6.6. STANDING ORDERS FOR COUNCIL MEETINGS INCORPORATING MANDATORY MODEL MEETING PROCEDURES AND INFORMAL BRIEFING SESSIONS

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RECOMMENDATION

That Council adopt the:

- **revised statutory Standing Orders for Council Meetings General Policy to reflect the *Best Practice Standing Orders for Local Government Meetings* issued by the Department of State Development, Infrastructure, Local Government and Planning in November 2022, and**
- **Informal Briefing Sessions for Councillors Policy.**

EXECUTIVE SUMMARY

Council is required to adopt and comply with a statutory Standing Orders for Council Meetings policy. The policy is a statutory policy.

In order to clarify the parameters for informal briefing sessions for Councillors, an Informal Briefing Sessions for Councillors policy is to be adopted as a Council (Strategic) policy.

BACKGROUND

The Standing Orders for Council Meetings General Policy has been developed in accordance with the obligations of Council as provided for in s150F of the *Local Government Act 2009* and Part 2 of the *Local Government Regulation 2012*.

The policy is a statutory policy.

The policy was previously scheduled to be reviewed in December 2023. However, changes to the best practice standing orders and model meeting procedures by the Department of Local Government in November 2022 required that the planned review of the policy be brought forward and presented to Council ahead of time.

The Standing Orders for Council Meetings General Policy and the Model Meeting Procedures were the subject of a training session with the then elected Councillors on 3 October 2023 with representatives of the Local Government Association of Queensland (LGAQ) and the Department of State Development, Infrastructure, Local Government and Planning.

Issues with procedural matters for Council Meetings during 2023 were the subject of consideration on numerous occasions by the Office of the Independent Assessor (OIA) who handles matters related to Councillor conduct.

The OIA requested that additional training be provided to Councillors on procedural matters by the Department of State Development, Infrastructure, Local Government and Planning.

At a Council meeting in November the motion to adopt the revised statutory policy and associated strategic policy guidance governing informal meetings failed to attract a seconder and the motion failed. (attachment excerpting 28 November 2023 minutes refers).

COMMENTS

The Standing Orders for Council Meetings General Policy is a statutory policy that is subject to review and update from time to time.

The policy is overdue for review and now needs to reflect and incorporate Model Meeting Procedure first flagged in November 2022.

The purpose of the associated Informal Briefings policy is to establish guidelines for the conduct of discussion forums to create an opportunity for Councillors and officers to discuss matters and obtain and exchange information.

This policy will assist Councillors to better inform themselves of previous decisions of Council, the ongoing operations of Council, matters coming before future Council meetings and matters raised which may become the subject of future consideration at Council meetings.

The aim of the revised statutory policy (attachment A) and associated strategic policy governing the conduct and parameters of informal briefings (attachment B) is to:

- Ensure Standing Orders for Council are kept current and meet needs;
- incorporate the mandatory, statutory Model Meeting Procedure as required; and
- clarify the roles, responsibilities, relationship and timeframes governing requests from Councillors for informal briefings and their delivery.

As the background briefing highlights: In 2023 a motion to adopt the revised attached policy and associated briefing failed to find a seconder (attachment e refers). However Council is required to adopt and comply with the ***Best Practice Standing Orders for Local Government Meetings*** (attached)***.*** For ease of use, these have been incorporated into the Standing Orders for Council Meetings policy.

Required and requested amendments to the Standing Orders for Council Meetings General policy include:

- Additional information about local government principles for meetings under Purpose and definitions used throughout the policy
- New section outlining Roles and Responsibilities
- New section 3 “Times of Meetings”
- Inclusion of information regarding amending and confirming minutes in section 4
- New sections 5.3 to 5.6 providing the legislative requirements for the provision of agendas for council meetings
- Inclusion of new section 6 “Mayoral minute”, new section 7 “Special meetings” and new section 8 “Quorums”
- In section 9, clarity that petitions must be specific to a local government matter for which Douglas Shire Council has jurisdiction
- New sections 11, 12, 13, 14 and 15 regarding Conflicts of Interest – these have been moved from Appendix 1

- New section 16 providing notice of a motion, including the agreed timeframe of five (5) business days discussed at the 3 October workshop
- New section 17.5 about when the Chair may refuse to accept a motion
- Minor changes in sections 21, 22 and 23 for consistency with the Best Practice Standing Orders
- Re-naming section 23 to change rescinding to repealing, to be consistent with Best Practice Standing Orders
- Addition of the words “legal professional privilege” in section 24.8
- New sections in 23 regarding disorder
- New section 27 regarding “Behaviour of objectionable nature”
- New section 30 relating to closed sessions of meetings
- Inclusion of “at least 3 business days prior to the meeting” in section 31 relating to teleconferencing of meetings
- Removal of old section 22 about “Audio or Video Recording of a meeting” as all council meetings are now live streamed and there is no longer a need to authorise audio or video recording of a meeting
- Inclusion of policy review information as well as provision for a review at least every 2 years
- Model meeting procedures included as appendix 1 which reflects the updated model provided by the Department in November 2022.

In order to clarify the parameters of informal briefing sessions for Councillors, an Informal Briefing Sessions for Councillors policy has been developed.

The policy states that a formal decision, or implied decision, must not be made at an informal briefing session and that any matter requiring a Council decision that is canvassed in an informal briefing session with Councillors must be taken to a formal meeting of Council for determination.

