

COUNCIL MEETING PROCEDURES POLICY

STATUTORY POLICY



1 Scope

This policy applies to Councillors and employees during ordinary meetings and committees of Rockhampton Regional Council.

2 Purpose

The purpose of this policy is to provide direction for the orderly and proper conduct of ordinary and committee meetings, including the post-election meeting.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2011

Information Privacy Act 2009

Code of Conduct for Councillors in Queensland (Department of Local Government, Racing and Multicultural Affairs)

Councillor Conduct Register

Councillor Investigation Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Department of Local Government, Racing and Multicultural Affairs)

Petition Factsheet

Petition Template

4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
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Agenda	<p>Compilation of reports to be discussed at an ordinary or committee meeting. The agenda for any meeting must indicate:</p> <p>(a) Business to be conducted at the meeting;</p> <p>(b) Business arising from previous meetings; and</p> <p>(c) Any business for which due notice has been given (Notice of Motion, Questions on Notice).</p> <p>An agenda will not include any matter that is unlawful.</p>
Alternative/ Foreshadowed Motion	A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.
Amendment	<p>In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p> <p>Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.</p>
Behavioural Standard	The standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	<p>Chief Executive Officer</p> <p>A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.</p>
Chairperson	Person presiding at an ordinary or committee meeting.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee.
Council	Rockhampton Regional Council
Councillor	The Mayor and/or Councillors of Rockhampton Regional Council, within the meaning of the Act.
Day	A business day unless specified.
Delegated Committee	A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council.
Deputation	A presentation from a member of the public (which could be on behalf of an organisation or individual) to an ordinary or committee meeting.
Employee	<p>Local government employee:</p> <p>(a) The Chief Executive Officer; or</p> <p>(b) A person holding an appointment under section 196 of the Act.</p>
Mayor	The Mayor is an elected member of Rockhampton Regional Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.
Meeting	Ordinary meeting or committee meeting at Council.
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.

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Non-Delegated Committee	A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next ordinary meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.
Petition	A request for action on a matter over which Council has the power to act. The “terms” of a petition consist of the reasons for petitioning Council and a request for action by Council.
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings of the Council.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>
Report	Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council’s obligations under the <i>Information Privacy Act 2009</i> .
Resolution	A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the “Council decision”, the word “resolution” also indicates the process by which the decision was made.
Seriatim	When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard.

5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of ordinary meetings and committees of Council.

Council is committed to conducting its meetings in accordance with the principles of the Act, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our Region.

5.1 Special Meeting

The CEO must call a special meeting of the Council if:

- (a) The special meeting is required by resolution;
- (b) A written request for the special meeting is lodged with the CEO signed by the Mayor or three or more Councillors which specifies the object of the special meeting and proposes the day and time for the holding the meeting;
- (c) A special meeting is required to comply with the Act or some other legislation; or
- (d) Where the CEO determines it is in the interests of the Council that a special meeting be held.

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A special meeting may be for either an ordinary meeting or committee. The direction and conduct prescribed within this policy should be followed for special meetings.

5.2 Agenda for Meetings

A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice to the CEO at least seven days before the meeting at which the proposal is to be made. Items for consideration may include questions on notice, notice of motions or rescission of motions.

Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting.

Special meetings of Council must only consider matters listed on the agenda.

5.3 Order of Business

The order of business will be determined by resolution of an ordinary meeting.

However, an ordinary meeting or committee may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved under, the order of business will be as follows:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Business Outstanding;
 - (i) Business Arising from Previous Meetings;
 - (ii) Matters Lying on the Table and to be Dealt With;
- (f) Public Forums/Deputations;
- (g) Presentation of Petitions (for ordinary meetings only);
- (h) Reports;
 - (i) Committee (for ordinary meetings only);
 - (ii) Councillor/Delegate (for ordinary meetings only);
 - (iii) Officers;
- (i) Notice of Motions;
- (j) Questions on Notice (for ordinary meetings only);
- (k) Urgent Business/Questions;
- (l) Closed Session; and
- (m) Closure of Meeting.

Ordinary meetings or committees will deal with items of business on its agenda in accordance with:

- (a) Procedural directions given to the meeting by resolution;
- (b) Procedural directions specified in this policy; or
- (c) If there is no procedural direction governing a particular matter, the chairperson's decision.

