

Conduct of Council & Committee Meetings Policy

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1 POLICY STATEMENT

This policy provides guidelines for South Burnett Regional Council ('Council') to ensure that its Council and Committee meetings are conducted to the expected standards. This policy meets the obligations as provided for in the *Local Government Act 2009* ('Act') and *Local Government Regulation 2012* ('Regulation').

2 SCOPE

This policy establishes protocols for the proper and orderly conduct of Council meetings including Standing and Advisory Committee meetings and applies to all Council representatives and members of the public who attend.

Where a matter arises at a meeting that is not provided for in this policy, the matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise conforming with this policy.

This policy supports the State government prescribed:

- local government principles under *Section 4* of the Act; and
- best practice standing orders for local government and Standing Committee meetings.

3 GENERAL INFORMATION

PART 1 MEETINGS OF THE COUNCIL

Division 1 – Time of meetings

3.1 Times of ordinary meetings

- 3.1.1** The days and times of ordinary meetings of the Council will be as resolved at the post-election meeting and from time to time thereafter.
- 3.1.2** All ordinary meetings of the Council will be held at its public office unless otherwise resolved at an ordinary meeting.
- 3.1.3** Pursuant to the Regulation, Council must, at least once in each year, publish a notice of the days and times when its ordinary meetings will be held.

3.1.4 Council must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held, and meeting of its committees will be held.

3.2 Special meetings

3.2.1 The Chief Executive Officer ('CEO') calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor pursuant to *Section 254C* of the Regulation.

3.2.2 The CEO will call a special meeting of the Council if:

- the special meeting is required by a resolution of the Council; or
- a written request for the special meeting is lodged with the CEO; or
- a special meeting is required to comply with the Act or other legislation; or
- where the CEO determines it is in the interests of the Council that a special meeting be held.

3.2.3 A written request for a special meeting of the Council will:

- be signed by the Mayor or three (3) or more Councillors; and
- specify the object of the special meeting; and
- propose a day and time for the holding of the special meeting;
- The only business that may be conducted at a special meeting is the business specified in the notice of meeting pursuant to *Section 254C* of the Regulation.

3.3 Division 2 – Agenda for Council meetings Notice and agenda for Council meetings

3.3.1 The CEO will distribute a written notice of the meeting at least two (2) days prior to each Council meeting unless it is impracticable to give the notice before that time.

3.3.2 Any notice of meeting or agenda will be given to a Councillor by:

- personal delivery; or
- delivery to a nominated address; or
- post; or
- electronic mail.

3.3.3 The agenda, including all papers are to be made publicly available by 5.00pm on the business day after being provided to the Councillors.

3.3.4 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

Division 3 – Procedures for meetings of Council

3.4 Presiding Officer

3.4.1 The Mayor will preside at a meeting of the Council.

3.4.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.

3.4.3 If both the Mayor and the Deputy Mayor, or the Mayor's delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside.

3.4.4 Before proceeding with the business of the meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the Council.

3.5 Order of business for meetings of Council

3.5.1 The order of business will be determined by resolution of the Council from time to time.

3.5.2 Council may, by resolution and without notice of motion, alter the order in which it proceeds with the business for a particular meeting.

3.5.3 Unless otherwise altered, the order of business will be as follows:

- present;
- opening;
- leave of absence/apologies;
- prayers;
- recognition of traditional owners;
- declaration of interest;
- deputations/petitions;
- confirmation of minutes of previous meeting;
- Mayoral minute;
- notice of motions;
- consideration of business sections including:
 - Councillor divisional updates;
 - business arising out of the minutes of previous meeting;
 - reception and consideration of correspondence;
 - Committee reports to Council referred to the meeting by the CEO;
 - Council Officers' reports to Council referred to the meeting by the CEO.
- questions on notice;
- reports for Information of Council;
- confidential reports; and
- closure of meeting.

3.5.4 The CEO determines the agenda content for any meeting.

3.5.5 Business not on the agenda, or not arising from the agenda, will not be considered at any Council meeting unless permission for that purpose is given by the local government at the meeting.

3.6 Time and recording of meetings

3.6.1 Council meetings must not start before the time provided in the notice of the Council meeting. Council will electronically record Council meetings for the purpose of accurate record keeping and, where Council consents, a recording will be made available to the public.

3.7 Confirmation of minutes

3.7.1 The minutes of any preceding meeting, whether an ordinary or a special meeting, not previously confirmed, will be taken into consideration at every ordinary meeting of the Council, so that they can be confirmed.

3.7.2 No discussion will be permitted on the minutes except to confirm the accuracy as a record of proceedings.

3.8 Clarification – members

3.8.1 A Councillor feeling aggrieved by a matter which has transpired between the termination of one meeting and the commencement of the next may, immediately after the confirmation of the minutes of the preceding meeting and with the consent of the Chairperson, raise a matter for clarification and which may require discussion.

3.9 Matter arising

3.9.1 Where, at an ordinary meeting of the Council, a matter arises which is not provided for in this policy, the matter will be determined by resolution of the Council upon a motion which may

be put without notice but otherwise in conformity with the Act or Regulation, and Best Practice Standing Orders for local government and Standing Committee meetings.

3.10 Objectionable business

3.10.1 If the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the Council, the Chairperson may on their own motion or that of another Councillor, declare on a point of order that the matter not be considered further.

3.11 Business confined to agenda

3.11.1 Business not on the agenda or arising from the agenda will not be considered at any meeting unless permission is granted by resolution of the Council at that meeting.

3.12 Petitions

3.12.1 A petition may be forwarded or handed to the CEO who will present it at the first ordinary meeting of the Council as an agenda item.

3.12.2 Any petition presented to a meeting of the 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. one (1) person who is the organiser and who will act as the key contact for the petition);
- include the postcode of all petitioners; and
- have the details of the specific request/matter appear on each page of the petition.

3.12.3 A petition may be presented to a meeting of the Council by a Councillor who before presenting the petition will, as far as practicable, become acquainted with the subject matter of the petition.

3.12.4 A Councillor, on presenting a petition to a meeting, will:

- state the nature of the petition; and
- read the petition.

3.12.5 The only motion which will be moved is:

- the petition be received and referred to the CEO or a Committee for consideration and report back to a meeting of Council; or
- the petition be received and referred to the CEO to determine appropriate action; or
- the petition is not received as it is deemed invalid.

3.12.6 Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

3.13 Deputations and presentations

3.13.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than five (5) business days before the meeting.

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

3.13.3 For deputations comprising three (3) or more persons, a maximum of three (3) persons shall be at liberty to address the 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.

3.13.4 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.

3.13.5 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; or
- the time period allowed for a deputation has expired; or
- the person uses insulting or offensive language or is derogatory towards Council representatives or members of the gallery / media representatives.

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

Division 4 – Motions

3.14 Notified motions

3.14.1 A Councillor may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the Council by giving notice in writing, in the approved form, to the CEO at least five (5) days before the meeting.

3.14.2 The Chairperson shall rule out of order a motion which does not comply with clause 3.14.1.

3.14.3 Notified motions shall be dated and recorded by the CEO as received.

3.14.4 Where a Councillor who has given notice of a motion is absent or declines to move the motion, the motion may be:

- moved by another Councillor at the meeting; or
- deferred to the next meeting.