The policy is based on one developed by LGAQ. Key points to note include:

- Clear outline of the functions of these sessions
- Application of conflicts of interest requirements
- Confidentiality of information
- Responsibilities of the Chair
- No formal minute-taking
- Clarity in briefing notes as to what is being asked of Councillors, and
- Capacity for confidential sessions.

PROPOSAL

That Council adopt the revised Standing Orders for Council Meetings policy and the new Informal Briefing Sessions for Councillors policy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no identified financial implications in relation to these Policies.

RISK MANAGEMENT IMPLICATIONS

There is statutory non-compliance and the risk of underperformance if the model procedures are not adopted.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

Operational Plan 2023-2024 Actions:

Legislative requirement.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Facilitator	Council often brings stakeholders together on important issues, projects or for service delivery. In this role, Council can act as a mediator, connector, collaborator or initiator.

CONSULTATION

Internal:	CEO Council
External:	State Government

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Standing Orders For Council Meetings General Policy [**6.6.1** - 17 pages]
2. Informal briefings for Councillors policy [**6.6.2** - 6 pages]
3. Enclosure Model Meeting Procedures new provisions highlighted [**6.6.3** - 19 pages]
4. Excerpt from the Minutes of the 28 November 2023 OCM [**6.6.4** - 1 page]

DOUGLAS SHIRE COUNCIL

10. STANDING ORDERS FOR COUNCIL MEETINGS GENERAL POLICY

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Purpose

The purpose of these Standing Orders is to provide written rules for the orderly conduct of Council meetings as required by s 150G of the *Local Government Act 2009*. Council is strongly committed to ensuring that local government principles are reflected in the conduct of Council meetings including:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of Councillors and local government employees.

Reference in this document to LGA means the *Local Government Act 2009*.

Reference in this document to the LGR means the *Local Government Regulation 2012*.

Reference in this document to the CEO means the Chief Executive Officer of Douglas Shire Council appointed under s 194 of the LGA.

Roles and Responsibilities

The CEO is responsible for the implementation of this policy.

The Mayor and Councillors are responsible for ensuring that processes and behaviour are undertaken in accordance with this policy.

Standing Orders

1. Standing Orders

1.1. These Standing Orders apply to all meetings of Council.

1.2. These Standing Orders do not apply to meetings of the Audit Committee or informal briefing sessions.

1.3. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the ~~application~~ purpose and duration of each suspension.

1.4. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matter will be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

1.5. These Standing Orders include the provisions of the Model Meeting Procedures published by the Department of State Development, Infrastructure, Local Government and Planning attached at Appendix 1.

Procedures for Meetings of Council

2. Presiding officer

2.1. The Mayor will preside at a meeting of Council as the Chair.

2.2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside as the Chair.

2.3. If 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 at the meeting as the Chair.

3. Times of meetings

3.1. Council, by resolution, will fix the days and times for its ordinary meetings.

3.2. Council must, at least once in each year, publish a notice of the days and times for holding its formal meetings.

3.3. Council may, by resolution, amend the days and times for its formal meetings.

3.4. Council must notify any changes to formal meeting days and times in accordance with s 254B (4) of the LGR.

4. Order of business

4.1. Before proceeding with the business of the meeting, the Chair will undertake the acknowledgement and/or greetings deemed appropriate by the Council.

4.2. The order of business will be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.

4.3. Unless otherwise altered, the order of business for ordinary Council meetings will be as follows:

- Attendances
- Apologies and granting leaves of absence
- Notice of Conflict of Interest and/or Material Personal Interest
- Mayoral Minutes
- Confirmation of Minutes
- Response to previous Questions on Notice
- Agenda Items as listed
- Notice of Motion
- Urgent Business
- Petitions
- Consideration of any closed session items
- Consideration of recommendations arising from discussions in a closed session.

4.4. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of Council, in order that the minutes may be confirmed. No discussion will be permitted with respect to the minutes except with respect to their accuracy as a record of the proceedings.

4.5. Amendments to the minutes to correct errors may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.

4.6. Once the minutes are confirmed by resolution of the meeting they cannot be changed.

5. Agendas

5.1. The Agenda may contain:

- Notice of meeting
- Minutes of the previous meetings
- Business arising out of previous meetings
- Business which the Mayor wishes to have considered at that meeting without notice
- Matters of which notice has been given
- Officers reports to Council referred to the meeting by the CEO
- Deputations and delegations from the community that are approved to attend, and
- Any other business Council determines by resolution be included in the Agenda.

5.2. Business not on the Agenda, or not fairly arising from the Agenda, will not be considered at any meeting unless permission for that purpose is given by Council at such meeting.

5.3. The notice of the meeting and the agenda must be given to each Councillor at least two (2) business days before the meeting unless it is impracticable to give the notice before that time.

5.4. The agenda for the meeting must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. Any related reports for the meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports.

5.5. If the related report is made available to Councillors during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the Councillors.

5.6. Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under s 254J of the LGR, will be clearly identified on the agenda including the reasons why the session will be closed.

6. Mayoral minute

6.1. The Mayor may direct the attention of the Council at a meeting of the Council to an emerging or urgent matter or subject not on the agenda by a Mayoral minute signed by the Mayor.

6.2. The Mayor must deliver a copy of the Mayoral minute for a meeting of the Council to the CEO and Councillors in advance of the meeting, and ideally at least one (1) working day prior to the meeting.

6.3. The Mayoral minute shall, when introduced, take precedence over all business before, or to come before, the Council meeting.

6.4. The motion comprising the Mayoral minute may be put by the Mayor to the meeting of Council without being seconded; and at any stage of the meeting of Council considered appropriate by the Mayor.