However, the meeting may, by resolution, overrule a decision on a procedural question made by the chairperson.

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5.4 Deputations

The maximum total time allocated per deputation will not exceed 10 minutes, unless otherwise agreed by the chairperson.

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

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

- (a) The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting;
- (b) The time period allowed for the deputation has expired;
- (c) The person uses insulting or offensive language; or
- (d) If a member of the deputation, other than the appointed speakers, continues to interject or attempt to address the meeting after the chairperson has warned the member of the deputation.

Details for applying and approving deputations are located on the Council website.

5.5 Petitions

A petition may be presented to an ordinary meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) CEO delegate

who will read and state the nature of the petition, and become, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

A petition must have at least 10 signatures from people supporting the petition objective.

Where a petition is presented to a meeting, no debate on or in relation to it will be allowed. However, a Councillor presenting a petition may speak in respect of the matter the subject of the petition for a period of not more than one minute.

The only motions which will be moved is that:

- (a) The petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- (b) The petition not be received.

A factsheet and template for submitting a petition is located on the Council website.

5.6 Committee Reports

Non-delegated committees will submit reports and/or recommendations to the CEO who will list them on the agenda for the next available ordinary meeting.

Recommendations to an ordinary meeting from a committee are to be the same as that resolved by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

The chairperson of the ordinary meeting will decide whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.

The ordinary meeting can:

- (a) Adopt;
- (b) Amend and adopt; or

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(c) Reject

the recommendation.

Such amendments may alter the meaning or intention of the committee recommendation or it may simply correct the wording.

The committee recommendations adopted by Council are resolutions of the Council.

5.7 Mayoral Minute

The Mayor, as the chairperson at an ordinary meeting or chairperson of a committee of the whole, is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

Such a minute, when put to the meeting, takes precedence over all business on the agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by an employee is, so far as adopted by the Council, a resolution of the Council.

Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.

5.8 Notice of Motion

Submission of notice of motion must be given at least five days before the meeting at which the proposal is to be made.

Councillors may advise whether the notice of motion is to go to the next ordinary meeting or next appropriate committee meeting. However the CEO, in setting the agendas, may determine that the notice of motion is best dealt with by another committee or ordinary meeting.

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

- (a) Moved by another Councillor at the meeting; or
- (b) Deferred to the next appropriate committee or ordinary meeting.

Notice of motions must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be an action that could be dealt within operational procedures.

5.9 Questions on Notice

The questions on notice from a Councillor will be published in the agenda of the appropriate meeting providing such questions are received by the CEO in time for publishing of the agenda.

Questions on notice must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be a question that could be answered under operational procedures.

Councillors can ask questions without notice where a genuine urgency exists, and the matter is not included in the agenda.

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5.10 Urgent Business/Questions

A provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and can not be delayed until the next scheduled meeting.

5.11 Closed Meetings

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

- (a) Appointment, dismissal or discipline of employees;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Contracts proposed to be made by the Council;
- (f) Starting or defending legal proceedings involving the Council;
- (g) Any action to be taken by the Council under the *Planning Act 2016*, including deciding applications made to it under the *Planning Act 2016*; and
- (h) Business for which a public discussion would be likely to prejudice the interests of the Council or someone else or enable a person to gain a financial advantage.

A Council or committee must not make a resolution (other than procedural) in a closed session meeting.

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.

To take an issue into a closed session, Council must first pass a resolution to do so.

In the interests of accountability and transparency, Council must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.

The agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.

The minutes of Council must detail the matter discussed and reasoning for discussing the matter in closed session. Council must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

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

6 Procedures for Making Determinations

6.1 Motions

A motion will not be debated at a meeting until the motion seconded (with the exception of procedural motions which are not debated at all).

A motion (other than a procedural motion relating to a point of order or a Mayoral Minute) that is not seconded, lapses for want of a seconder.

A Councillor who moves a motion may speak, with the permission of the chairperson, for the purpose of explaining the purport of that motion before it is seconded.

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.

Only one motion may be put at any one time.

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6.2 Amendment to a Motion

A Councillor may move an amendment to any motion provided it does not change the original motion so substantially as to defeat its purpose.

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

A Councillor who proposes or seconds a motion may propose or second an amendment to that motion. If an amendment is carried it becomes the motion.

