

| COUNCIL POLICY | | | |
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| Responsible Officer(s) | Manager, Governance | Revokes | Council Meeting Standing Orders adopted 3 December 2018 |

Purpose

The purpose of this policy is to establish the rules for the orderly conduct of and procedures for Council meetings that ensure that Council business is:

- **Transparent:** Decisions are made in a way that is open and accountable.
- **Informed:** Decisions are made based on relevant, quality information.
- **Inclusive:** Decisions respect the diverse needs and interests of the local community.
- **Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- **Accountable:** The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
- **Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- **Effective:** Meetings are well organised, effectively run and skillfully chaired.
- **Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Scope

This policy is applicable to the conduct of the ordinary and special meetings of Council, together with Briefing Sessions and Public Forums.

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

Applicable Legislation

This policy references the following legislation:

- The Local Government Act 2009; and
- The Local Government Regulations 2012.

Policy Statement

1. Council Meetings

- 1.1 Councillors are expected to attend meetings with an open mind and without having predetermined the outcome under consideration.

1.2 Ordinary meetings

- 1.2.1 Ordinary meetings of Council will be held at least once each month, unless otherwise determined by Council resolution.

1.3 Special meetings

- 1.3.1 Special meetings of Council may be called by the Mayor, or two (2) Councillors giving notice to the mayor to consider urgent and important matters.

1.4 Audit and Risk Committee

- 1.4.1 An Audit & Risk Committee is to be established in accordance with s105 of the *Local Government Act 2009*, and s210 of the *Local Government Regulation 2012*;
- 1.4.2 The Council will establish a Charter to document the authority and responsibilities conferred on the Audit & Risk Committee by Council and establish the duties of the Committee;
- 1.4.3 The Committee does not have executive powers, unless delegated to it by Council, but in discharging its duties and responsibilities has the authority to:
- Conduct or authorise investigations into matters within its scope of responsibility;
 - Access information, records and personnel of Whitsunday Regional Council for such purpose;
 - Request the attendance of any employee, including executive staff, at committee meetings;
 - Conduct meetings with Whitsunday Regional Council internal and external auditors, as necessary; and
 - Seek advice from external parties, as necessary.

1.5 Briefing Sessions

- 1.5.1 The Chief Executive Officer may arrange a briefing session to update Councillors on emerging issues.
- 1.5.2 Briefing sessions are informal and non-compulsory meetings.
- 1.5.3 Briefing sessions are to be held in the absence of the public.
- 1.5.4 The purpose of briefing sessions is to provide an opportunity to enhance the formal decision-making process by providing Councillors the opportunity to ask questions, clarify any ambiguity and seek clarification on issues prior to Council meetings.
- 1.5.5 Councils must not use briefing sessions to debate; develop a formal or informal decisions; or make preliminary decisions on items of business they are being briefed on. Any debate and decision-making must be deferred to a formal council meeting at which the item of business is to be considered.

- 1.5.6 Councillors (including the mayor) must declare and manage any conflict of interest they may have in relation to any item of business that is the subject of a briefing, by giving written notice to the Chief Executive Officer. The council is to maintain a written record of all conflict of interest declarations made at briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.
- 1.5.7 Except for declarations of a conflict of interest (see clause 3.6), a formal record or minutes of the sessions are not to be recorded.

1.6 Public Forums

- 1.6.1 The council may hold a public forum for the purpose engaging with members of the community on items of business relevant to the Council.
- 1.6.2 Public forums are to be chaired by the mayor or their nominee.
- 1.6.3 When addressing the forum, speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 1.6.4 A record of the Forums is to be made, identifying the issues raised by members of the community and commitments by the Council.

2. Meeting Agendas and Business Papers

2.1 Notice of Meeting

- 2.1.1 The Chief Executive Officer must send to each Councillor a notice specifying the date, time and place at which the meeting is to be held at least two (2) days before an ordinary meeting of Council, together with the business proposed to be considered at the meeting.
- 2.1.2 Except in cases of emergency, the Chief Executive Officer must send to each Councillor, at least two (2) days before a special meeting of Council, a notice specifying the date, time and place at which the meeting is to be held, together with the business proposed to be considered at the meeting.
- 2.1.3 The notice, agenda and business papers relating to the meeting may be delivered in electronic format.