6.5. If the motion comprising the Mayoral minute is passed by the Council, the Mayoral minute becomes a resolution of the Council.

6.6. Amendments or variations to Mayoral minutes, including foreshadowed motions or amendments, that are not inconsistent with the terms of the minute, are permitted.

7. Special Meetings

7.1. The CEO must call a special meeting of Council if:

a) the special meeting is required by a resolution of Council, or
b) the CEO considers a matter should be brought before the Council for discussion, or
c) a written request for the special meeting is given to the CEO in accordance with subsection 7.2 below.

7.2. A written request for a special meeting of Council must—

- be signed by the Mayor or two or more Councillors, and
- specify the purpose of the special meeting, and
- propose a date and time for the holding of the special meeting.

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

7.4. The order of business for a special meeting of Council shall be as follows:

- Opening of meeting
- Acknowledgement
- Attendances including apologies and leave of absence
- Officer's Reports.

7.5. A Mayoral minute is allowed but it must only relate to the specific matter that has been notified in the request for special meeting.

8. Quorum

8.1 A quorum at a Council meeting is a majority of its Councillors. If the number of Councillors is even, then one half of the number is a quorum.

8.2 If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present then the CEO.

9. Petitions

9.1. Any petition presented to a meeting of Council will:

- be in relation to a specific local government matter (ie. a matter of which Douglas Shire Council has the power to act) within its jurisdiction
- be in legible writing or typewritten and contain a minimum of ten (10) signatures
- must include the name and contact details of the principal petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue)
- include the postcode of all petitioners, and
- have the details of the specific request/matter appear on each page of the petition.

9.2. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it will be allowed and the only motion which may be moved is that:

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

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

10. Deputations

10.1. A deputation wishing to attend and address a meeting of Council must apply in writing to the CEO not less than seven (7) business days before the meeting.

10.2. The CEO, on receiving an application for a deputation will notify the Chair 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 a time period allowed.

10.3. For deputations comprising three or more persons, only three persons will be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation will be given adequate opportunity to explain the purpose of the deputation.

10.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chair may finalise the deputation.

10.5. The Chair may terminate an address by a person in a deputation at any time where:

- the Chair 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 Councillors or staff members.

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

Conflicts of Interest

Refer to Model Meeting Procedures (Appendix 1).

Motions

11. Notice of a matter for consideration at a Council meeting

11.1. Any Councillor proposing a matter be considered at a Council meeting must give notice in writing to the CEO at least five (5) business days before the relevant meeting.

11.2. Notice of motions must:

a) be framed as succinctly as possible, and

b) be relevant to the good order of the business of the Council.

12. Motion to be moved

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

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

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

12.4. A motion brought before a meeting of Council in accordance with the LGA or these Standing Orders will be received and put to the meeting by the Chair.

12.5. The Chair may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

12.6. The Chair may require an amendment to a motion to be stated in full or be in writing before permitting it to be received.

12.7. The Chair may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chair may put the motion to the vote without discussion.

12.8. No more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.

13. Absence of mover of motion

13.1. Where a Councillor who has given notice of a motion is absent from the meeting of 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 meeting.

14. Motion to be seconded

14.1. A motion or an amendment to a motion will not be debated at a meeting of Council unless or until the motion or the amendment is seconded, except for Mayoral minutes and Procedural Motions in item 24.

15. Amendment of motion

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

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

15.3. Where a motion has been successfully amended by majority vote of Council and has become the substantive motion, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

16. Speaking to motions and amendments

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

16.2. The Chair will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chair will then call on any other Councillor who wishes 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.

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

16.4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which will be done without debate, and a Councillor will not speak upon such motion or amendment thereafter once the mover has been granted permission by the Chair for its withdrawal.