If an amendment has been rejected, a further amendment can be moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

Where a motion is amended by another motion and determined, the original motion will not be put as a subsequent motion to amend the substantive motion.

6.3 Alternative or Foreshadowed Motions

During debate on a motion, a member may indicate an alternative or foreshadowed motion that the member intends to move after the motion under consideration has been dealt with.

Alternative motions can only be put to a vote if the original motion is lost.

6.4 Withdrawal of a Motion

If a motion has been moved and seconded, the mover of the motion may elect to withdraw the motion:

- (a) Before the motion is voted on; or
- (b) Before an amendment to the motion is moved and seconded.

If a modification to a motion is accepted by the Councillors who have moved and seconded a motion, the original motion is deemed to be withdrawn and the motion, as accepted, will become the motion.

Once an amended motion has been moved and seconded and becomes the motion, the mover of that motion may elect to withdraw the motion before the motion is resolved.

6.5 Speaking to Motions and Amendments

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

A Councillor may request the chairperson for further information before or after the motion or amendment is seconded.

The order of speakers will be:

- (a) The Councillor moving the motion;
- (b) Councillors alternatively against and for the motion;
- (c) Once alternative speakers are exhausted, as determined by the chairperson;
- (d) The mover of the motion has the final right of reply, provided there has been a speaker against the motion or amendment; and
- (e) The mover of an amendment motion will have no right of reply.

In the event that an amendment is passed, the Councillor who moved the original motion has a right of reply to the amended motion.

Once the right of reply has been exercised on a motion, debate on the motion is closed.

If a motion or amendment has been withdrawn by the mover, a Councillor will not speak to that motion or amendment. If an alternative motion is moved and seconded, only that alternative motion may be debated once moved and seconded.

Each speaker, including when exercising a right of reply, will be restricted to not more than three minutes and will speak directly to the motion.

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Any extension of time for a Councillor to speak will only be granted by a resolution and any extension will be for a period of not more than three minutes.

When two or more Councillors indicate to speak at the same time, the chairperson will determine who will speak first.

6.6 Method of Taking Vote

Before any matter is put to the vote, the chairperson may direct the motion or amendment to be read again by the CEO or employee who is taking the minutes of the meeting.

Councillors will vote by a show of hands.

A Councillor may call for a division on an item. If a division is called, the minutes will record the names of Councillors and how they voted.

The chairperson will declare the result of a vote as soon as it has been determined.

The minutes of the meeting will record the vote. A Councillor may request that their name be recorded against the vote.

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

6.7 Seriatim

When a motion consists of more than one statement, action or concept, a Councillor may request for the statement, actions or concepts be put seriatim.

If it is intended to debate a motion seriatim, then the request must be made immediately after the motion has been put and seconded.

If it is intended only to vote on a motion seriatim, then the request must be made prior to the mover of the motion exercising a right of reply.

6.8 Notice to Rescind or Repeal Previous Resolutions

A resolution can only be rescinded or repealed if it has not been acted upon.

If a Councillor wishes to rescind or repeal a resolution, a notice to rescind or repeal, along with a notice of intention to move an alternative motion must also be provided within the Regulation timeframes, at least five days before the meeting.

Where there is no objection to a motion to rescind or repeal a previous resolution, the chairperson may put the motion to the vote without discussion.

If the motion to rescind or repeal a previous resolution is carried, an alternative motion may be moved and seconded for discussion and voting thereon.

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 months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

7 Procedural Motions

A Councillor may, during the debate of a matter at the meeting, move any of the procedural motions listed.

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

Where a procedural motion is carried the chairperson will immediately put the motion or amendment under consideration.

Where a procedural motion is lost, debate on the motion or amendment to that motion may continue.

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.

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7.1 That the Motion be Now Put

This procedural motion may be moved without notice and without comment, at the conclusion of the speech of any member, to the motion or amendment before the meeting, to bring on the finalisation of a motion.

Before the procedural motion can be put, the chairperson will ensure that the opportunity has been given for at least one speaker to be heard for the motion or amendment under consideration and at least one speaker to be heard against the motion or amendment.

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

7.2 That the Speaker No Longer Be Heard

Where this procedural motion is carried, the member against whom the motion was moved must cease speaking and be seated.

