section 254D of the *Local Government Regulation 2012* Council will make the agenda for its

meeting publicly available by 5.00pm the next business day after the agenda for the meeting is made available to Councillors.

The agenda for a meeting will include—

- a) items required under the Act to be included on the agenda
- b) items required under this Code 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 would like an item of business included on the agenda for a meeting will give written notice of the nature of the business to the Chief Executive Officer at least five days before the notice of meeting is given. (Items for consideration may include questions on notice, motions to repeal or amend a resolution, 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 or Members 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 their 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 will call a special meeting of a committee if the special meeting is required by a resolution of Council; 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 will 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 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 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 Council. The Code will apply to a post-election meeting of Council 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 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 Prescribed Conflicts of Interest and Declarable Conflicts of Interests by Councillors
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 Prescribed Conflicts of Interest and Declarable Conflicts of Interests by Councillors
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 a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of Council, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.

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 Council (refer to Clause

19 Petitions).

17. Meeting Agenda

The Chief Executive Officer will prepare or have prepared a meeting agenda for each meeting. The agenda must, where practical, be made available to Councillors and Members 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
- (d) 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 or Member for their use will also be provided to all other Councillors or Members.

19. Petitions

Any petition presented to a meeting of Council will:

- be in legible writing or typewritten and contain a minimum of 10 signatures
- include the name and contact details of the principal petitioner (i.e. the key contact)
- include the postcode of all petitioners, and
- have the details of the specific request or matter on each page of the petition.

Where a Councillor presents a petition to a Council meeting, no debate in relation to it will be allowed, and the only motion which may be moved is:

- that the petition be received
- received and referred to a committee or officer for consideration and a report to the council, or
- not be received because it is deemed invalid.

Council will respond to the principal petitioner in relation to all petitions deemed valid.

20. Deputations

A deputation seeking to attend and address a meeting of the Council shall apply in writing to the Chief Executive Officer not less than seven business days before the meeting.

The Chief Executive Officer, on receiving an application for a deputation, shall notify the Chairperson who will determine whether the deputation may be heard. The Chief Executive Officer will inform the deputation of the determination in writing of the outcome. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time allowed (e.g. 15 minutes).

For deputations comprising three or more persons, only three persons shall be able to address a council meeting unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the Chairperson may terminate the deputation.

The Chairperson may terminate an address by a person in a deputation at any time where:

- the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
- the time allowed for a deputation has expired, or
- the person uses insulting or offensive language or is derogatory towards Councillors or others.

The Chief Executive Officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

21. Closed Meetings

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

- appointment, dismissal or discipline of the Chief Executive Officer
- 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.

Council nor a committee meeting can resolve that a meeting be closed where the meeting is informed of a Councillor's or Members personal interest in the matter by another person and the eligible Councillors or Members at the meeting must decide whether the Councillor or Member has a declarable conflict of interest in the matter.

Further, a meeting must not be closed if a quorum is lost due to the number of conflicted Councillors or Members 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.

Note: 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 Council will abide by the following:

- pass a resolution to close the meeting
- 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
- 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
- not make a resolution while in a closed meeting (other than a procedural resolution).

When Council resolves to close the meeting to the public, the Chairperson may direct all persons other than Councillors or Members 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 or Members 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.

A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.

When a motion has been moved and seconded, it will become subject to the control of the Council or Member and cannot be withdrawn without the consent of the Council meeting or Committee meeting.

Other Councillors or Members can propose amendments to the motion, which must be voted on before voting on the final motion.

- A motion brought before a meeting of Council or a Committee in accordance with the *Local Government Act 2009* or these standing orders will be received and put to the meeting by the Chairperson.
- The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- The Chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

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

Not more than one motion or one proposed amendment to a motion may be put before a meeting of a

Council or Committee at any one time.

23. Absence of the mover of motion

Where a Councillor or Member 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 or Member 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, except for a procedural motion. If such a motion is not seconded it lapses. However, a Councillor or Member 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 will be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.

Where an amendment to a motion is before a meeting of Council or Committee, no other amendment to the motion will be considered until after the first amendment has been voted on.

Where a motion is amended by another motion, the original motion will not be proposed as a subsequent motion to amend that other motion.

26. Speaking to motions and amendments

The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.

The Chairperson will manage the debate by allowing the Councillor or Member who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillors or Members who wish to speak against the motion and then alternatively for and against the motion as available, until all Councillors or Members who wish to speak have had the opportunity.

A Councillor or Member may make a request to the Chairperson for further information before or after the motion or amendment is seconded.

The mover of a motion or amendment has the right to reply. Each Councillor or Member will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.

Each speaker will be restricted to not more than five minutes unless the Chairperson rules otherwise.

