



Title	Standing Orders and Meeting Procedures
Policy Number	43
Category	Strategic
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1. Policy Purpose

- (1) These standing orders supplement the statutory requirements by providing standard processes to be observed at meetings. These standing orders incorporate the model meeting procedures that deal with matters during council meetings that must be adhered to under the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld). In accordance with this policy, these standing orders may be suspended at any time by council resolution.

2. Definitions

the Act	means the <i>Local Government Act 2009</i> (as amended)
Assessor	see section 150C of the Act
Chairperson	<ol style="list-style-type: none"> (a) of a meeting of the local government, means the person presiding at the meeting of the local government; (b) of a meeting of a committee, means the person presiding at the meeting of the committee
Chief executive officer, or CEO	means the chief executive officer of the local government
Code of conduct	<ol style="list-style-type: none"> (a) see sections 150D and 150E of the Act; (b) as at the effective date of these standing orders and meeting procedures, the code of conduct set out in schedule 1
Committee	means a committee of the local government appointed under section 264 of the Regulation
Council	means Diamantina Shire Council
Councillor	see schedule 4 of the Act
Councillor conduct register	see section 150DX(1) of division 1, part 6, chapter 5A, of the Act
Deputation	<p>means a presentation by member(s) of the public, who is/are a resident of the local government area, or by another stakeholder, to address council on a particular matter:</p> <ol style="list-style-type: none"> (a) Deputation by member(s) of the public will be limited to a maximum of 3 minutes, unless otherwise agreed by the chairperson; and (b) Time allocation to a deputation by a stakeholder will be determined by the CEO as part of the agenda. <p>A deputation must relate to matters that either:</p>

	<p>(a) Directly relate the role and responsibilities of local government; or</p> <p>(b) Will impact on the Diamantina Shire Council Region's community, in which case the deputation must contain content for information only and not seek any course of action.</p> <p>A deputation must not relate to matters that:</p> <p>(a) Are currently or previously have been the subject of legal proceedings; or</p> <p>(b) Relate to a development application currently under consideration by council; or</p> <p>(c) Seek the prosecute a matter of complaint which should be managed through the complaints management process or relate to a matter which should be managed as a customer request.</p>
Inappropriate conduct	see section 150K of the Act
Local government	means Diamantina Shire Council
Local government meeting	means the general council meeting
Mayoral minute	see section 44(1) of the standing orders
Meeting procedures	see part 1 and part 4 of this document
Misconduct	see section 150L of the Act
Model procedures	see section 150F of the Act
Original motion	see section 28(4) of the standing orders
Other motion	see section 28(4) of the standing orders
Post-election meeting	see section 175 of the Act
Previous minutes	see section 22(6) of the standing orders
Procedural motion	see section 33 of the standing orders
Quorum, of a committee meeting	see section 269 of the Regulation
Regulation	means <i>Local Government Regulation 2012</i> (as amended)
Relevant motion	see section 32(2) of the standing orders
Special meeting	means a meeting at which the only business that may be conducted is the business stated in the notice of meeting
Standing committee	Means a standing committee of the local government appointed under section 264(1)(a) of the Regulation
Standing orders	see parts 1 to 3 inclusive of this document
Unsuitable meeting conduct	see section 150H of the Act

3. Related Legislation

- Chapter 5A, part 2, *Local Government Act 2009* (Qld)
- Chapter 8, part 2, *Local Government Regulation 2012* (Qld)

4. Related Documents

- Councillor Conduct Register
- Investigations Policy

5. Policy Statement

- (1) Under section 150F of the *Local Government Act 2009* (Qld), the Chief Executive of the Department of Housing, Local Government, Planning and Public Works must make model procedures for local government and committee meetings. Pursuant to section 150G(1)(a) of the *Local Government Act 2009* (Qld), Diamantina Shire Council has adopted the Departments Best Practice Standing Orders and Model Meeting Procedures as they are published with minor additions consistent with the Best Practice Standing Orders and Model Meeting Procedures. Council must conduct its meetings in a manner that is consistent with these model meeting procedures. The objectives are further identified at part 1, sections 1 and 2 of the Standing Orders and Meeting Procedures.

6. Compliance and Review Mechanism

- (1) This Procedure will be reviewed when any of the following occur:
- a) The related legislation or governing documents are amended or replaced; or
 - b) Other circumstances as determined by resolution of council.