7.3 That the Debate be Adjourned

A procedural motion “that the debate on the motion and/or amendment be adjourned” will specify a time or date to which the debate is to be adjourned.

A procedural motion may not adjourn debate for a period more than two months after the date of that procedural motion.

Where no time or date is specified in the procedural motion:

- (a) A further motion may be moved to specify such a time or date; or
- (b) The matter about which the debate is to be adjourned will be included in the agenda for the next ordinary meeting.

7.4 That the Meeting Proceed to the Next Item of Business

Where this procedural motion is carried, debate on the matter being considered will cease and the motion is deemed to have lapsed.

7.5 That the Matter Lay on the Table/Be Lifted from the Table

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

If the motion to lay the matter on the table is lost, debate continues and the “tabling motion” cannot be moved again in respect to that substantive motion.

If the motion to lay the matter on the table is moved and carried whilst an amendment is before the chair, both the motion and the amendment are laid on the table.

If the motion is carried, the matter is unable to be dealt with until a procedural motion “that the matter be lifted from the table and dealt with” is carried. This may be moved at the meeting at which the procedural motion to lay the matter on the table was carried or at any later meeting and placed in the order of business determined by Council at that meeting.

Matters laid on a committee table can only be lifted from that committee table by the same committee or the ordinary meeting.

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

7.6 That the Matter be Referred to a Committee

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

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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.

7.7 That this Report/Document be Tabled

This motion may be used by a Councillor to introduce a report or other document to the meeting. Once the document is tabled, it ceases to be a confidential document and forms part of the minutes, unless otherwise resolved.

The only motion which will be moved following tabling is that:

- (a) The report/document be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) The report/document not be received.

7.8 Points of Order

A Councillor may ask the chairperson to decide on a 'point of order' where it is believed that:

- (a) Another Councillor has failed to comply with proper meeting procedures;
- (b) A matter before the Council is in contravention of the Act or the Regulation or any other relevant State or Federal Legislation; or
- (c) A matter before the Council is beyond the Council's jurisdiction.

Points of order do not require a seconder, and cannot be used as a means of contradicting a statement made by the Councillor speaking.

Where a 'point of order' is moved, further consideration of any matter will be suspended until after the point of order is determined.

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

The chairperson will determine whether the point of order is upheld.

Notwithstanding anything contained in these meeting procedures or the Regulation to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other question.

7.9 That the Chairperson's Ruling be Dissented From

A Councillor may move "a motion of dissent" in relation to a ruling of the chairperson.

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

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.

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.

Where, as 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.

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

7.10 That a Provision of These Meeting Procedures be Suspended for a Specified Period

A procedural motion "that a provision of these meeting procedures be suspended for a specified period" may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.

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A procedural motion to suspend a provision will specify the reason and duration of such a suspension. At the conclusion of the specified period, a procedural motion “to resume a provision of these meeting procedures” will be made to reinstate all provisions of the meeting procedures to the meeting.

7.11 That the Meeting Be Adjourned/Resumed

A procedural motion “that the meeting be adjourned” may be moved by a Councillor. The procedural motion must specify a time for 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.

At the conclusion of the specified period, a procedural motion “that the meeting be resumed” be made.

8 Attendance at Meetings

8.1 Chairperson

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) will preside at the ordinary meetings.

If the Mayor and Deputy Mayor are absent from an ordinary meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

A Councillor will be appointed as chairperson for each committee at an ordinary meeting.

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) will preside at a committee meeting if the chairperson is absent.

If the chairperson, Mayor and Deputy Mayor are absent from a committee meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

8.2 Quorum

Business must not be conducted at a meeting unless a quorum is present in accordance with the Regulation.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted leave of absence to take part in a meeting by teleconferencing.

The chairperson is to be advised if a Councillor is unable to attend a meeting no later than 24 hour prior to the meeting, unless extenuating circumstances apply.

8.3 Leave of Absence from Meetings

Councillors must seek a leave of absence from an ordinary or committee meeting where a Councillor cannot attend a meeting for private or business purposes. Leave is granted at the discretion of the Council. The CEO may approve a leave of absence when the Councillor is required to travel for Councillor business and a report to Council is not necessary.

A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person, and as a result, Council may grant such leave while a Councillor is absent.