2.2 Notice of Motion

- 2.2.1 A Councillor may give notice of any business they wish to be considered by the Council by way of a notice of motion, submitted to the CEO at least four (4) business days before the meeting is to be held.

2.3 Confidential Items

2.3.1 The Chief Executive Officer must ensure that details of any agenda items, which are likely to be considered confidential and included in the business papers provided to Councillors are not made available to the public.

2.4 Agendas

2.4.1 A copy of the list of items to be considered by Council are to be published on the Council's website.

2.4.2 An item of business included on the agenda may be withdrawn with the consent of the meeting.

2.4.3 The agenda may contain:

- notice of meeting;
- minutes of the previous meetings;
- business which the mayor wishes to have considered at that meeting without notice;
- matters of which notice has been given;
- deputations and delegations from the community that are approved to attend; and
- any other business the council determines by resolution be included in the agenda.

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

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

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

2.5 Order of Business

2.5.1 The order of business shall 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 suspend these Standing Orders.

2.5.2 Unless otherwise determined, the order of business shall be as follows:

- Acknowledgment of Traditional Owners
- Apologies / Leave of Absence
- Condolences
- Declarations of Interest
- Mayoral Minute
- Mayoral Update
- Confirmation of Previous Minutes
- Business Arising

- Deputations
- Petitions
- Notices of Motion
- Questions on Notice
- Questions from the Public Gallery
- Officer Reports
- Matters of Importance
- Confidential Matters

3. Quorum

3.1 A quorum of a local government is a majority of its Councillors.

3.2 A quorum for the Audit and Risk Committee is a majority of its members.

3.3 A meeting of the Council must be adjourned if a quorum is not present:

- at the commencement of the meeting;
- within 30 minutes after the time designated for the meeting to commence; or
- at any time during the meeting.

3.4 In any case, the meeting must be adjourned to a time, date and place decided by the Chairperson.

3.5 The Chief Executive Officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the Councillors present.

3.6 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, the council must resolve to:

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

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

3.8 The council must not delegate a decision to an entity if the entity (or a majority being at least half of its members), has a prescribed or declarable conflict of interest in the matter.

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

4. Cancellation of Meeting

- 4.1 Where, prior to the commencement of the meeting, it becomes apparent that a quorum may not be present at the meeting, or the safety and welfare of the Councillors, staff and members of the public may be put at risk by attending the meeting because of natural disaster (e.g. cyclone, storm, flood or fire), the Mayor may, in consultation with the Chief Executive Officer cancel the meeting. Where a meeting is cancelled, a notice of the cancellation must be published on the Council website and other places to bring notice of the cancellation to the attention of as many people as possible.
- 4.2 Where a meeting is cancelled, the business to be considered at the meeting may be considered at the next ordinary meeting or at a special meeting.

Procedures for Meetings of Council

5.1 Presiding Officer

- 5.1.1 The Mayor will preside at a meeting of Council.
- 5.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 5.1.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

5.2 Modes of Address

- 5.2.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 5.2.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 5.2.3 A Councillor is to be addressed as 'Councillor' or 'Councillor [surname]'.
- 5.2.4 A council officer is to be addressed by their official designation [e.g. 'Director'] or as Mr/Ms [surname].

5.3 Attendance at meetings

- 5.3.1 All Councillors must take reasonable efforts to attend meetings of the Council in person.
- 5.3.2 Where it is not reasonable for a Councillor to attend a meeting, with the permission of the Mayor, Council may allow participation by teleconferencing.
- 5.3.3 Where a Councillor is unable to attend a meeting in person or by teleconferencing, the Councillor should make an apology and request a leave of absence from those meetings.
- 5.3.4 Any request for a leave of absence from Council meetings should, where practicable, identify the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

Notes:

- the acceptance of an apology does not constitute the granting of a leave of absence for the purposes of this policy or the Act.
- Where Council has approved the Councillor's attendance at an event (i.e. conference or professional development activity), a leave of absence is deemed to have been granted for any consequential meeting absence.
- a Councillor's office may become vacant if a Councillor is absent for 2 or more consecutive meetings over a period of at least 2 months (see S162(1)(e) LGA).