16.5. The mover of a motion or amendment will have 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.

16.6. Each speaker will be restricted to not more than five (5) minutes unless the Chair rules otherwise.

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

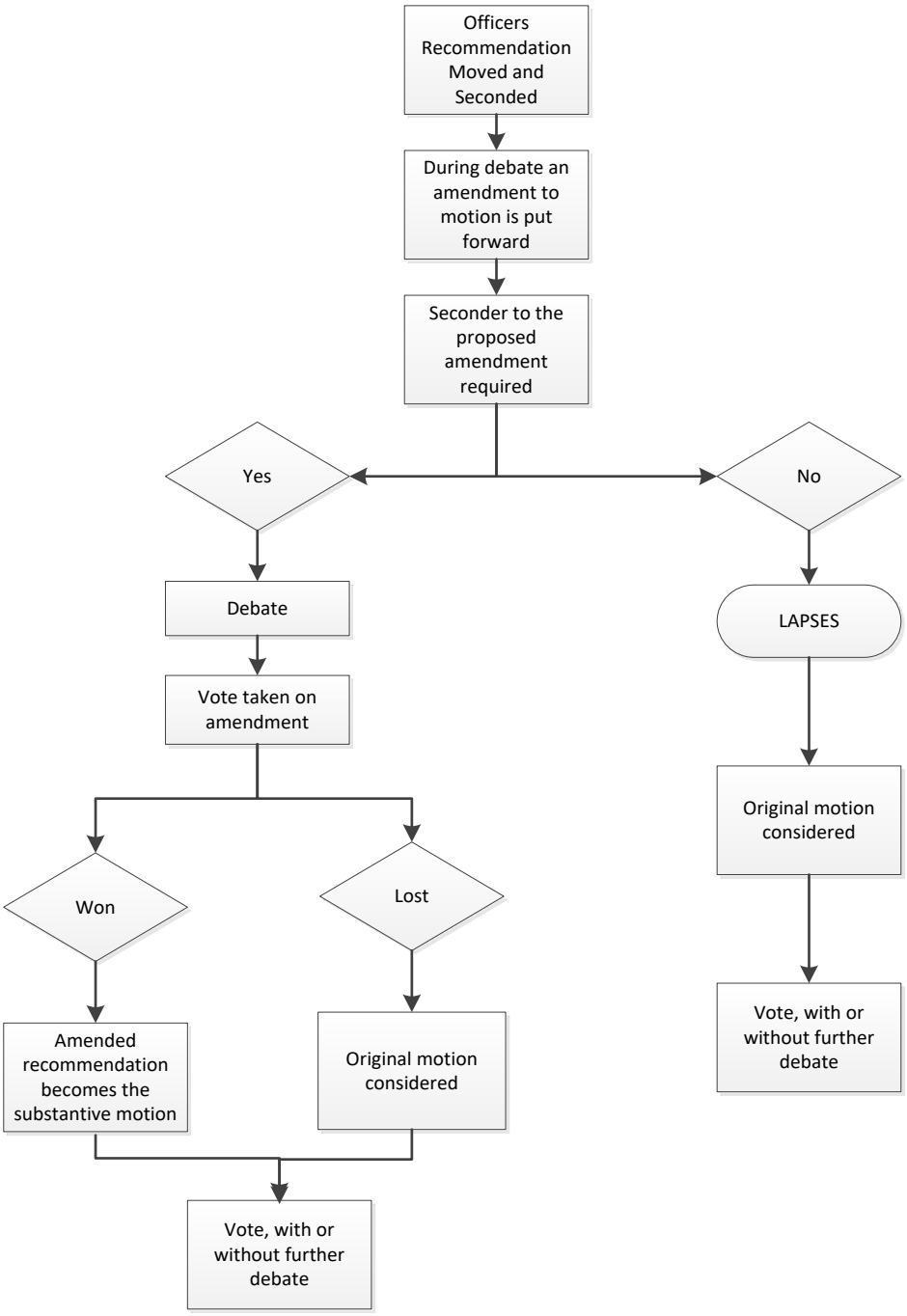
16.8. In accordance with s 254H of the LGR, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

16.9. For clarity, the following provides a summary of the process when moving the original recommendation with an amendment:

- The motion is seconded.
- The amended motion becomes the substantive motion.
- The Chair opens the substantive motion to debate.
- Should amendments be proposed then follow the steps in item 21.10 below.
- The substantive motion is put to the vote.
- If the vote is lost the original recommendation is then considered.

16.10. The following provides a summary of the process when an amendment is proposed to a motion during the debate process:

- The proposed amendment is seconded.
- The Chair opens the proposed amendment to debate.
- The amended motion is put to the vote.
- If the vote is won, the amended motion becomes the substantive motion.
- The substantive motion is put to the vote with or without debate. During the debate of the substantive motion further amendments may be considered.
- If the vote is lost, the original motion is then considered.


Officers Recommendation Moved and Seconded
During debate an amendment to motion is put forward
Seconder to the proposed amendment required
Yes
No
Debate
Vote taken on amendment
Won
Lost
Amended recommendation becomes the substantive motion
Original motion considered
Vote, with or without further debate
LAPSES
Original motion considered
Vote, with or without further debate

17. Method of taking vote

17.1. The Chair will call for all Councillors in favour of the motion to indicate their support. The Chair will then call for all Councillors against the motion to indicate their objection. The Chair will declare the result of a vote as soon as it has been determined.

17.2. The names of all Councillors voting and how they voted will be reflected in the minutes. There is no abstaining from voting and if a Councillor does not indicate their vote it will be taken to be negative.

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

17.4. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

18. Repealing or amending resolutions

18.1. A resolution of Council may not be amended or repealed unless a notice of motion is given in accordance with the requirements of s 262 of the LGR.

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

19. Procedural motions

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

- that the question/motion be now put before the meeting
- that the motion and amendment now before the meeting be adjourned
- that the meeting proceed to the next item of business
- that the question lie on the table
- a point of order
- a motion of dissent against the Chairs decision
- that this report/document be tabled
- to suspend the rule required that (insert requirement)
- that the meeting stands adjourned.

19.2. A procedural motion that the "question/motion be put" may be moved and where such a procedural motion is carried, the Chair will immediately put the question to the motion or amendment to that motion under consideration. Where such a procedural motion is lost, debate on the motion or amendment to that motion will continue.

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

- a further motion may be moved to specify 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 ordinary meeting.

19.4. Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.

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

19.6. Any Councillor may ask the Chair 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 LGA or LGR, or
- is beyond the jurisdiction power of Council.

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

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

19.7. A Councillor may move a motion of dissent in relation to a ruling of the Chair on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chair was made will proceed as though that ruling had not been made. Where, as a result of that ruling the matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

19.8. 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, legal professional privilege, or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

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

19.10. 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. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council will continue with the business before the meeting at the point where it was discontinued on the adjournment.

Conduct During Meetings

20. General conduct during meetings

20.1. Councillors will conduct themselves in accordance with the principles of LGA and the standards of behaviour set out in the Code of Conduct. The Chair may observe or be made aware of instances of possible unsuitable meeting conduct *(refer to Appendix 1).*

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

20.3. Councillors will speak of each other during the Council meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers will designate them by their respective official or departmental title and will confine their remarks to the matter under consideration.