Where a Councillor needs to seek leave from more than a single meeting, such applications are to be made in writing to the CEO specifying the dates of the meeting/s leave is being applied for.

Where a Councillor intends to attend a meeting when leave has been granted by the Council, two day’s written notice will be provided to the CEO. This notice nullifies any future leave previously approved.

If a Councillor attends a meeting, for which leave has been granted previously, any future absence requires additional leave to be granted, regardless if the original leave covered any future meetings.

A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event.

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Where Councillors are appointed by the Council as a Council representative on a Committee or Association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role.

8.4 Absence from Meetings

A request by a Councillor for an apology for not attending a meeting will be recorded in the minutes. However, for the purpose of annual reporting, the Councillor will not be considered as having attended the meeting. (An apology is not considered a leave of absence request.)

Where a Councillor is absent from a meeting without an approved leave of absence or submitted apology, the Councillor will not be listed in the attendance section of the meeting minutes.

In the event that a Councillor leaves the meeting place for the duration of the discussion of that item, the time of the absence will be recorded in the minutes.

8.5 Employee Attendance

Before entering into discussion on any matter, a meeting may call on the relevant general manager and/or the general manager's nominee to be present at the discussion.

8.6 Attendance of Public and Media at Council and Committee Meetings

Reasonable accommodation and facilities to report proceedings will be provided within the meeting places of the meeting for representatives of the press, radio and television.

Copies of the meeting agenda, excluding confidential items, will be made available to the representatives of the press, radio and television. Reasonable access will be allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting. However, access will be withheld where the Council by resolution decides on the grounds that publication may prejudice the Council's interests.

Part of the meeting place will be made available for the accommodation of the public, and such number of public as can reasonably be accommodated will be permitted to attend at every meeting, except during a closed session.

When a meeting proposes to close a meeting pursuant to section 275 of the Regulation, the chairperson will direct all persons, other than Council or Committee members, to leave the meeting and every person will immediately comply with the direction.

8.7 Public Participation at Council and Committee Meetings

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 meeting.

During a debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.

Any person addressing a meeting will stand, act and speak with decorum and frame any remarks in respectful and courteous language.

The meeting may, as a mark of distinction, admit a non-member to a part of the meeting place normally reserved for Councillors during the conduct of a meeting to participate in the discussion of a particular item of business, on conditions decided by the meeting.

9 Conduct at Meetings

9.1 Councillor Conduct

After a meeting has been formally constituted and the business commenced, a Councillor will not enter or leave the meeting without first notifying the chairperson.

During a meeting, unless exempted by the chairperson, Councillors will address the chairperson while:

- (a) Moving any motion or amendment;
- (b) Seconding any motion or amendment;

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- (c) Taking part in any discussion;
- (d) Replying to any question; or
- (e) Addressing the Council for any other purpose.

Councillors will, during a meeting, address:

- (a) Other Councillors by their respective titles, “Mayor” or “Councillor”; and
- (b) Employees by designating them by their name or position title.

Councillors will confine their remarks to the matter under consideration.

Councillors will remain seated and silent while a vote is being taken.

Councillors will act with due decorum during meetings to ensure the meeting is conducted in an efficient and effective manner. Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

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.

Councillors will not make personal reflections on or impute improper motives to other Councillors, employees or members of the public.

A Councillor who is speaking will not be interrupted except upon a point of order being raised either by the chairperson or another Councillor.

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 present will preserve strict silence so that the chairperson may be heard without interruption.

The chairperson may:

- (a) Call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
- (b) Direct a Councillor to discontinue a speech.

The use of mobile phones in the meeting place or other meeting places is not permitted.

9.2 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

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

- (a) The chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
 - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (ii) Apologising for their conduct; or
 - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson’s request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson’s request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

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- (f) If the Councillor complies with the chairperson’s warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson’s request for remedial actions, the chairperson may make one or more of the orders below:
 - (i) An order reprimanding the Councillor for the conduct; or
 - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
 - (i) Details of any order issued is recorded in the minutes of the meeting;
 - (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct in accordance with the Act; and
 - (iii) The CEO is advised to ensure details of any order made must be updated in the Councillor Conduct Register in accordance with the Act.