Where two or more Councillors or Members indicate they may wish to speak at the same time, the Chairperson will determine who is entitled to priority.

In accordance with section 254H of the Local Government Regulation 2012, if a decision made at the Council meeting or Committee meeting is inconsistent with a recommendation or advice given to the Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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

The Chairperson will call for all Councillors or Members in favour of the motion to indicate their support. The Chairperson will then call for all Councillors or Members against the motion to indicate their objection. A Councillor or Member may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minute secretary will record the names of Councillors or Members voting in the affirmative and of those voting in the negative. The Chairperson will declare the result of a vote or a division as soon as it has been determined.

Councillors or Members have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

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 they are exercising their right to use the casting vote.

Note: If a report contains distinct recommendations, the decision of the Council or Committee may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.

28. Withdrawing a motion

A motion or amendment may be withdrawn by the mover with the consent of the Council or Committee, which will be without debate, and a Councillor or Member will not speak to the motion or amendment after the mover has been granted permission by the Council meeting or Committee meeting for its withdrawal

29. Repealing or amending resolutions

A resolution of Council or Committee may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.

Councillors or Members present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. The deferral will not be longer than three months.

30. Procedural motions

A Councillor or Member at a meeting of Council or Committee may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:

- that the question/motion be now put before the meeting
- that the motion or amendment now before the meeting be adjourned
- that the meeting proceeds to the next item of business
- that the question lie on the table
- a point of order
- a motion of dissent against the Chairperson's decision

- that this report/document be tabled
- to suspend the rule requiring that (insert requirement)
- that the meeting stands adjourned.

A procedural motion, that ‘the question be put’, may be moved and where the procedural motion is carried, the Chairperson will immediately ‘put the question to the motion’ or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.

31. Motion that debate be adjourned

The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate will be adjourned. Where no date or time is specified:

- a further motion may be moved to specify a time or date; or
- the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.

32. 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 that is the subject of the motion will cease and may be considered again by Council or Committee on the giving of notice in accordance with the standing orders.

33. Motion that the motion lie on the table

A procedural motion that the question lie on the table, will only be moved where the Chairperson or a Councillor or Member requires additional information on the matter before the meeting (or the result of some other action of the Council or Committee or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council or Committee will proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

34. Points of order

Any Councillor or Member may ask the Chairperson to decide on a point of order where it is believed that another Councillor or Member:

- has failed to comply with proper procedures;
- is in contravention of the legislation; or
- is beyond the jurisdiction power of the Council meeting or Committee meeting.

Note: Points of order cannot be used as a means of contradicting a statement made by the Councillor or Member speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The Chairperson will determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor or Member may raise a point of order, and then the Councillor or Member against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

35. Motion of dissent

A Councillor or Member may move a motion of dissent in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling

is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made. Whereas a result of that ruling the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

36. Motion that a report be tabled

The motion that this report/document be tabled may be used by a Councillor or Member to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

37. Motion to suspend requirements of a rule

A procedural motion to suspend the requirements of a rule may be made by a Councillor or Member 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.

38. Motion that meeting stands adjourned

A procedural motion, that the meeting stands adjourned, may be moved by a Councillor or Member at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's or Member's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the Council meeting or Committee meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

Mayoral minute:

39. 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 Council.

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:

40. Conduct during meetings

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

After a meeting of the Council or Committee has commenced, a Councillor or Member 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 or Member 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 and Members 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 or Members must remain seated and silent while a vote is being taken except when calling for a division. A Councillor or Member must not make personal reflections on or impute improper motives to another Councillor, Member or any officer of Council. A Councillor or Member must not interrupt another Councillor or Member who is speaking except upon a point of order being raised either by the Chairperson or the Councillor or Member. If the Chairperson intervenes during the process of a debate, any Councillor or Member then speaking or offering to speak, and each Councillor or Member present, must preserve strict silence so that the Chairperson may be heard without interruption.

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

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

41. Disclosures of Interest

Councillors and Members must disclose any prescribed conflicts of interest and declarable conflicts of interest on any matters to be considered by Council pursuant to Chapter 5B, Part 2 and Part 3 of the Local Government Act 2009.

Prescribed Conflict of Interest

Councillors and Members are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors and Members must abide by the following procedures:

A Councillor or Member 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.

A Councillor or Member who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of the interest.

When notifying the meeting of a prescribed conflict of interest, the following details must be provided:

- if it arises because of a gift, loan or contract, the value of the gift, loan or contract
- if it arises because of an application or submission, the subject of the application or submission
- the name of any entity other than the Councillor or Member that has an interest in the matter
- the nature of the Councillor's or Member's relationship with the entity that has an interest in a matter
- details of the Councillor's or Member's and any other entity's interest in the matter.