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

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

21. Disorder

21.1. The Chair may adjourn the meeting of Council where disorder arises at a meeting other than by a Councillor.

21.2. On resumption of the meeting, the Chair will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the Chair will declare the meeting closed, and any outstanding matters referred to a future meeting.

21.3. If the act of disorder is by a Councillor, the Chair may adjourn the meeting of Council and direct the Councillor to leave the meeting. If the Councillor fails to leave the meeting as directed by the Chair, an authorised person may, at the request of the Chairperson, exercise reasonable means to remove the member and to keep the member away from the meeting.

21.4. If an act of disorder is by the Chair, a Councillor may move a procedural motion to adjourn the meeting of Council and handle the matter in a closed session.

21.5. Disorder by a Councillor will be managed in accordance with the Model Meeting Procedures at Appendix 1.

22. Behaviour of objectionable nature

22.1. If at a meeting the Chair or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the local government, the Chair may, on the Chair's own volition or at the request of another Councillor, declare that the matter not be considered further.

23. Questions

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

23.2. 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.

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

Attendance and Non-Attendance

24. Attendance of public and the media at meeting

24.1. An area will be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many

members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.

24.2. If at a meeting the Chair or a Councillor considers that a matter raised or behaviour of a member of the public or the media is of an objectionable nature or outside the powers of the local government, the Chair may, on the Chair's own volition or at the request of another Councillor, declare that the matter not be considered further.

24.3. When Council is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

25. Closed Session

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

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget 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 a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion would be likely to prejudice the interests of the council;
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*, or
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

25.2. A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.

25.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must:

- delegate the matter unless the matter cannot be delegated, or
- decide by resolution to defer to a later meeting, or
- decide by resolution to take no further action on the matter.

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

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

25.4. To take a matter into a closed session the Council must abide by the following process:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered

- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated, and
- no resolution can be made while in a closed meeting (other than a procedural resolution).

26. Teleconferencing or audio-visual participation in meetings

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

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

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

27. Public participation at meetings

27.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chair.

27.2. In a meeting, time may be required to permit members of the public to address the Council on matters of public interest related to Council. The time allotted will not exceed fifteen minutes and no more than three (3) speakers will be permitted to speak at any one meeting. The right of any individual to address the Council during this period will be at the absolute discretion of the Chair.

27.3. If any address or comment is irrelevant, offensive, or unduly long, the Chair may require the person to cease making the submission or comment.

27.4. For any matter arising from such an address, Council may take the following actions:

- refer the matter to the CEO, or
- deal with the matter immediately, or
- place the matter on notice for discussion at a future meeting, or
- note the matter and take no further action.

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

27.6. Any person who is considered by the Council or the Chair to be unsuitably dressed may be directed by the Chair to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

Policy Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

Policy Name	**Standing Orders for Council Meetings General Policy**
Policy Number	10
Policy Version	5
Document Number	815050
Endorsed by	Chief Executive Officer
Policy Type	Statutory
Approval Authority	Council
Date Adopted	TBC
Time Period	2 Years, or when the Department amends the Best Practice Standing Orders
Review Date	1/11/2025
Policy Department	Governance
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.

APPENDIX 1 - MODEL MEETING PROCEDURES (MARCH 2024)

Purpose of the model meeting procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

However, model meeting procedures do not apply to meetings of the local government's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

Background

Under section 150F of the LGA, the chief executive of the department of local government must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must not be inconsistent with the model procedures.

The model meeting procedures include the following:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting.
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI, and
- procedures for closing local government meetings to the public.

Definitions

Unsuitable meeting conduct is when a Councillor, in a Council meeting, contravenes a behavioural standard of the code of conduct or a council policy.

Inappropriate conduct is when a Councillor contravenes:

- a behavioural standard outlined in the code of conduct, or a policy, procedure or resolution of Council
- an order of the Chair of a Council meeting to leave and stay away, or
- when a Councillor has received orders for unsuitable meeting conduct three times in one year.

Processes

Refer to the published Model Meeting Procedures for detail.

DOUGLAS SHIRE COUNCIL

INFORMAL BRIEFING SESSIONS FOR COUNCILLORS POLICY

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Purpose

The purpose of this policy is to establish guidelines for the conduct of discussion forums to create an opportunity for Councillors and officers to discuss matters and obtain and exchange information. This policy will assist Councillors to better inform themselves of previous decisions of Council, the ongoing operations of Council, matters coming before future Council meetings and matters raised which may become the subject of future consideration at Council meetings.

Roles and Responsibilities

The CEO is responsible for the implementation of this policy.

The Mayor and Councillors are responsible for ensuring that processes and behaviour are undertaken in accordance with this policy.

Intent

Transparent meeting procedures underpin representative democracy and ensure public confidence in Council's decision-making processes. As such, every effort will be taken to ensure that all meeting and briefing procedures follow best practice standards. Briefing sessions are intended to provide a valuable opportunity to enhance the decision-making process by providing an opportunity for Councillors to ask questions and seek clarification of information prior to formal Council meetings.

This Policy provides guidance to Council and Councillors about the distinctions between Informal Briefing Sessions and Committee, Special and Ordinary Meetings and to promote transparent meeting procedures, representative democracy, community engagement and good governance.