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

9.3 Material Personal Interest

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

- (a) A Councillor with a material personal interest must inform the meeting of the Council of their material personal interest and set out the nature of the interest, including:
 - (i) The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
 - (ii) How a person or other entity stands to gain the benefit or suffer the loss; and
 - (iii) If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor’s relationship to the person or entity.
- (b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (c) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand.
- (d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from part (a) above.

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- (f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
 - (i) The Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
 - (ii) If the matter cannot be delegated under section 257 of the Act, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - (i) The name of the Councillor who has a material personal interest in the matter;
 - (ii) The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest; and
 - (iii) Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

9.4 Conflict of Interest

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

- (a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Council of their personal interest and set out the nature of the interest, including:
 - (i) The nature of the interest; and
 - (ii) If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
 - (A) The name of the other person;
 - (B) The nature of the relationship or value and date of receipt of the gift or benefit received; and
 - (C) The nature of the other person's interests in the matter.
- (b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- (c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) of the Act as to whether another Councillor may stay in the meeting.
- (d) If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- (e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.

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- (f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
 - (i) The size or significance of the benefit of the subject Councillor stands to receive or benefit;
 - (ii) The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
 - (iii) The closeness of any relationship the subject Councillor may have with a given person or group.
- (g) In making the decision under (f) it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (i) The Chairperson should then ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from part (a).
- (j) In the event the majority of Councillors inform of a personal interest in a matter:
 - (i) Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
 - (ii) If the matter cannot be delegated under section 257 of the Act, Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (k) Where a Councillor informs the meeting of a personal interest in the matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - (i) The name of the Councillor who has declared the conflict of interest;
 - (ii) The nature of the personal interest, as described by the Councillor;
 - (iii) The decisions made under parts (c) and (e) above;
 - (iv) Whether the Councillor participated in the meeting under an approval by the Minister;
 - (v) If the Councillor voted on the matter, how they voted; and
 - (vi) How the majority of Councillors voted on the matter.

9.5 Acts of Disorder by a Person Other than a Member

In accordance with *Local Law No. 1 (Administration) 2011* a person who is not a member of the Council or a Committee must not obstruct the proper conduct of a meeting of the Council or Committee.

If a person (other than a member) interrupts or obstructs the proper conduct of a meeting, the chairperson may give the person a warning. If the chairperson reasonably believes that the person may continue to interrupt or obstruct the proper conduct of the meeting, the chairperson may ask the person to leave the meeting.

A person failing to comply with a direction to leave the meeting place may be removed from the meeting using reasonable necessary force. For the purpose of effecting the removal, the chairperson may call upon the assistance of a member of the Police Service.

The use of mobile phones in the area set aside for the representatives of the press, radio and television and the public in the meeting place or other meeting places is not permitted.

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10 Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council

In accordance with section 150AF of the Act, after receiving a referral by the Independent Assessor or under paragraph 9.2(i)(ii) of this document of an instance of suspected inappropriate conduct, Council must complete an investigation into the alleged conduct in accordance with the Councillor Investigation Policy.

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

When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor, the Council must:

- (a) Be consistent with the Council's principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the Regulation.
- (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in paragraph 9.4.
- (c) The Council should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- (d) If Council decides that the subject Councillor has engaged in inappropriate conduct, Council is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - (i) An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - (ii) An order reprimanding the Councillor for the conduct;
 - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - (iv) An order that the Councillor be excluded from a stated Council meeting;
 - (v) An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Council on a State board or committee;
 - (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
 - (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the Council can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Council is reasonably satisfied is true.
- (f) 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.
- (g) Council must ensure the meeting minutes reflect the resolution made.

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11 Record of Meetings

11.1 Confirmation of Minutes

The minutes of a meeting, not previously confirmed, will be taken into consideration at the next meeting of the relevant meeting, so they can be confirmed.

The minutes of the final committee meetings for the term of Council must be confirmed at the final ordinary meeting in the Council term.

The minutes of the final ordinary meeting for the term of Council must be confirmed at the first ordinary meeting for the new term.

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

11.2 Audio and Video Recording of Meetings

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

An audio or video recording made:

- (a) May only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- (b) After being used for that purpose, must be destroyed or dealt with as directed by the Council.

12 Exclusions

Any provision of this policy may be suspended by resolution of any meeting.

13 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

14 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Executive Officer
Policy Quality Control	Legal and Governance



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