5.4 Teleconferencing meetings

5.4.1 If a Councillor wishes to be absent from a council meeting, the Councillor may apply to the chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The chairperson may allow a Councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.

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

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.

5.4.3 In order to manage safety during the COVID-19 pandemic, council may:

- conduct the entire council meeting via phone, teleconference or video conference;
- where possible, provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the council's public offices or on the council's website; or
- allow the chairperson to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

5.5 Confirmation of the Minutes

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

5.6 Petitions

5.6.1 Any petition presented to a meeting of Council shall:

- be in legible writing or typewritten and contain a minimum of ten (10) signatures;
- 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 name, postcode and signatures of all petitioners;

- address issues relating to Council's responsibilities; or issues which affect the Whitsunday Region or communities within the region, provided Council is in a position to exercise some degree of influence; and
- have the details of the specific request/matter appear on each page of the petition.

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

- received; or
- received and referred to an officer for consideration and a report to Council; or
- not be received because it is deemed invalid.

5.7 Motions

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

5.7.2 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.

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

5.7.4 A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson.

5.7.5 The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

5.7.6 The Chairperson 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 Chairperson may put the motion to the vote without discussion.

5.8 Absence of Mover of Motion

5.8.1 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.

5.9 Motion to be seconded

5.9.1 A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, except for Procedural Motions.

5.10 Amendment of Motion

- 5.10.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 5.10.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 5.10.3 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- 5.10.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

5.11 Speaking to motions and amendments

- 5.11.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- 5.11.2 The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other 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.
- 5.11.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 5.11.4 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 5.11.5 The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 5.11.6 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 5.11.7 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 5.11.8 In accordance with Section 273 of the *Local Government Regulation 2012*, 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.

5.12 Questions

- 5.12.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
- 5.12.2 A Councillor who asks a question at a meeting, whether upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.

5.12.3 The Chairperson 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 Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

5.13 Method of taking vote

5.13.1 The Chairperson will call for all Councillors in favour of the motion to indicate their support.

5.13.2 The Chairperson will then call for all Councillors against the motion to indicate their objection.

5.13.3 Voting at a meeting is to be by open means (such as on the voices, or by show of hands).

5.13.4 A Councillor may call for a 'division' to ensure their vote to the motion is recorded in the minutes. If a division is taken, the minute taker shall record the names of Councillors voting in the affirmative and of those voting in the negative.

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

5.13.6 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, to record their objection to the motion is recorded.

5.13.7 The resolution shall not be discussed after the vote has been declared.

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

5.14 Election of Deputy Mayor

5.14.1 Where a Deputy Mayor is to be appointed, a Councillor is nominated by another Councillor as Deputy Mayor in accordance with clause 5.7 and 5.13, i.e. a motion is moved and seconded, debated and put to the vote.

Note: Should a Councillor disagree with that motion / nomination, they would speak against the motion and foreshadow moving an alternative motion (to nominate another Councillor as Deputy Mayor), should the original motion not be carried. This process would be repeated until a motion is carried and Deputy Mayor appointed.

6 Repealing or amending resolutions

6.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.

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

7 Procedural motions

7.1 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

- that the motion or 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 Chairpersons decision
- that this report/document be tabled
- to suspend the rule requiring that (insert requirement)
- that the meeting stand adjourned.

7.2 A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.

7.3 The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall 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, shall be included in the business paper for the next meeting.

7.4 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 shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.

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

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

- has failed to comply with proper procedures
- is in contravention of the Local Government Act/Regulations, or
- is beyond the jurisdiction power of Council.

7.7 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 shall be suspended pursuant to clause.

- 7.8 The Chairperson shall determine whether the point of order is upheld.
- 7.9 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, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising shall, until decided, suspend the consideration and decision of every other question.
- 7.10 A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall 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 shall be restored to the business paper and be dealt with in the normal course of business.
- 7.11 The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 7.12 A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 7.13 A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall 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 shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

8 Minutes of meetings

- 8.1 The Chief Executive Officer is to keep full and accurate minutes of the proceedings of meetings of the council, under the supervision of the Mayor.
- 8.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the council's minutes:
- details of each motion moved at a council meeting and of any amendments moved to it,
 - the names of the mover and seconder of the motion or amendment,
 - whether the motion or amendment was passed or lost,
 - Prescribed and Declarable Conflicts of Interest and how the conflicts were managed; and
 - such other matters specifically required under this policy.
- 8.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

9 Attendance of Public

9.1 Members of the public are entitled to attend a meeting of the Council, except where:

- Health and safety reasons considerations associated with a public health emergency determine otherwise; or
- Where the meeting is closed to the meeting under section 275 of the Regulation.