3.14.5 Where the notified motion is not moved or deferred, it shall not again be reintroduced without a subsequent notice of motion duly given as provided in clause 3.14.1.

3.14.6 At the meeting, a notified motion requires a seconder in order that it be dealt with.

3.15 Notices of motion – rescinding or repealing previous resolutions

3.15.1 A resolution of the Council may not be amended or repealed unless notice of motion is given pursuant to the requirements of the Regulation.

3.15.2 A resolution of the Council can be rescinded or repealed only if written notice is given, in the correct format, of intention to propose the repeal is given to each Councillor at least five (5) days before the meeting at which the proposal is to be made.

3.15.3 At the meeting to decide the rescission motion, the proposed motion is taken to have been defeated unless it is agreed to by:

- the number of Councillors present at the meeting is more than the number present at the meeting at which the resolution was adopted - a majority of the Councillors present; or
- in any other case - a majority of all Councillors.

3.15.4 A resolution of the Council can only be rescinded or repealed if it has not been acted upon. If an alternative resolution is proposed to be moved, notice of intention to move the alternative motion is to also be provided.

3.15.5 The Chairperson may call the notices of motion in the order they appear on an agenda. Where there is no objection to a motion to rescind or repeal a previous resolution being taken as a formal motion, the Chairperson may put the motion to rescind or repeal to the vote without discussion.

3.15.6 If the motion to rescind or repeal a previous resolution of Council is carried then, if there is an alternative motion, it will be moved and seconded for discussion and voting thereon.

3.15.7 Where a Councillor who has given notice of a motion is absent from the meeting of the Council at which the motion is to be considered, the motion may be:

- moved by another Councillor at the meeting; or
- deferred to the next ordinary meeting of Council.

3.15.8 Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. The deferral shall not be longer than three (3) months.

3.15.9 Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three (3) months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

3.16 Consideration of motions and amendments

3.16.1 A motion or an amendment to a motion shall not be debated at a meeting of the Council unless or until the motion or the amendment is seconded, with the exception of procedural motions which are not debated.

3.16.2 A motion or an amendment to a motion, with the exception of a procedural motion relating to a point of order that is not seconded, lapses for want of a seconder.

3.16.3 A Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chairperson for the purpose of explaining the purpose of the motion before it is seconded.

3.16.4 A motion may not be withdrawn where a Councillor at the meeting objects to its removal.

3.16.5 When a motion has been moved and seconded, it is subject to the control of the Council and may not be withdrawn without the consent of the Council meeting.

3.16.6 Only one (1) motion, or one (1) proposed amendment to a motion, may be put at any one (1) time.

3.16.7 An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and does not contradict the motion.

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

3.16.9 A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.

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

3.16.11 The following items of business on the agenda of a Council meeting requires the movement of a motion:

- confirmation of minutes;
- receipt of correspondence;
- receipt of petitions;
- consideration of notices of motion
- reception and adoption of reports from Council Standing and Advisory Committees;
- matters resolved by the Council to be placed on the agenda; and
- general business including Leave of Absence;

3.17 Withdrawal of a motion

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

3.17.2 A Councillor who has moved or seconded a motion may elect to withdraw the motion:

- before an amendment to the motion is moved and seconded; or
- after an amendment is seconded but not adopted.

3.17.3 A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

3.18 Speaking to motions and amendments

- 3.18.1** The mover of a motion or amendment will read it and state that it is to be moved but will not speak to it until the motion is seconded.
- 3.18.2** A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 3.18.3** The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 3.18.4** An amendment may be withdrawn by the mover with the consent of the Council, which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Council for its withdrawal.
- 3.18.5** The mover of a motion or amendment has the right to reply. Each Councillor 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.
- 3.18.6** Each speaker, including when exercising a right of reply, will be restricted to not more than five (5) minutes and will speak directly to the motion.
- 3.18.7** Any extension of time for a Councillor to speak, will only be granted by the Chairperson and any extension will be for a period of not more than three (3) minutes.
- 3.18.8** When two (2) or more Councillors rise or motion to speak at the same time, the Chairperson will determine who is entitled the priority.

3.19 Method of taking vote

- 3.19.1** Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the CEO or other Council officer who is taking the minutes of the meeting.
- 3.19.2** The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection.
- 3.19.3** A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A Councillor may call for a division on an item by requesting that the item be voted on separately. If a division is taken, the minute secretary will record the names of Councillors voting in the affirmative and of those voting in the negative.
- 3.19.4** Councillors will vote by a show of hands.
- 3.19.5** The Chairperson will declare the result of a vote or a division as soon as it has been determined.
- 3.19.6** Except upon a motion to repeal or amend, a resolution will not be discussed after the vote on it has been declared.
- 3.19.7** Councillors 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.

3.20 Procedural motions

- 3.20.1** A Councillor at a meeting of the Council 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 lay 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); and
- that the meeting stands adjourned.

3.20.2 A procedural motion will be seconded.

3.20.3 A procedural motion will not be debated and will be immediately put to the vote by the Chairperson.

3.20.4 Where a procedural motion is lost, the Chairperson will not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

3.21 Motion - that the question/motion be now put before the meeting

3.21.1 A procedural motion, that the question be now 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.

3.21.2 Where a procedural motion is lost, debate on the motion or amendment to that motion will resume.

3.21.3 Any mover or seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.

3.22 Motion - that the motion or amendment now before the meeting be adjourned

3.22.1 A procedural motion that the motion and/or amendment now before the meeting be adjourned may specify a time or date to which the debate is to be adjourned.

3.22.2 Where no date or time is specified:

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

3.22.3 A procedural motion may not adjourn debate for a period more than three (3) months after the date of that procedural motion.

3.23 Motion - that the meeting proceeds to the next item of business

3.23.1 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 the Council on the giving of notice in accordance with this policy.

3.24 Motion - that the question lay on the table

3.24.1 A procedural motion that the question lay on the table, will only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the Council or person is required) before the matter may be concluded at the meeting.

3.24.2 Where such a procedural motion is passed, the Council will proceed with the next matter on the agenda. 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.

3.24.3 Once the matter is taken off the table, all members, whether or not they have previously spoken, have the right to speak.

3.24.4 If the motion for the question to lay on the table is lost, debate continues, and the tabling motion cannot be moved again in respect to that substantive motion.

3.24.5 If the motion for the question to lay on the table is moved and carried whilst an amendment is before the Chairperson, both the motion and the amendment are laid on the table.

3.25 Motion - that the matter be referred to a committee

3.25.1 If a procedural motion that the matter be referred to a committee for consideration is carried, debate on the matter will cease and the Council will proceed with the next matter on the agenda.

3.25.2 Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the Committee to which the matter is to be referred.

3.26 Motion - a point of order

3.26.1 A Councillor may ask the Chairperson to decide on a point of order where it is believed that another Councillor:

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

3.26.2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.

3.26.3 Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended.

3.26.4 The Chairperson will determine whether the point of order is upheld.

3.26.5 Upon a question of order arising during the process of a debate, a Councillor may raise a point of order, and then the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.

3.26.6 Notwithstanding anything contained in this policy or the local laws 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.

3.27 Motion - that a motion of dissent against the Chairperson's decision

3.27.1 A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order.

3.27.2 Where such a motion is moved, further consideration of any matter will be suspended until after the motion of dissent is determined.