The Councillor or Member 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 or Member has written notice from the Minister to participate in the matter.

Once the Councillor or Member has left the area where the meeting is being conducted, the Council or Committee can continue discussing and deciding on the matter at hand.

Declarable Conflict of Interest

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

A Councillor or Member may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors or Members prior to deciding to declare a conflict of interest. If the other Councillors or Members suspect the personal interest might be a conflict of interest, the Councillor or Member may disclose their suspicion and the processes under section 150EW of the Local Government Act 2009.

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

A Councillor or Member who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a meeting must also give notice during the meeting.

A Councillor or Member who first becomes aware of a declarable conflict of interest in a matter during a meeting must inform the meeting of the conflict of interest.

When notifying the meeting of a declarable conflict of interest, Councillors or Members should provide sufficient detail to allow the other Councillors or Members to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

- the nature of the declarable conflict of interest
- if it arises because of the Councillor's or Member's relationship with a related party:
 - i. the name of the related party to the Councillor or Member
 - ii. the nature of the relationship of the related party to the Councillor or Member
 - iii. the nature of the related party's interest in the matter
- if it arises because of a gift or loan from another person to the Councillor or Member 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 Member 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.

After a Councillor or Member has declared a conflict of interest, the Councillor or Member 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.

If the Councillor or Member chooses not to leave the meeting, the Councillor or Member may advise the other Councillors or Members of their reasons for seeking permission to participate in making the decision.

The other non-conflicted Councillors or Members at the meeting must then decide, by resolution, whether the Councillor or Member 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 or Members. The non-conflicted Councillors or Members may impose conditions on the Councillor or Member 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 or Member must comply with any decision or condition imposed by the non-conflicted Councillors or Members.

In deciding on a Councillor's or Member's declarable conflict of interest in a matter, only Councillors or Members 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 or Members is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Local Government Act 2009.

The Councillor or Member 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 or Members in making their decision. The subject Councillor or Member 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 or Member may remain in the meeting and participate in deciding the matter in which the Councillor or Member has a declarable conflict of interest.

When deciding whether a Councillor or Member may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors or Members should consider the particular circumstances of the matter including, but not limited to:

- how does the inclusion of the Councillor or Member in the deliberation affect the public trust
- how close or remote is the Councillor's or Member's relationship to the related party
- if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- will the benefit or detriment the subject Councillor or Member or their related party stands to receive from the decision have major or minor impact on them
- how does the benefit or detriment the subject Councillor or Member stands to receive compare to others in the community
- how does this compare with similar matters that Council or Committee has decided and have other Councillors or Members with the same or similar interests decided to leave the meeting
- whether the subject Councillor or Members has unique skills, knowledge or expertise that might help make the best decision in the public interest.

If the non-conflicted Councillors or Members cannot decide about the declarable conflict of interest of a Councillor or Member, they are taken to have decided that the Councillor or Member must leave and stay away from the meeting while the non-conflicted Councillors or Members discuss and vote on the matter.

A decision about a Councillor or Member who has a declarable conflict of interest in a matter applies in relation to the Councillor or Member for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's or Member's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors or Members decide that the Councillor or Member can act in the public interest on the matter, then the Councillor or Member may participate in the meeting and be involved in processes occurring outside of a Council meeting or Committee meeting about the same matter e.g. briefing sessions or workshops.

In making the decision, it is irrelevant how the subject Councillor or Member intended to vote on the issue or any other issue (if known or suspected).

A Councillor or Member does not contravene the above procedures if the Councillor or Member participates in a decision under written approval from the Minister.

42. Reporting a Suspected Conflict of Interest

If a Councillor or Member at a meeting reasonably believes or suspects that another Councillor or Member 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 or Member 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.

The Chairperson then should ask the relevant Councillor or Member with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor or Member agrees they have a conflict of interest, the Councillor or Member must follow the relevant procedures above.

If the Councillor or Member believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

The non-conflicted Councillors or Members must then decide whether the Councillor or Member has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor or Member does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor or Member has a conflict of interest, the Councillor or Member must follow the relevant procedures above.

If the Councillors or Members cannot reach a majority decision, then they are taken to have determined that the Councillor or Member has a declarable conflict of interest.

43. Loss of a quorum due to a prescribed or declarable conflict of interest

In the event where one or more Councillors or Members 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 meeting must resolve to:

- delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*
- defer the matter to a later meeting
- not decide the matter and take no further action in relation to the matter.

All Councillors or Members including the conflicted Councillors or Members, may participate in deciding to delegate or defer a matter.

The Council or Committee 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.