9.2 Where health and safety considerations associated with a public health emergency require a limitation in the number of people who can attend a Council meeting, the meeting is to be livestreamed to the internet, except for those parts of the meeting that have been closed to the meeting under section 275 of the regulation.

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

10 Questions from the Public Gallery

10.1 In each Meeting, time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting. The time allotted shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting, and all questions are to be submitted to the Chief Executive Officer in writing.

10.2 The right of any individual to address the Council during this period shall be at the absolute discretion of the Chairperson.

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

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

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

10.5 During a debate on a motion, the Chairperson may invite submission, comments or questions from members of the public.

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

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

11. Deputations

- 11.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear business days before the meeting.
- 11.2 The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- 11.3 For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 11.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- 11.5 The Chairperson may terminate an address by a person in a deputation at any time where:
- the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting;
 - 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.
- 11.6 The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

12. Livestreaming of meetings

- 12.1 At the start of the meeting, the chairperson is to make a statement informing those present that the meeting is being livestreamed on the internet and those in attendance should refrain from making defamatory statements or breach privacy legislation.
- 12.2 A recording of each meeting of the council is to be retained to confirm the accuracy of the minutes and may be disposed of in accordance with the Public Records Act 2002.

13. Conduct during Meetings

- 13.1 Councillors will conduct themselves in accordance with the principles of the Local Government Act 2009 and the standards of behavior set out in the Code of Conduct for Councillors in Queensland. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 13.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- 13.3 Councillors shall confine their remarks to the matter then under consideration.
- 13.4 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 13.5 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

14. Maintenance of Good Order

14.1 Use of mobile phones and the unauthorised recording of meetings

14.1.1 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

14.2 Disorder

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

14.3 Business of objectionable nature

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

14.4 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

14.4.1 The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the code of conduct for Councillors (Add Link to COC). When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to clause 12.4.2.
- If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
 - ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - apologising for their conduct;
 - withdrawing their comments.
- If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request could result in an order being issued.
- If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.

14.4.2 If the Councillor still continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 12.4.1, the chairperson may make one or more of the orders below:

- an order reprimanding the Councillor for the conduct
- an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 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.

14.4.3 Following the completion of the meeting, the chairperson must ensure:

- details of any order issued is recorded in the minutes of the meeting
- if it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct

the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's Councillor conduct register.

14.4.4 Any Councillor aggrieved with an order issued by the chairperson can move a motion of dissent for clause 7 above.

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

14.5 Meeting process for dealing with suspected inappropriate conduct

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

- The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J of the LGR to discuss the allegation.
- The subject Councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- Should the complainant be a Councillor, that Councillor may have a declarable conflict of

interest in the matter and if so, must follow the declarable conflict of interest procedures in section 9. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 9. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.

- The council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
- If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed above, if any, to impose on the Councillor. In deciding what penalty to impose, the council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.
- The council may order that no action be taken against the Councillor or make one or more of the following:
 - an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - an order reprimanding the Councillor for the conduct
 - an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - an order that the Councillor be excluded from a stated council meeting
 - an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a state board or committee
 - an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the Councillor reimburse the council for all or some of the costs arising from the Councillor's inappropriate conduct.

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

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

14.5.4 The chairperson must ensure the meeting minutes reflect the resolution made.

15. Prescribed conflict of interest

15.1 Councillors are ultimately responsible for informing of any prescribed conflict of interest on

matters to be discussed at a council or committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 15.2 A Councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- 15.3 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.
- 15.4 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
- if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - if it arises because of an application or submission, the subject of the application or submission
 - the name of any entity other than the Councillor that has an interest in the matter
 - the nature of the Councillor's relationship with the entity that has an interest in a matter
 - details of the Councillor's and any other entity's interest in the matter.
- 15.5 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 from the Minister to participate in the matter.
- 15.6 Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