3.27.3 Only the mover of the motion of dissent and the Chairperson will speak to the motion. The mover of the motion and the Chairperson will speak only once to the motion with the mover speaking first and the Chairperson second.

3.27.4 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.

3.27.5 Whereas a result of that ruling, a matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

3.27.6 Where a motion of dissent is not carried, the ruling of the Chairperson will stand.

3.28 Motion - that this report/document be tabled

3.28.1 The motion that this report/document be tabled may be used by a Councillor 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.

3.29 Motion - to suspend the rule requiring that (insert requirement)

3.29.1 A procedural motion, to suspend the rule requiring that, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

3.30 Motion - that the meeting stands adjourned

3.30.1 A procedural motion that the 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 will be put without debate.

3.30.2 The procedural motion must specify the resumption of the meeting and, on resumption, will continue with the business before the meeting at the point where it was discontinued on the adjournment.

3.31 Motion - that the meeting be closed or opened

3.31.1 A meeting of Council may only be closed pursuant to *Section 254J* of the Regulation to discuss one (1) or more of the following matters:

- (a) the appointment, discipline or dismissal of the chief executive officer;
- (b) industrial matters affecting employees;
- (c) the local government's budget which does not include the monthly financial statements;
- (d) rating concessions;
- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- (h) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*;
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State;
- (j) a matter relating to the consideration of an investigation report given to the local government under *Chapter 5A, Part 3, Division 5* of the Act.

3.31.2 Where a procedural motion that the meeting be closed to the public is carried, the public will leave and not re-enter the room where the Council meeting is being held until a procedural motion that the meeting be opened, is carried.

3.31.3 No motion can be moved and seconded and voted on while the meeting is closed to the public.

3.31.4 Where the Council has resolved to close a meeting, all debate during the closed meeting will be confidential.

Division 5 - Questions

3.32 Questions without notice

3.32.1 A Councillor through the Chairperson may at the Council meeting ask a question for reply by another Councillor or a Council officer regarding any item of business under consideration at the meeting of the Council. 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.

3.32.2 A Councillor or Council officer to whom a question is asked without notice may request that the question be taken on notice at the next Council meeting.

3.32.3 A Council officer to whom a question is asked without notice may:

- request that the question be taken on notice for the next Council meeting; or
- request that the question be the subject of a report to a Council Committee.

3.32.4 Any Councillor wishing to ask a question relating to the general work or procedure of the Council but not related to any matter under consideration at the meeting, will provide the question in writing to the CEO at least five (5) days prior to the day of the meeting at which it is to be asked.

3.32.5 A Councillor 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.

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

Division 6 - Record of Decision-making

3.33 Recording of reasons for particular decisions

3.33.1 Pursuant to *Section 254H* of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to the local government by a Council officer of the local government and either or both the following apply to the decision:

- (a) the decision is about entering into a contract the total value of which is more than the greater of the following:
 - (i) \$200,000 exclusive of GST; or
 - (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report.
- (b) The decision is inconsistent with:
 - (i) the policy or approach ordinarily followed by the local government for the type of decision; or
 - (ii) a policy previously adopted by the local government by resolution, whether or not as required by the Act, and still in force.

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

PART 2 COUNCIL STANDING COMMITTEE/S

Division 1 - Appointment and function of Standing Committee/s

3.34 Standing Committee/s

3.34.1 The Council may, by resolution, appoint from its Councillors one (1) or any number of Standing Committees of the Council and determine the name of the Committee or Committees.

3.34.2 The Council may, by resolution, appoint the number of members to each appointed Committee.

3.34.3 Business must be in accordance with the adopted terms of reference for each Committee.

3.34.4 The Council will choose the Chairperson for a Committee. This Chairperson will normally preside over meetings of the Committee.

3.34.5 If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.

3.34.6 Where one (1) Committee only is appointed, the Committee will comprise all members of Council with the Mayor as Chairperson. Each Councillor will be assigned a portfolio and will be referred to as the Spokesperson for that particular portfolio.

3.34.7 The CEO will decide the order of business for the agenda.

3.35 Function of a Standing Committee

3.35.1 The function of a Standing Committee is to consider, report upon and make recommendations to the Council in respect of matters comprised within or related to the business with which that Committee is charged by the Council. A Committee can also exercise powers of the Council if those powers have been delegated to it under *Section 257* of the Act.

3.35.2 The reports and recommendations of every Standing Committee must, except where power has been delegated to the Standing Committee to implement its decisions, be submitted to the Council for consideration.

3.35.3 This section does not limit the power of the Council itself to deal with any matter which has been referred to or delegated to a Standing Committee.

Division 2 - Time of Standing Committee meetings

3.36 Times and places of Standing Committee meetings

3.36.1 The days and times of ordinary meetings of Standing Committees will be as resolved at the post-election meeting and from time to time thereafter.

3.36.2 All meetings of Standing Committees will be held at the Council's public office unless otherwise resolved by Council.

3.36.3 Pursuant to *Section 254B* of the Regulation, Council must, at least once in each year, publish a notice of the days and times when its ordinary meetings of its Standing Committees will be held.

3.36.4 Council must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held, and meeting of its committees will be held.

3.37 Special Standing Committee meetings

3.37.1 The CEO will call a special meeting of a Standing Committee if:

- the special meeting is required by a resolution of the Council; or
- a written request for the special meeting is lodged with the CEO.

3.37.2 A written request for a special meeting of a Standing Committee will:

- be signed by the Mayor or three (3) or more Councillors; and
- specify the business of the special meeting; and
- propose a day and time for the holding of the special meeting.

3.37.3 The CEO calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor.

3.37.4 Council must, where possible, publish a notice of the day and time when its special meeting will be held.

Division 3 - Notice of Standing Committee meetings

3.38 Notices

3.38.1 The CEO will distribute a written notice of the meeting at least three (3) days prior to each meeting the only business that may be conducted at a special meeting is the business specified in the notice of meeting pursuant to *Section 258* of the Regulation.

3.38.2 Any notice of meeting or agenda will be given to a Councillor by:

- personal delivery; or
- delivery to a nominated address; or
- post; or
- electronic mail.

3.38.3 If the notice relates to a special meeting, it must also specify the business of the meeting.

Division 4 - Conduct of Standing Committee meetings

3.39 Chairperson

3.39.1 The Chairperson of a Standing Committee will preside at a meeting of a Standing Committee.

3.39.2 If the Chairperson is not present at a meeting, the members present will appoint a Chairperson for the meeting pursuant to *Section 267* of the Regulation.

3.40 Procedure at Standing Committee meetings

3.40.1 A Standing Committee will deal with the items of business on its agenda in accordance with:

- procedural directions given to the Standing Committee by resolution of the Council; or
- procedural directions specified in this policy; or
- if there is no procedural direction governing a particular matter, the Chairperson's decision.

3.40.2 A Standing Committee may, by resolution, overrule a decision on a procedural question made by the Chairperson.

3.40.3 If an appropriate or adequate method of dealing with any matter is not provided for in this policy, the method of dealing with the matter may be determined by the Chairperson or by resolution upon a motion which may be put without notice.

3.41 Deputations and presentations at Standing Committee meetings

3.41.1 A deputation or presentation wishing to address a meeting of a Standing Committee on any matter relevant to the Standing Committee will apply in writing to the CEO not less than five (5) business days before the day of the meeting.