If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the Councillors or Members to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

Questions:

44. Questions

A Councillor or Member may at a Council meeting or Committee meeting ask a question for reply by another Councillor, Member, or an officer regarding any matter under consideration at the meeting. A question will be asked categorically and without argument and no discussion will be permitted at the meeting in relation to a reply or a refusal to reply to the question. A Councillor or Member or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

A Councillor or Member who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor or Member may move a motion that the Chairperson's ruling be disagreed with, and if carried the Chairperson will allow the question.

Disorder and business:

45. Disorder

The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson will move a motion to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

46. Business of objectionable nature

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

Meeting Conduct:

47. Process for 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 code of conduct for Councillors. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- a) The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- b) If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 47, g).
- 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.
If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order being issued.
- e) If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- f) 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 47, c), 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.
- g) 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.
- h) Following the completion of the meeting, the Chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting
 - if it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct
 - the council's Chief Executive Officer is advised to ensure details of any order made is updated in the council's Councillor conduct register.
- a) Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts a), g) and h) above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the *Local Government Act 2009* to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because Councillors disagree with the Chairperson's decision or ruling during the meeting.

48. General conduct during meetings

After a meeting of the Council or Committee has been formally constituted and the business commenced, a Councillor or Member will not enter or leave from the meeting without first notifying the Chairperson.

Councillors or Members will speak to each other or about each other during the Council meeting or Committee meeting by their respective titles ('Mayor' or 'Councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.

No Councillor or Member who is speaking will be interrupted except upon a point of order being raised either by the Chairperson or by another Councillor or Member.

When the Chairperson speaks during the process of a debate, the Councillor or Member speaking or offering to speak will immediately cease speaking, and each Councillor or Member present will observe strict silence so that the Chairperson may be heard without interruption.

49. 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 Local Government Act 2009 (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 47, i) dot point two of this document.

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

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 Local Government Regulation 2012 to discuss the allegation.

The subject Councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.

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 9. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 9. 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.

The council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the Local Government Act 2009 or deferred to another date when a quorum will be present.

If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 49 a), 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.

- a) The council may order that no action be taken against the Councillor or make one or more of the following:
 - an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct

- an order reprimanding the Councillor for the conduct
- an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
- an order that the Councillor be excluded from a stated council meeting
- an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a state board or committee
- 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 the council for all or some of the costs arising from the Councillor's inappropriate conduct.

Council may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.

The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision.

The Chairperson must ensure the meeting minutes reflect the resolution made.

Attendance and non-attendance:

50. Quorum and lapse of a Quorum

A quorum of Council is a majority of its Councillors. A quorum of a Committee is the number fixed by Council 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 taking part by teleconference, a Councillor 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.

51. Teleconferencing

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 or committee meeting by teleconference.

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.

For Council to manage the safety rules during the COVID-19 pandemic, changes have been added to the *Local Government Regulation 2012* that will expire on the COVID-19 legislation expiry day, as defined in the *COVID-19 Emergency Response Act 2019*.

These provisions allow the council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, 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 has the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19

52. 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 Council resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.

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

53. 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, Council may:

- (a) refer the matter to a committee; or
- (b) deal with the matter immediately; or
- (c) place the matter on notice for discussion at a future meeting; or
- (d) note the matter and take no further action.

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

Committees:

54. Reports by committees

All committee reports must be submitted to a meeting of the Council 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, Council may make a separate decision on each recommendation.

55. 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.

56. 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:

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

Minutes of each meeting must include:

The names of the Councillors or Committee members present at the meeting;

- a) a copy of any report adopted by the meeting;
- b) a copy of other documentary material necessary for a proper understanding of the proceedings of the meeting;
- c) if a division is called on a question, the names of all persons voting on the question and how they voted;
- d) each relevant report for the meeting, other than to the extent the relevant report contains information that is confidential to the Council; and
- e) declarations of interest being:
 - i. a prescribed conflict of interest; and
 - ii. a declarable conflict of interest.

At each Council meeting, the minutes of the previous meeting must be confirmed by the Councillors or Committee members present.

A copy of the minutes of each Council meeting must be made publicly available by 5pm on the tenth day after the meeting is held, unless the minutes are sooner confirmed.

Audio or Video Recording of a Meeting:

Council may record, in both audio and/or video, its statutory meetings for the periods that they are open to the public. The recordings may be made available to the public online at the earliest opportunity after the meeting has concluded.

All participants at meetings are reminded that parliamentary privilege does not apply to local government. Individuals must take responsibility for their own words and actions. Council may, at the discretion of the Chief Executive Officer, remove any part of a recording for publication only where there is real concern that not to do so would expose Council to risk of an action for publishing defamatory material or releasing personal information contrary to legislation.

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.