1. Functions of informal briefing sessions

1.1. The principal functions of informal briefing sessions are to:

a) Share information (rather than for the purpose of debating issues or otherwise discharging Council's deliberative decision-making functions)

b) Provide Council officers with an opportunity to advise Councillors of their professional opinion on matters, including available options and recommendations

c) Provide Councillors with an opportunity to seek clarification on matters

d) Provide updates prior to a formal Council meeting

e) Provide an opportunity for the CEO and Council officers to address any Councillor questions and present additional background

f) Receive presentations from external parties assisting Council.

1.2. Informal briefing sessions provide the necessary background information to enable Councillors to discuss and debate complex issues during subsequent formal meetings more effectively.

1.3. A formal decision, or implied decision, must not be made at an informal briefing session.

1.4. Debate or discussion between Councillors which, directly or indirectly, result in consensus building must not be conducted at the informal briefing session.

1.5. Any matter requiring a Council decision that is canvassed in an informal briefing session with Councillors must be taken to a formal meeting of Council for determination.

1.6. Informal briefing sessions are not formal meetings of Council and are not open to the public unless otherwise invited.

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2. Conflicts of interest

2.1. If a matter is to be, or is being, discussed at an informal briefing session and the matter is not an ordinary business matter, and a Councillor has a prescribed or declarable conflict of interest (as outlined in the Standing Orders), the Councillor must:

a) Inform the informal briefing session about the conflict of interest in the matter, and
b) Leave the informal briefing session until conclusion of discussion on the matter.

2.2. Paragraph 2.1 will not apply if the Councillor has previously informed a meeting about a declarable conflict of interest in a matter, and Council has resolved, pursuant to s 150ES of the *Local Government Act 2009*, to permit that Councillor to participate in discussion and decision on the matter.

2.3. If an informal briefing session is informed of a Councillor's personal interest in a matter to be discussed at an informal briefing session, the following information is to be recorded by the CEO:

a) The name of each Councillor who declared an interest in the matter, and
b) Whether or not the declaring Councillor elected or was required to leave the briefing session while the matter was being discussed.

2.4. If a Councillor considers that another Councillor has a prescribed or declarable conflict of interest in a matter to be discussed, or being discussed, at an informal briefing session, that Councillor must ask the other Councillor to consider complying with paragraph 2.1.

3. Confidentiality of information

3.1. Councillors will be in receipt of confidential information acquired during the normal conduct of their duties with Council. Councillors have a responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

3.2. Confidentiality of information is required under various legislation including Queensland's *Right to Information Act 2009* and *Information Privacy Act 2009*.

3.3. In accordance with Council's Management of Confidential Information policy, Councillors are required to keep certain information confidential.

4. Schedule

4.1. Informal briefing sessions will be held weekly at a day and time determined by the Mayor and the CEO.

4.2. In the event there is no business formally listed, or for other reasons as determined by the Mayor and CEO, the informal briefing session will not convene and the CEO shall advise Councillors of the cancellation as soon as practicable.

4.3. The Mayor or CEO may call urgent informal briefing sessions as necessary so that Councillors may be informed about emergent matters.

5. Participants

5.1. Informal briefing sessions are generally attended by all Councillors, the CEO (or a delegate of the CEO), the Management Team, any officers who are presenting items and any other relevant officers.

5.2. While no quorum is required for an informal briefing session, consideration should be given to the usefulness of holding the session if there are a number of Councillors absent.

5.3. External persons may attend the informal briefing session upon invitation from the Mayor or CEO. If an external person is to be present, their name, title and organisation are to be included on the agenda.

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5.4. An external person who will be attending an informal briefing session shall only be present at the session during discussion of the agenda item for which their attendance relates.

6. Agenda

6.1. The Agenda may contain:

- Order of business of informal briefing session
- Officers reports to Council referred to the meeting by the CEO
- Closed session discussion between the Councillors and CEO.

6.2. For each informal briefing session agenda item, the agenda will state the title of the item, the name of the Council officer that will lead the discussion, the time allotted to each agenda item and whether supporting documentation/material is attached.

6.3. The notice of the informal briefing session and the agenda must be given to each Councillor at least two (2) business days before the meeting unless it is impracticable to give the notice before that time.

6.4. Where due to urgency or timing of availability of information no agenda or supporting material for an agenda item has been circulated prior to the informal briefing session, the CEO will provide hard copies of the agenda or briefing material to distribute to Councillors at the session.

6.5. Informal briefing session agendas are not made publicly available.

6.6. A Councillor who wishes to place an item on the agenda for a future informal briefing session must put their request to the CEO ten (10) business days before the date of the proposed session. This timeframe will enable Council officers to provide the necessary background information and context to allow Councillors to have all the relevant information available to them relating to the matter.

6.7. A Councillor may also during an informal briefing session request an item to be placed on the agenda for a future briefing session as soon as possible.

6.8. The CEO will review a submitted item from Councillors to determine if it is to be placed on the agenda of a future informal briefing session. If the item is not to be placed on the agenda or is to be dealt with in some other way, the CEO will advise the relevant Councillor as to why the item has not been placed on the agenda.

6.9. The CEO will notify the Councillor in writing as to the date determined for the matter to be canvassed at an informal briefing session at least five (5) business days prior to the session, unless the matter has been dealt with in some other way (for example, through a Request for Information).

6.10. Any reports relating to the requested agenda item (if it is accepted to be on the agenda) will include:

a) The name of the requesting Councillor

b) Details of the request

c) Supporting documentation/information, and

d) A recommendation from the Council officer.

7. Chair

7.1. The CEO shall Chair the informal briefing session. In the absence of the CEO, the CEO's delegate (usually a member of the Management Team) shall chair the informal briefing session.