3.41.2 The CEO, on receiving an application for a deputation or presentation, will notify the Mayor and/or the Chairperson of the Standing Committee who will determine whether the deputation or presentation may be heard.

3.41.3 The CEO, or delegate, will inform the deputation or presentation of the determination.

3.41.4 Where it has been determined that the deputation or presentation will be heard, a convenient time will be arranged for that purpose and a time period allowed.

3.41.5 A deputation or presentation will not exceed 15 minutes unless otherwise agreed by the Chairperson.

3.41.6 A maximum of three (3) persons from a deputation or presentation will be at liberty to address the Standing Committee.

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

- the Chairperson is satisfied that the purpose of the deputation or presentation has been sufficiently explained to the Councillors at the meeting; or
- the person uses insulting or offensive language; or
- a member of the deputation or presentation, other than the appointed speakers, continues to interject or attempt to address the Council after the Chairperson has warned the member of the deputation or presentation.

3.42 Questions

3.42.1 A Councillor through the Chairperson may at the Standing Committee meeting ask a question for reply by another Councillor or a Council officer regarding any item of business under consideration at the meeting of the Council. 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.

3.42.2 A Councillor or Council officer to whom a question is asked without notice may request that the question be taken on notice for the next Standing Committee meeting.

3.42.3 A Council officer to whom a question is asked without notice may:

- request that the question be taken on notice for the next Standing Committee meeting; or
- request that the question be the subject of a report to a Standing Committee meeting.

- 3.42.4** Any Councillor wishing to ask a question relating to the general work or procedure of the Council but not related to any matter under consideration at the meeting, will provide the question in writing to the CEO at least five (5) days prior to the day of the meeting at which it is to be asked.
- 3.42.5** A Councillor 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.
- 3.42.6** The Chairperson may disallow a question which the Chairperson considers inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if carried the Chairperson will allow the question.

3.43 Speaking to motions or amendments

- 3.43.1** During a committee meeting, the Chairperson may allow discussion on an agenda item prior to the mover of a motion. This point is taken to have the same effect as a suspension of Standing Orders and will allow free and full debate on a topic. Once a motion has been moved the following procedure will be followed.
- 3.43.2** During committee meetings, the mover of a motion or amendment has the right to reply. Each Councillor will have the opportunity to speak to the motion. Once the right of reply had been delivered, the debate ends. During committee meetings, the mover of a motion or amendment has the right to reply. Each Councillor will speak no more than twice to the same motion or same amendment except as a right of reply.
- 3.43.3** During committee meetings each speaker will have the opportunity to free and open debate and be able to seek information from the relevant officer/s and other Councillors. During committee meetings, each speaker will be allocated five (5) minutes to speak to a motion. A further two (2) minutes will be allocated if required. The mover of a motion, when exercising the right of reply will be restricted to no more than five (5) minutes.
- 3.43.4** During a committee meeting, the Chairperson will make a determination as to cease debate should discussion exhaust all the points of view. During committee meetings, any extension of time for a Councillor to speak will only be granted by the Chairperson and any extension will be for a period of no more than three (3) minutes.

3.44 Reports by Standing Committee/s

- 3.44.1** All Standing Committees, unless otherwise resolved by Council pursuant to *Section 254F* of the Regulation, will submit reports and/or recommendations to the CEO who will list them on the agenda for the next available ordinary meeting of Council.
- 3.44.2** All Standing Committee minutes submitted to the Council will be signed by the Chairperson of the Standing Committee or the person presiding over the meeting at which the report was authorised.
- 3.44.3** Where Council has one (1) Standing Committee only, the report will be signed by all Councillors present at the meeting.
- 3.44.4** If in a report of a Standing Committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.
- 3.44.5** The Chairperson of the ordinary meeting of the Council will decide whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.
- 3.44.6** The Standing Committee recommendations adopted by Council are resolutions of the Council.

3.45 Standing Committee reports

- 3.45.1** If, in a report of a Standing Committee, distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.
- 3.45.2** A recommendation of a Standing Committee, or portion thereof, may be amended by the Council in any manner it may think fit.

3.45.3 A recommendation of a Standing Committee adopted by the Council is a resolution of the local government.

PART 3 ADVISORY COMMITTEES

Division 1 - Appointment of Advisory Committees

3.46 Appointment of Advisory Committees

3.46.1 The Council may, by resolution, appoint Advisory Committees for the performance of any duty, not of a permanent nature, for which in the opinion of the Council an Advisory Committee ought to be appointed.

3.46.2 The appointment of every Advisory Committee will be made by resolution of the Council and the motion to appoint the Advisory Committee will include the following:

- the duties proposed to be entrusted to the Advisory Committee; and
- the term of the appointment of the Advisory Committee; and
- the Advisory Committee membership, including Councillors and, where applicable, persons who are not Councillors; and
- Council officers who provide technical operational expertise and who are non-voting members; and
- the Advisory Committee Chairperson will be a Councillor unless the Council determines otherwise.

3.46.3 The Council will provide reasonable administrative assistance for the conduct of Advisory Committee meetings.

Division 2 - Conduct of Advisory Committee meetings

3.47 Conduct of meetings

3.47.1 The Advisory Committee, through the Chairperson, may determine the dates, times and places for its meetings pursuant to *Section 268* of the Regulation, subject to operational resources.

3.47.2 The Chairperson will preside at an Advisory Committee meeting. If the Chairperson is absent or unavailable to preside, a Councillor will be chosen by the Mayor to preside. Should a Councillor be unavailable to preside, the CEO will nominate a member of the senior leadership team to preside.

3.47.3 With the permission of the Chairperson, a non-member may attend an Advisory Committee meeting and, with the permission of the Chairperson, address the Advisory Committee on any item of business listed on the agenda.

Division 3 - Conduct of members of Advisory Committees

3.48 Conduct of members

3.48.1 A member of an Advisory Committee must ensure that there is no conflict or possible conflict between the member's private interests and the member's role of advising or making a recommendation to the Council.

3.48.2 A member of an Advisory Committee will not:

- improperly use information acquired as a member of the Advisory Committee to gain directly or indirectly a financial advantage for that person or someone else; or
- improperly use information acquired as a member of the Advisory Committee to harm the Council; or
- release information that the person knows or should reasonably know is information that is confidential to the Council.

3.48.3 Termination of membership of an Advisory Committee member for inappropriate conduct will be determined by Council.

Division 4 - Reports by Advisory Committees

3.49 Reports by Advisory Committees

- 3.49.1** An Advisory Committee through the Council department responsible for the function will submit a report to Council of each of its meetings, namely the minutes of the Advisory Committee meeting. The report will list the recommendations for Council consideration and be tabled on an agenda for an ordinary meeting of Council. Council is to have adopted the recommendation/s prior to any action being taken operationally to deliver on the recommendations.