16. Declarable conflict of interest

- 16.1 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).
- 16.2 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 Councillor may disclose their suspicion and the processes under section 150EW of the LGA.
- 16.3 When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- A Councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
 - A Councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
 - When notifying the meeting of a declarable conflict of interest, Councillors 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 details must be provided:
 - the nature of the declarable conflict of interest
 - if it arises because of the Councillor's relationship with a related party:
 - the name of the related party to the Councillor

- the nature of the relationship of the related party to the Councillor
 - the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - the name of the other person
 - the nature of the relationship of the other person to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
- 16.4 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.
- 16.5 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.
- 16.6 The other non-conflicted 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 they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted 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. The Councillor must comply with any decision or condition imposed by the non-conflicted councillors.
- 16.7 In deciding on a Councillor's declarable conflict of interest in a matter, 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 less than a quorum for the meeting consistent with section 150ET of the LGA.
- 16.8 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 other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 16.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the particular circumstances of the matter including, but not limited to:
- how does the inclusion of the Councillor in the deliberation affect the public trust
 - how close or remote is the Councillor's relationship to the related part
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received

- will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them
- how does the benefit or detriment the subject Councillor stands to receive compare to others in the community
- how does this compare with similar matters that council has decided and have other Councillors with the same or similar interests decided to leave the meeting
- whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

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

16.11 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 all 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 non-conflicted 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 council meeting about the same matter e.g. briefing sessions or workshops.

16.12 In making the decision under 9.6 and 9.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

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

17. Reporting a suspected conflict of interest

17.1 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 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.

17.2 The chairperson then 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.

17.3 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.

17.4 The non-conflicted 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 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.

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

18. Recording prescribed and declarable conflicts of interest

- 18.1 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 of the relevant details of how the conflict of interest was dealt with, being:
- the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest
 - the particulars of the prescribed or declarable conflict of interest provided by the Councillor
 - the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest
 - any decision then made by the eligible Councillors
 - whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
 - the council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
 - the name of each Councillor who voted on the matter and how each voted
 - If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted
 - where a decision has been made under section 4.6 above – the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted.

19. Closed Meetings

- 19.1 Closed meetings Council meetings, 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 or, in the case of Brisbane City Council only, for senior executive employees
 - industrial matters affecting employees
 - the council's budget
 - rating concessions
 - legal advice obtained by the council, including legal proceedings that may be taken by or against the council
 - matters that may directly affect the health and safety of an individual or a group of individuals
 - negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
 - negotiations relating to the taking of land by the council under the Acquisition of Land Act 1967

- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.
- 19.2 A council meeting or advisory 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. 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
 - decide by resolution to defer to a later meeting
 - decide by resolution to take no further action on the matter.
- 19.3 None of the above will be considered, discussed, voted on or made during a closed session. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting. To take a matter into a closed session the council must abide by the following:
- pass a resolution to close the meeting.
 - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
 - if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
 - not make a resolution while in a closed meeting (other than a procedural resolution).

DEFINITIONS

Act shall mean the Local Government Act 2009.

Advisor shall be defined as per section 273(2) of the Local Government Regulation 2012, namely a person who is an employee of the local government or is otherwise engaged to provide services to the local government and whose duties include giving a recommendation or advice.

CEO shall mean a person who holds an appointment as Chief Executive Officer of the Whitsunday Regional Council under section 194 of the Local Government Act 2009. This includes a person acting in this position.

Council shall mean the Whitsunday Regional Council.

Council meeting shall mean an Ordinary or Special Meeting of Council.

Meeting of Council shall mean an Ordinary or Special Meeting of Council.

Meeting shall mean an Ordinary or Special Meeting of Council.

Minister shall mean the Minister responsible for Local Government in Queensland.

Ordinary business matter shall have the same definition as defined in Schedule 4 of the Local Government Act 2009.

Quorum is defined as per section 259 of the Local Government Regulation 2012, namely a majority of Councillors. However if the number of Councillors is an even number, one-half of the number is a quorum.

Resolution shall mean the formal adoption by Council of a position or an action.

Teleconferencing is defined as per section (276(1) of the Local Government Regulation 2012, namely the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen.

Related Documents

Code of Conduct for Councillors

Investigation Policy