7.2. The Chair shall assume responsibility for the good governance and order of the informal briefing session.

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7.3. The Chair is responsible for determining the order of business for the informal briefing session.

8. Note taking

8.1. Minutes of matters canvassed at informal briefing sessions will not be recorded, as they are informal meetings and no decisions are taken.

8.2. Briefing notes from Council officers will have a clear statement identifying the aim of briefing on a particular matter, as either:

a) This report is for the briefing of Councillors prior to the matter being dealt with operationally, or

b) This report is for briefing Councillors prior to consideration of the matter at a future Council meeting, or

c) This report is to canvass options on [_____] issue, or

d) This report is seeking feedback with regard to [_____] issue, or

e) This report is seeking to identify any further clarification Council may require with regard to [_____] agenda item.

9. Confidential briefing session

9.1. From time to time, there will be matters that need to be raised in a confidential (closed) setting, where there are a limited number of participants.

9.2. The CEO, in consultation with the Mayor, will determine what agenda items will be considered in a confidential briefing session and who the participants shall be.

9.3. Confidential briefings may be necessary to discuss any of the following matters, or any other matters deemed appropriate by the CEO or Mayor:

- appointment, dismissal or discipline of the CEO or other senior officers
- 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 Council, including for example, legal proceedings that may be taken by or against Council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion would be likely to prejudice the interests of Council
- negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*, or
- a matter that Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

Policy Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the CEO.

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Policy Details

Policy Name	**Informal Briefing Sessions for Councillors Policy**
Policy Number	XXXX
Policy Version	1
Document Number	1188068
Endorsed by	Chief Executive Officer
Policy Type	Council (Strategic) Policy
Approval Authority	Council
Date Adopted	XXXXX
Time Period	2 Years
Review Date	XXXXX
Policy Department	Governance
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.

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Queensland Government

Model Meeting Procedures

Conduct of local government meetings and its committee meeting

Revised November 2023

Last updated:

Date	Version Number	Name	Approved
20 June 2023	004	P Cameron	
28 November 2023	005	P Cameron	

Queensland Government

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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA), Local Government Regulation 2012 (LGR), the *City of Brisbane Act 2010* (COBA) and the City of Brisbane Regulation 2012 (COBR). However, model meeting procedures do not apply to meetings of the local government's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

Meeting Principles

Local government meetings must adhere to the following principles:

- Transparent and effective processes and decision making in the public interest
- Sustainable development management and delivery of effective services
- Democratic representation, social inclusion, and community engagement
- Good governance of, and by the local government
- Ethical and legal behaviour of councillors, local government employees and councillor advisors.

Background

Under section 150F of the LGA, the chief executive of the department of local government must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must not be inconsistent with the model procedures. If there is any inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

The model meeting procedures include the following:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI
- procedures for closing local government meetings to the public.

Application

A local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its local government meetings, standing and advisory committee meetings.

A local government's meeting procedures and standing orders must be consistent with the model meeting procedures. If there is any inconsistency with the documents, then the local government is taken to have adopted the model meeting procedures to the extent of the inconsistency.

To assist local governments the Department has published best practice example **standing orders** that local governments can choose to adopt. These are published on the departmental website.

A local government must conduct its meetings in a manner that is consistent with either the model meeting procedures, or its own standing orders provided they are consistent with sections 1-8 below of these model meeting procedures.

Processes

1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behavioural standard of the **Code of Conduct for Councillors**. When dealing with an instance of unsuitable meeting conduct by a councillor, the following procedures must be followed:

1.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.

1.2. 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 under 1.7 below.

1.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:

1.3.1. Ceasing and refraining from exhibiting unsuitable meeting conduct

1.3.2. Apologising for their conduct

1.3.3. Withdrawing their comments.

1.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.

1.5. 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 could result in an order being issued.

1.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required

1.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:

1.7.1. An order reprimanding the councillor for the conduct

1.7.2. 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.

1.8. 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.

1.9. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.

1.10. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):

***Note**: Details of any order issued is recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next local government meeting as a suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.*

2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

2.1. 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.

2.2. 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.

2.3. 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 *part 5* below.

2.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

2.5. 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.

2.6. 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).

2.7. 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.

2.8. 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.

2.9. The chairperson then resumes the role of chairperson, and the meeting continues.

Note: *Details of any reprimand order is recorded in the minutes of the meeting. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.*

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government 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 local government meeting.

3. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, 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 local government by giving a referral notice.

***Note*:** *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 local government 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 paragraph 1.9.2 of this document.*

3.1. In relation to matters referred by the IA to the local government, the local government 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.

***Note**: The local government investigation must be conducted in a way that is consistent with the local government'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 LGA. 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 LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

3.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, 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 LGA or section 238(2)(a), (b) or (c) of the COBA.

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

3.3.1. The local government 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 the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.

3.3.2. 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.

3.3.3. Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under CBR section 242H and the LGR section 254H.

3.3.4. The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government 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 local government.

3.3.5. 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.

3.3.6. 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 in section 4. 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 COI in the matter) must decide how to deal with the conflict of interest under section 4. 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.

3.3.7. After making a decision under section 150AG of the LGA, the local government 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 local government if they were complainants, or any councillor who declared a COI in the matter.

3.4. If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

3.4.1. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and

Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

3.4.2. Decide, by resolution, to defer the matter to a later meeting or

3.4.3. 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 local government must decide the matter.

***Note**: Local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. 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.*

3.5. 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 detailed in 2.6, if any, to impose on the councillor. In deciding what penalty to impose the local government 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 local government is reasonably satisfied is true.