Division 5 - Termination of Advisory Committees

3.50 Tenure of Advisory Committee membership

- 3.50.1** Subject to any resolution to the contrary, if an Advisory Committee is appointed for a particular purpose or for a limited time, the Advisory Committee is abolished and appointment of members to the Advisory Committee is terminated upon the fulfilment of that purpose or the expiration of that time.
- 3.50.2** If any member of an Advisory Committee is absent from three (3) consecutive meetings without having obtained a leave of absence from the Advisory Committee, the member's continued membership of that Advisory Committee will be referred to Council for determination.
- 3.50.3** Individual membership is for a period of four (4) years unless for a shorter period as stated in the establishment of the Advisory Committee. At the conclusion of the four (4) year appointment, the Advisory Committee member is released from the Advisory Committee. For Councillor and Council officer membership positions, the membership will be reinstated unless otherwise decided by Council. For external membership positions, nominations will be called for from relevant community groups / sectors to fill the vacant positions. The process to assess the applications will be formalised operationally in consultation with Council.
- 3.50.4** A report will be tabled for Council to adopt the Advisory Committee membership at an ordinary meeting of Council.

PART 4 PUBLIC PARTICIPATION IN COUNCIL MEETINGS

3.51 Attendance of public and media at Council meetings

- 3.51.1** Every ordinary meeting of the Council, other than a closed meeting pursuant to *Section 2754J* of the Regulation, will be open to the public and media representatives.
- 3.51.2** The Council meeting agenda, excluding confidential items, will be made available to media representatives. Reasonable access will be allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting. Access will be withheld where the Council by resolution so decides on the grounds that publication may prejudice the Council's interests.
- 3.51.3** An area shall be made available at the place where any meeting of Council is to take place for members of the public and media representatives to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- 3.51.4** Subject to Part 7, when the Council or a Committee proposes to close a meeting pursuant to *Section 254J* of the Regulation, the Chairperson will direct all persons, other than members of the Council or the Committee, to leave the meeting and every person will immediately comply with the direction.
- 3.51.5** Unless resolved otherwise, clause 3.51.4. does not apply to the Council officers or its legal and technical advisers who are required to be in attendance for the matters under discussion.
- 3.51.6** The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be pursuant to *Section 254J* of the Regulation. The Chairperson may direct any persons improperly present to withdraw

immediately. Council must not make a resolution (other than a procedural resolution) in a Closed Session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in closed session.

3.52 Public participation at Council meetings

3.52.1 Except when invited to do so by the Chairperson, a member of the public will not take or attempt to take part in the proceedings of a Council meeting.

3.52.2 Any person addressing the Council will stand, act and speak with decorum and frame any remarks in respectful and courteous language.

3.52.3 Any person who is considered by the Council or the Mayor to be unsuitably attired may be directed by the Mayor or Chairperson to immediately withdraw from the meeting.

3.52.4 Failure to comply with a request will be considered an act of disorder.

3.52.5 The Council Chairperson may, as a mark of distinction, admit a non-member to a part of the Council Chambers normally reserved for Councillors during the conduct of a Council meeting to participate in the discussion of a particular item of business, on conditions decided by the Council. The time allotted shall not exceed 15 minutes and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the meeting during this period shall be at the absolute discretion of the Council.

3.53 Participating in meetings by audio link or audio-visual link (Teleconference)

3.53.1 If a Councillor wishes to be absent from a Council meeting place during a meeting, they may participate in meeting by audio link or audio-visual link pursuant to *Section 254K* of the Regulation. The Councillor wishing to participate by audio link or audio-visual link must advise the Chairperson or CEO of their participation by teleconference, 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.

3.53.2 A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

3.53.3 Teleconferencing includes the use of a telephone, video conferencing equipment, Teams, or other means of instant communication that allows a person to take part in a discussion as it happens.

PART 5 MAINTENANCE OF GOOD ORDER AT COUNCIL AND COMMITTEE MEETINGS

3.54 General conduct during meetings

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

3.54.2 A Councillor or Committee member is not deemed to be present at any meeting of the Council or Committee unless the Councillor or Committee member is inside the meeting room or in attendance via audio link or audio-visual link pursuant to *Section 254K* of the Regulation.

3.54.3 At ordinary and special meetings of the Council, unless exempted by the Chairperson, Councillors will stand and address the Chairperson while:

- moving any motion or amendment; or
- seconding any motion or amendment; or
- taking part in any discussion; or
- replying to any question; or
- addressing the Council for any other purpose.

- 3.54.4** Councillors and Committee members will, during a meeting of the Council or a committee, address:
- other Councillors by their respective titles, Mayor or Councillor; and
 - Council officers by designating them by their respective official or departmental title.
- 3.54.5** Councillors and committee members will confine their remarks to the matter under consideration.
- 3.54.6** Councillors and committee members will remain seated and silent while a vote is being taken.
- 3.54.7** Councillors and committee members will act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner. Councillors and committee members will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the Council or a committee.
- 3.54.8** The Chairperson may specify orally or in writing appropriate standards of decorum which will be observed by all Councillors and other persons attending a meeting of the Council or a committee.
- 3.54.9** Councillors and committee members will not make personal reflections on or impute improper motives to any other Councillor, committee member or a Council officer.
- 3.54.10A** Councillor or committee member who is speaking will not be interrupted except upon a point of order being raised either by the Chairperson or Councillor or committee member.
- 3.54.11** When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, will immediately cease speaking and resume their seat, and each Councillor and committee member present will preserve strict silence so that the Chairperson may be heard without interruption.
- 3.54.12** The Chairperson may:
- call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or committee member; and
 - direct a Councillor or committee member to discontinue a speech.

3.55 Loss of quorum

- 3.55.1** In the event where one (1) or more Councillors or committee 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, all the Councillors or committee members including the conflicted Councillors or committee members must resolve to:
- delegate the consideration and decision on the matter, pursuant to *Section 257* of the Act;
 - defer the matter to a later meeting; and
 - not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide on the matter.
- 3.55.2** 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.
- 3.55.3** The Council or the Committee must not delegate a power that an Act says must be decided by resolution of the Council under *Section 257(3)* of the Act.
- 3.55.4** The Council or Committee may by resolution delegate a power under *Section 257* of the Act to:
- the Mayor or Chief Executive Officer; or
 - a Standing Committee, or joint Standing Committee of the Council; or
 - the Chairperson of a Standing Committee or joint Standing Committee of the Council; or
 - another Council for a joint government activity.

- 3.55.5** The Council or Committee may only delegate a power to make a decision about a Councillors conduct under *Section 150AE* or *150AG* of the Act pursuant to *Section 257(2)* of the Act, to:
- the Mayor; or
 - a Standing Committee.
- 3.55.6** The Minister for Local Government may, by signed notice give approval for a conflicted Councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

3.56 Prescribed conflict of interest

Councillors and committee members are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council, Standing or Advisory Committee meeting (other than ordinary business matters prescribed in *Section 150EF* of the Act). When dealing with a prescribed conflict of interest, Councillors or committee members must abide by the following procedures:

- 3.56.1** A Councillor or committee member who has notified the Chairperson/CEO of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 3.56.2** A Councillor or committee member who first becomes aware of a prescribed conflict of interest in a matter during a Council meeting must immediately inform the meeting of the conflict of the interest.
- 3.56.3** When notifying the meeting of a prescribed conflict of interest, the following details must at a minimum 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 has been made, the matters the subject of the application or submission:
 - the name of any entity other than the Councillor or committee member that has an interest in the matter;
 - the nature of the Councillor's or committee member's relationship with the entity that has an interest in a matter;
 - details of the Councillor's or committee members and any other entity's interest in the matter.
- 3.56.4** The Councillor or committee 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 has written notice from the Minister to participate in the matter.
- 3.56.5** Once the Councillor or committee 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.

3.57 Declarable conflict of interest

Councillors or committee members are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council, Standing or Advisory Committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under *Section 150EO* of the Act, and ordinary business matters prescribed in *Section 150EF* of the Act.).

- 3.57.1** A Councillor or committee member may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors or committee members prior to deciding

to declare a conflict of interest. If the other Councillors or committee members suspect the personal interest might be a conflict of interest, the other Councillors or committee members may disclose their suspicion and the processes under *Section 150EW* of the Act.

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

- a Councillor or committee member who has notified the Chairperson/CEO of a declarable conflict of interest in a matter to be discussed at a Council or committee meeting must also give notice during the meeting at the time when the matter is to be discussed.
- a Councillor or committee member who first becomes aware of a declarable conflict of interest in a matter during a Council or committee meeting must inform the meeting of the conflict of interest.

3.57.3 When notifying the meeting of a declarable conflict of interest, Councillors and committee members should provide sufficient detail to allow the other Councillors or committee 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 committee member's relationship with a related party:
 - the name of the related party; and
 - the nature of the relationship of the related party to the Councillor or committee member; and
 - 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 committee member or a related party:
 - the name of the other person; and
 - the nature of the relationship of the other person to the Councillor or committee member or related party; and
 - the nature of the other person's interest in the matter; and
 - the value of the gift or loan and the date the gift or loan was made.

3.57.4 After a Councillor or committee member has declared a conflict of interest, the Councillor or committee 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.

3.57.4.1 If the Councillor or committee member chooses not to leave the meeting, the Councillor or committee member may advise the other Councillors and committee members of their reasons for seeking permission to participate in making the decision.

3.57.4.2 The other eligible Councillors and committee members at the meeting must then decide, by resolution, whether the Councillor or committee 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 eligible Councillors and committee members. The eligible Councillors and committee members may impose conditions on the Councillor or committee member under a decision to either participate or leave the meeting (for example may stay for the debate but must leave for the vote).

3.57.4.3 The Councillor or committee member must comply with any decision or condition imposed by the eligible Councillors and committee members. The Councillor must not participate in the decision unless authorised in compliance with *Section 150ES*

of the Act or under an approval by the Minister for Local Government under *Section 150EV* of the Act.

3.57.4.4 In deciding on whether a Councillor or committee member may participate in a decision about a matter in which the Councillor or committee member has a declarable conflict of interest, only Councillors and committee 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 committee members is less than a majority or less than a quorum for the meeting consistent with *Section 150ET* of the Act.

3.57.5 The Councillor or committee 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 eligible Councillors or committee members in making their decision. The subject Councillor or committee member must not vote 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 committee member may remain in the meeting and participate in deciding the matter in which the Councillor or committee member has a declarable conflict of interest.

3.57.6 When deciding whether a Councillor or committee member may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible Councillors and committee members should consider the matter including, but not limited to:

- how does the inclusion of the Councillor or committee member in the deliberation affect the public trust;
- how close or remote is the Councillor's or committee 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 committee 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 committee member stands to receive compared to others in the community;
- how does this compare with similar matters that Council has decided and have other Councillors or committee members with the same or similar interests decided to leave the meeting;
- whether the subject Councillor or committee member has unique skills, knowledge or expertise that might help make the best decision in the public interest.

3.57.7 If the eligible Councillors or committee members cannot decide about the declarable conflict of interest of a Councillor or committee member, then they are taken to have decided that the Councillor or committee member must leave and stay away from the meeting while the eligible Councillors and committee members discuss and vote on the matter.

3.57.8 A decision about a Councillor or committee member who has a declarable conflict of interest in a matter applies in relation to the Councillor or committee member for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's or committee member's personal interests and/or the nature of the matter being discussed. If the eligible Councillors and committee members decide that the Councillor or committee member can act in the public interest on the matter, then the Councillor or committee member may participate in the meeting and be involved in processes occurring outside of a Council or committee meeting about the same matter (for example workshops).

3.57.9 In making the decision about the Councillor's conflict of interest in a matter, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

3.57.10A Councillor or committee member does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed in *Section 150EV* of the Act.

3.58 Recording Prescribed and Declarable conflicts of interest

3.58.1 When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see *Section 150FA* of the Act):

- the name of the Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- the actions taken by a Councillor after informing the meeting that they have, or they reasonable suspect another Councillor has a prescribed or declarable conflict of interest;
- any decision then made by the eligible Councillors;
- whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- the Council or committee's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- the name of each eligible Councillor who voted on the matter and how each voted.

3.58.2 If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor:

- the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted.

3.58.3 Where a decision has been made, the minutes must include:

- the decision and reasons for the decision; and
- the name of each eligible Councillor who voted, and how each eligible Councillor voted.

3.59 Reporting a suspected conflict of interest

3.59.1 If a Councillor or committee member at a meeting reasonably believes or suspects that another Councillor or committee member has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor or committee member is participating in a decision on that matter, the Councillor or committee member who believes or suspects this, 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.

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

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

3.59.4 The eligible Councillors and committee members must then decide whether the Councillor or committee member has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor or committee member does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor or committee member has a

conflict of interest, the Councillor or committee member must follow the relevant procedures. If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillor's participation.

3.59.5 If the Councillors and committee member cannot reach a majority decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor or committee member must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

3.59.6 If the belief or suspicion of a COI relates to more than one Councillor these procedures must be complied with in relation to each Councillor separately.

3.60 Process for dealing with unsuitable meeting conduct by a Councillor

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council or committee 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 Council or committee meeting, the following procedures must be followed:

3.60.1 The Chairperson must reasonably believe that the conduct of a Councillor during a meeting is unsuitable meeting conduct.

3.60.2 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, the Chairperson can make an order in relation to the conduct.

3.60.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:

- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
- apologising for their conduct; and
- withdrawing their comments.

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

3.60.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

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

3.60.7 If the Councillor continues to fail to comply with the Chairperson's request for remedial actions or the Chairperson decided a warning was not appropriate, the Chairperson may make one (1) 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.

3.60.8 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.

3.60.9 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent.

3.60.10 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 within a 12-month period made against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of Council as a suspected breach; and
- the Council's CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.

3.61 Process for dealing with unsuitable meeting conduct by a Chairperson in a meeting

- 3.61.1** If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.
- 3.61.2** The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the Councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 3.61.3** The Chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the Chairperson wishes to remain in the meeting, the eligible Councillors must make a decision and follow the procedures set out in 3.59.5.
- 3.61.4** For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the Chairperson.
- 3.61.5** If the original Chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible Councillors, they can put forward their reasoning about their conduct and respond to questions through the Chairperson from the eligible Councillors.
- 3.61.6** The Acting Chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the Chairperson has engaged in unsuitable meeting conduct (the Acting Chairperson will have a casting vote on the resolution if required).
- 3.61.7** If it is decided that the Chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the Chairperson for the conduct.
- 3.61.8** Once the Councillors make a decision, the Chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the Acting Chairperson.
- 3.61.9** The Chairperson then resumes the role of Chairperson, the meeting continues.
- 3.61.10** Details of any reprimand order is recorded in the minutes of the meeting. The CEO is to ensure details of any order made is updated in the Council's Councillor Conduct Register.
- 3.61.11** For conduct of a Chairperson, at Council meetings that is a part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the Chairperson, on three (3) occasions within a period of twelve (12) months, the conduct that led to the orders being made, taken together, becomes a conduct breach.
- 3.61.12** If the conduct of a Councillor, including a Chairperson, at the meeting becomes a conduct breach; in accordance with *Section 150J* of the Act, and is a conduct breach under *Section 150K(2)(b)* and (3) of the Act, the Council is not required to notify the assessor about the conduct; and may deal with the conduct under *Section 150AG* as if an investigation had been conducted. It may be dealt with at the next Council meeting.