3.6. The local government may order that no action be taken against the councillor or make one or more of the following:

3.6.1. An order that the councillor make a public apology, in the way decided by the local government,

3.6.2. An order reprimanding the councillor for the conduct breach

3.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

3.6.4. An order that the councillor be excluded from a stated local government meeting

3.6.5. An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)

3.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct

3.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

3.6.8. A local government may not make an order in relation to a person who has vacated their office as a councillor.

3.7. 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 local government and if relevant any orders made by resolution.

3.8. 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.

4. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA or section 177C of the COBA. When dealing with a prescribed conflict of interest, councillors must abide by the following procedures,

4.1. A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.

4.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest.

4.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:

4.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract

4.3.2. If it arises because of an application for which a submission has been made, the matters the subject of the application and submission

4.3.3. The name of any entity, other than the councillor, that has an interest in the matter

4.3.4. The nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter

4.3.5. Details of the councillor's and any other entity's interest in the matter.

4.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister to participate in the matter.

4.5. Once the councillor has left the area where the meeting is being conducted, the local government can continue discussing and deciding on the matter at hand.

5. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government meetings and 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 LGA and section 177L of the COB, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

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

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

5.2.1. A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.

5.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must inform the meeting of the conflict of interest.

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

5.3.1. The nature of the declarable conflict of interest

5.3.2. If it arises because of the councillor'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 and
- the nature of the related party's interest in the matter.

5.3.3. If it arises because of a gift or loan from another person to the councillor or a related party:

- the name of the other person and
- the nature of the relationship of the other person to the councillor 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.

5.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

5.4.1. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.

5.4.2. The other eligible councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote.

5.4.3. The councillor must comply with any decision or condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.

5.4.4. In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.

5.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor 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 may remain in the meeting

and participate in deciding the matter in which the councillor has a declarable conflict of interest.

5.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:

5.6.1. How does the inclusion of the councillor in the deliberation affect the public trust

5.6.2. How close or remote is the councillor's relationship to the related party

5.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received

5.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them

5.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community

5.6.6. How does this compare with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting

5.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

5.7. If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.

5.8. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g., workshops.

5.9. 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).

5.10. A councillor 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 LGA or section 177S of the COBA.

6. Reporting a Suspected Conflict of Interest

6.1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor 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.

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

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

6.4. The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. 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.

6.5. If the councillors cannot reach a 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 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.

6.6. If the belief or suspicion of a COI relates to more than one councillor. The parts 5.1 to 5.5 of these procedures must be complied with in relation to each councillor separately.

7. Loss of Quorum

7.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, all the councillors including the conflicted councillors must resolve to:

7.1.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated

7.1.2. Defer the matter to a later meeting

7.1.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

7.2. The local government 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.

7.3. The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA or section 238(3) of the COBA.

7.4. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

7.4.1. The mayor or chief executive officer, or

7.4.2. A standing committee, or joint committee of the local government, or

7.4.3. The chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or

7.4.4. Another local government for a joint government activity.

7.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council

7.5. The local government may only delegate a power to make a decision about a councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:

7.5.1. The mayor or

7.5.2. A standing committee.

7.6. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

7.6.1. The mayor, or

7.6.2. The Establishment and Coordination Committee, or

7.6.3. A standing committee of the local government.

7.7. 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.

8. Recording Prescribed and Declarable Conflicts of Interest

8.1. 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 LGA or section 177X of the COBA):

8.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest

8.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor

8.1.3. The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest

8.1.4. Any decision then made by the eligible councillors

8.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval

8.1.6. The local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision

8.1.7. The name of each eligible councillor who voted on the matter and how each voted.

8.2. 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:

8.2.1. 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.

8.3. Where a decision has been made under section 4 above – the minutes must include:

8.3.1. The decision and reasons for the decision, and

8.3.2. The name of each eligible councillor who voted, and how each eligible councillor voted.

9. Closed Meetings

9.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section s242J(3) of the COBR:

9.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees

9.1.2. Industrial matters affecting employees

9.1.3. The local government's budget, which does not include the monthly financial statements

9.1.4. Rating concessions

9.1.5. 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

9.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals

9.1.7. 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

9.1.8. Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*

9.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

9.1.10. A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.

9.2. A local government meeting, standing and advisory committee meetings cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.

9.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the local government meeting, and the local government must resolve to:

9.3.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated:

9.3.2. Defer the matter to a later meeting when a quorum may be available

9.3.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

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

9.5. 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 LGA or section 173(3) of the COBA).

9.6. To take a matter into a closed session the local government must abide by the following:

9.6.1. Pass a resolution to close all or part of the meeting

9.6.2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see section 8.1)

9.6.3. 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 at the meeting may consider it necessary to take the issue into closed session must be stated.

9.6.4. Not make a resolution while in a closed meeting (other than a procedural resolution).

Attachment – Excerpt from the Minutes of the 28 November 2023 OCM

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6.10. STANDING ORDERS FOR COUNCIL MEETINGS POLICY AND INFORMAL BRIEFING SESSIONS FOR COUNCILLORS POLICY

Moved Cr Kerr **Seconded**

That Council adopt:

- *The revised statutory Standing Orders for Council Meetings General Policy to reflect the Best Practice Standing Orders for Local Government Meetings issued by the Department of State Development, Infrastructure, Local Government and Planning in November 2022, and*
- *The Informal Briefing Sessions for Councillors Policy.*

The motion did not have a Seconder and did not proceed.