3.62 Meeting procedures for dealing with a suspected conduct breach including that which has been referred to a local government by the Independent Assessor ('IA').

Under *Chapter 5A, Division 3A* of the Act, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the Councillor's suspected conduct breach to the Council by giving a referral notice.

Conduct breach is conduct that contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the Chairperson of a Council meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances under paragraphs 3.61.11 and 3.61.12.

- 3.62.1** In relation to matters referred by the IA to the Council, Council may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the councillor vacates or has vacated their office as a Councillor. The Council investigation must be conducted in a way that is consistent with the Council's investigation policy. An investigation report must be prepared to assist the Councillors in making a decision on the outcome under *Section 150AG* of the Act. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under *Section 150AFA* of the Act on or before the day and time prescribed by regulation.
- 3.62.2** Council must decide in a Council meeting, whether the Councillor has engaged in a conduct breach. Unless in accordance with *Section 150AG* or the Act, it has delegated responsibility for this decision to the Mayor under *Section 257(2)(a)*, or to a Standing Committee *Section 257(2)(b)* of the Act.
- 3.62.3** When dealing with an instance of a suspected conduct breach which has been referred to Council by the IA the Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of Council. Where the matter requires debate Council may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under *Section 254J* of the Regulation.
- 3.62.4** No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- 3.62.5** Where a local government makes a decision about a conduct breach matter at a Council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of reasons for the inconsistency must be included in the minutes of the meeting under *Section 254H* of the Regulation.
- 3.62.6** The subject Councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless Council decides otherwise), during the debate about the investigation report and answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission provided by the Councillor to the Council.
- 3.62.7** The subject Councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.
- 3.62.8** If the complainant is a Councillor, that Councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate

and vote on the matter, the other eligible Councillors (do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant Councillor can be 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.

3.62.9 After making a decision under *Section 150AG* of the Act, the Council must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the Council if they were complainants, or any Councillor who declared a conflict of interest in the matter.

3.62.10 If the Council has lost quorum due to the number of conflicted Councillors or another reason, the Council must do one (1) of the following:

- delegate deciding the matter under *Section 257* of the Act to the Mayor or a Standing Committee, whichever is the most appropriate in the circumstances; or
- decide, by resolution, to defer the matter to a later meeting; or
- decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the Council must decide on the matter. Council cannot decide to take no further action on a decision about a conduct matter because it is required under the Act. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.

3.62.11 If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders, 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.

3.62.12 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 apology, in the way decided by the Council;
- an order reprimanding the Councillor for the conduct breach;
- 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 Council, other than the office of Councillor, (for example that the Councillor is ordered to resign from an appointment representing the Council 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 conduct breach;
- the subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the decision made by the Council and if relevant any orders made by resolution.

3.62.13 The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the Council and if relevant any orders made by resolution.

3.62.14 The minutes of the meeting must reflect the decision, and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under *Section 150AH* the details of the order.

3.63 Acts of disorder by members of a Committee of Council

3.63.1 A member of the Council or a committee commits an act of disorder at a meeting of the Council or a committee if the member:

- obstructs or interrupts the proper conduct of the meeting; or
- uses indecent or offensive language; or
- makes a statement reflecting adversely on the reputation of the Council; or
- makes an intemperate statement reflecting adversely on the character or motives of a member or officer of the Council; or
- refuses or willfully fails to comply with a direction given by the Chairperson of the meeting; or
- commits an act which, in the Chairperson's opinion, constitutes an act of disorder; or
- fails to comply with the Code of Conduct for Councillors in Queensland.

3.63.2 If a member of the Council or a committee has, in the Chairperson's opinion, committed an act of disorder; the Chairperson may direct the member to make a retraction or apology.

3.63.3 If the member does not comply immediately with a direction, the Chairperson may immediately move a motion (a suspension motion) that the member be suspended for the remainder of the meeting, or a lesser time fixed by the Chairperson.

3.63.4 If the Chairperson moves a suspension motion:

- the motion will be put to the vote immediately without discussion; and
- if the motion is passed, the member will immediately leave the meeting place and will remain away for the period of the suspension.

3.63.5 The use of mobile phones in the area set aside for Councillors and Committee members in the Council Chambers or other meeting places is not permitted unless authorised by the Chairperson.

3.64 Acts of disorder by a person other than a member

3.64.1 A person who is not a member of the Council or a committee will not interrupt obstruct the proper conduct of a meeting of the Council or a committee.

3.64.2 If a person other than a member interrupts or obstructs the proper conduct of a meeting of the Council or a committee, the Chairperson may ask the person to withdraw from the meeting place.

3.64.3 A person asked to withdraw from a meeting place will immediately withdraw from the place and will remain away until the end of the meeting or for a lesser period fixed by the Chairperson.

3.64.4 If a person contravenes clause 3.63.3, an authorised Council officer may, at the request of the Chairperson, exercise reasonable force to remove the person and keep the person away from the meeting place.

3.64.5 The use of mobile phones in the area set aside for the representatives of the media and the public in the Council Chambers or other meeting places is not permitted unless authorised by the Chairperson.

3.65 Adjournment for disorder

3.65.1 The Chairperson may adjourn a meeting of the Council or a committee for not more than 30 minutes and quit the Chair if an act of disorder arises at a Council or committee meeting and the meeting cannot properly continue.

3.65.2 On resumption of the meeting, the Chairperson will move a motion, which will be put without debate, to determine whether the meeting will proceed.

3.65.3 Where the motion is lost, the Chairperson will declare the meeting closed, and any outstanding matters will be referred to a future meeting.

3.66 Council officers - attendance at Council and Standing Committee meetings

3.66.1 The CEO and General Managers will be available to attend all Ordinary, Special and Standing Committee meetings of the Council.

3.66.2 Every Standing Committee may, before entering into discussion on any matter, call on the relevant Manager and/or the General Manager's nominee to be present at the discussion and the Manager or the General Manager's nominee will attend.

PART 6 RECORD OF MEETINGS

3.67 Agenda and minutes of meetings

3.67.1 Agenda of a meeting of the Council or a Committee will include:

- a copy of any report whether by a committee member or a Council officer adopted by the meeting, excluding confidential reports; and
- a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting.

3.67.2 Minutes of a meeting of the Council or a committee must comply with *Section 254F* of the Regulation.

3.68 Audio and video recording of meetings

3.68.1 The Council may direct that an audio or video recording of a meeting of the Council or a committee be made for the purpose of verifying the accuracy of the minutes of the meeting.

3.68.2 An audio or video recording:

- may be used for the purpose of verifying the accuracy of the minutes of the meeting;
- after being used for that purpose will be dealt with as directed by the CEO; and
- where Council consents, will be made available to the public.

3.68.3 A person (other than the Council) will not, without the approval of the Chairperson, use an electronic recording or transmitting device or a mobile phone in the public gallery of a meeting place of a meeting of the Council or a committee.

3.68.4 If a Councillor or committee member wishes to be absent from a Council or committee meeting place during a meeting, the Councillor or committee member must apply to the Chairperson to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the Councillor or committee member becomes aware of their intended absence. The Chairperson may allow a Councillor or committee member to participate in a meeting by teleconference.

3.68.5 A Councillor or committee member taking part by teleconference is taken to be present at the meeting if the Councillor or committee member was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor or committee member must be recorded in the minutes as present at the meeting.

PART 7 CLOSED MEETING

3.69 Closed meetings

3.69.1 A Council meeting, and Standing Committee meeting and Advisory Committee meeting may resolve that a meeting be closed to the public if its Councillors members consider it necessary to discuss any of the following matters pursuant to *Section 254J(3)* of the Regulation:

- appointment, dismissal or discipline of a CEO;
- industrial matters affecting employees;

- the Council's budget, which does not include the monthly financial statements;
- rating concessions;
- legal advice obtained by the Council, or legal proceedings involving the Council, including for example, legal proceedings that may be taken by or against the Council;
- matters that may directly affect the health and safety of an individual or 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 be kept confidential under a law of, or formal agreement with, the Commonwealth or a State; and
- a matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under Chapter 5A, Part 3, Division 5 of the Act.

Pursuant to *Section 252* of the Regulation, Council cannot resolve under *Section 254J* of the Regulation that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

3.69.2 A Council meeting, Standing Committee meeting and Advisory Committee meetings cannot resolve that a meeting be closed where the meeting is informed of a Councillor's or committee member's personal interest in the matter by another person and the eligible Councillors or committee members at the meeting must decide by resolution whether the Councillor or committee member has a prescribed or declarable conflict of interest in the matter.

3.69.3 The meeting must not be closed if a quorum is lost due to the number of conflicted Councillors or committee members who leave the Council or committee meeting and the Council or committee must resolve to:

- delegate the consideration and decision on the matter, pursuant to *Section 257* of the Act unless the matter cannot be delegated;
- defer to a later meeting when a quorum may be available; or
- not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.

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

3.69.5 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 (a failure to do so could be a contravention of *Section 171(3)* of the Act.

3.69.6 To take an issue into a closed session, the Council or committee must abide by the following:

- pass a resolution to close all or part of 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 it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the Councillors or committee at the meeting may consider it 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).

3.70 Confidentiality

3.70.1 For the purposes of *Section 254J* of the Regulation, information obtained by a Councillor, committee member or Council officer at or during a closed meeting of the Council or a committee is deemed to be information that they know or should reasonably know is information that:

- is confidential to the Council, and
- the Council wishes to keep confidential.

4 DEFINITIONS

Act means the *Local Government Act 2009*

Advisory Committee means an Advisory Committee appointed by the Council pursuant to *Section 264* (Appointment of Committees) of the Regulation.

Audio link means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places.

Audio visual link means facilities, including closed-circuit television, that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places.

Authorised Council officer means a person authorised by the Chief Executive Officer for the purpose of enforcing and maintaining order at a Council or committee meeting.

Business day means any day Monday to Friday.

Chairperson means:

- the Mayor in the case of a Council meeting; or
- the person appointed by the Council pursuant to *Section 267* (Chairperson of committee) of the Regulation as Chairperson of the Council or a Committee meeting; or
- a person acting in the position of Chairperson pursuant to this policy.

Chief Executive Officer ('CEO') means the person appointed and employed by the Council as its Chief Executive Officer pursuant to *Section 194* (Local Government Employees) of the Act.

Council officer means a person who is an employee of the local government or is otherwise engaged to provide services to the local government and whose duties include giving a recommendation or advice.

Councillor means a Councillor of a local government, includes the Mayor.

Council representative means all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

Day means any calendar day.

Deputation means a group of people appointed to undertake a mission or take part in a formal process on behalf of a larger group.

Mayor means the Mayor of the Council and includes any person acting in the position of the Mayor pursuant to the Act or this policy.

Media means regionally recognised media from a registered publication with a public distribution.

Member means in the case of:

- a Council meeting, Councillors of the Council; and
- a Council Standing Committee meeting, Councillors appointed to the Standing Committee by the Council; and
- an Advisory Committee, persons appointed to the Advisory Committee by the Council.

Non-member means:

- the Chief Executive Officer; or

- a Council representative nominated by the Chief Executive Officer; or
- a Council representative invited to a Council or Standing Committee or Advisory Committee meeting by the Chairperson of that meeting; or
- in the case of a Council meeting, a Standing Committee meeting or an Advisory Committee meeting, a person admitted to the meeting by the respective Council, Standing or Advisory Committee; or
- in the case of a Standing or an Advisory Committee meeting, a Councillor who is not a member of that Committee.

Ordinary meeting of the Council means:

- a post-election meeting of the Council which is required to be held under *Section 175* (Post-election meetings) of the Act; or
- a periodic meeting of the Council which is required to be held under *Section 257* (Frequency and place of meetings) of the Regulation.

Presentation means a speech or talk in which a new product, idea or piece of work is shown and explained to the audience.

Point of order means an objection to an action which:

- is in contravention of the Act; or
- is irrelevant; or
- was the matter the subject of discussion at a closed meeting of the local government; or
- otherwise prejudices the interests of the Council.

Procedural motion means a motion set out in this policy.

Quorum means a majority of local government Councillors as prescribed under *Section 259* of the Regulation.

Regulation means the *Local Government Regulation 2012*

Standing Committee means a Standing Committee appointed by the Council pursuant to *Section 264* (Appointment of Committees) of the Regulation.

Statutory notice of meeting means a notice of meeting to be given under *Section 254C* (Notice of meetings) of the Regulation.

5 LEGISLATIVE REFERENCE

Acquisitions of Land Act 1967 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

6 RELATED DOCUMENTS

Best Practice Standing Orders for Local Government and Standing Committee Meetings

Code of Conduct for Councillors in Queensland

Councillor Conduct Examples for Queensland Local Governments Model Meeting Procedures

South Burnett Regional Council Acceptable Request Guidelines – Statutory004

South Burnett Regional Council Councillor Conduct Complaints Investigation Policy – Statutory028

South Burnett Regional Council Employee Code of Conduct – Statutory011

South Burnett Regional Council Expenses Reimbursement Policy for Councillors – Statutory002

South Burnett Regional Council Media Relations Policy – Statutory001

7 NEXT REVIEW

As prescribed by legislation or March 2027

8 VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	New policy	9 December 2015	1543853
2	Review of policy	15 November 2017	2477948
3	Review of policy – Legislation update	12 December 2018	2556631
4	Review of policy – Legislation update	25 November 2020	2727868
5	Administrative change replacing Social & Corporate Performance Branch with Corporate Services Branch as per Council Resolution 2021/296	24 March 2021	2427868
6	Administrative amendment – organisational review – resolution 2022/432	27 April 2022	2727868
7	Review of policy	23 November 2022	2727868
8	Review of policy – Legislation update	20 August 2025	2970058


Mark Pitt PSM
CHIEF EXECUTIVE OFFICER

Date: 20 August 2025