Table of Amendments		
Document History	Date	Notes (including the prior procedure number, precise of change/s, etc.)
Amendment 1	26/06/2024	Full review of procedure to align with updates to the Best Practice Standing Orders and Model Meeting Procedures issued by the Department
Amendment 2	13/08/2024	Updated to align with Queensland Government Guidelines



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Scott MASON
Interim CHIEF EXECUTIVE OFFICER

Standing Orders and Meeting Procedures

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Part 1 – Preliminary

1. Background

- (1) The *Local Government Regulation 2012*, part 2 of chapter 8 and the *Local Government Act 2009*, part 2 of chapter 5A, provide core requirements for the conduct of local government meetings and the conduct of councillors at local government meetings.
- (2) All councillors are responsible for complying with the local government principles when making decisions for their communities. The local government principles also guide the councils when determining processes and procedures. These principles are:
 - a) transparent and effective processes, and decision-making in the public interest;
 - b) sustainable development and management of assets and infrastructure, and delivery of effective services;
 - c) democratic representation social inclusion and meaningful community engagement;
 - d) good governance of, and by, local government; and
 - e) ethical and legal behaviour of councillors, local government employees and councillor advisors.

2. Object

- (1) These standing orders and meeting procedures supplement the statutory requirements by providing standard processes to be observed at such meetings.
- (2) The standing orders which regulate the conduct of local government meetings—
 - a) comprise part 2 and part 3; and
 - b) may be suspended at any time by resolution.
- (3) The meeting procedures –
 - a) comprise part 4; and
 - b) pursuant to section 150G(1)(b) of the Act, are adopted for the conduct of Council's local government meetings; and
 - c) must be consistent with the model procedures and, if there is an inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

3. Definitions

- (1) The definitions in item 2 of the policy defines particular words used in these standing orders and meeting procedures.
- (2) An expression to which the Act or the Regulation ascribes a meaning carries that meaning in these standing orders and meeting procedures.

Part 2 – Local Government Meetings

Division 1 – Time of meetings of the local government

4. Times of ordinary meetings of the local government

- (1) The local government may, by resolution, fix dates and times for its ordinary meetings.
- (2) If there is no resolution fixing the date and time for an ordinary meeting, the chief executive officer must fix the date and time for the meeting.

5. Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer must, if practicable, consult with the mayor about the proposed date and time for the meeting. Special meetings of the local government

- (1) The chief executive officer must call a special meeting of the local government if —
 - a) the special meeting is required by a resolution of the local government; or
 - b) a written request for the special meeting is lodged with the chief executive officer under subsection (2) below.
- (2) A written request for a special meeting of the local government must —
 - a) be signed by the mayor, or 5 or more councillors; and
 - b) specify the business to be conducted at the special meeting; and
 - c) propose a day and time for the holding of the special meeting.

Division 2 – Time of meetings of a committee

6. Times and places of committee meetings

- (1) A committee may, by resolution, fix dates, times and places for its meetings.
- (2) If there is no resolution fixing the date, time and place for a committee meeting, the chief executive officer may fix the date, time and place for the meeting.
- (3) Before the chief executive officer fixes the date, time and place for a committee meeting, the chief executive officer must, if practicable, consult with the chairperson of the committee.

7. Special meetings of a committee

- (1) The chief executive officer must call a special meeting of a committee if —
 - a) the special meeting is required by a resolution of the local government; or
 - b) a written request for the special meeting is lodged with the chief executive officer under subsection (2) below.
- (2) A written request for a special meeting of a committee must —
 - a) be signed by the chairperson, or 3 or more members of the committee; and
 - b) specify the business to be conducted at the special meeting; and
 - c) propose a day, time and place for the holding of the special meeting.

Division 3 – Agenda and notice for local government meetings

8. Non-application to audit committee meetings

This Division 3 of the standing orders does not apply to meetings of an audit committee.

9. Public notice of ordinary meetings of the local government and its standing committees

- (1) Council will, at least once in each year, publish a notice of the days and times when —
 - a) its ordinary meetings of the local government will be held; and
 - b) the ordinary meetings of its standing committees will be held.
- (2) The notice must be published on Council's website and in other ways Council considers appropriate.
- (3) Council must display in a conspicuous place in its public office a notice of the days and times when meetings of the local government and meetings of its standing committees will be held.
- (4) Council must, as soon as practicable, notify any change to the days and times mentioned in section 9(1) or (3) of this standing order in the same way as the days and times were previously notified.
- (5) Council must make publicly available —
 - a) the full agenda and any related reports (including any summary investigation report for a conduct breach matter) for a meeting of the local government or a standing committee, excluding confidential items, by 5pm on the next business day after notice of the meeting is given to councillors; and
 - b) a related report either —
 - (i) when the agenda for the meeting is made publicly available (excluding confidential reports); or
 - (ii) if the related report is made available to councillors or committee members after notice of the meeting is given to the councillors or committee members and before the meeting is held, as soon as practicable after it is made available to the councillors or committee members.
- (6) Council will make the agenda and related reports publicly available by —
 - a) placing them on Council's website; and
 - b) making them available for inspection at Council's public office.

10. Notice and agenda for local government meetings given to councillors

- (1) The CEO must give written notice of each local government meeting or adjourned local government meeting to each councillor or committee member at least 2 business days before the day of the meeting unless it is impracticable to give notice before that time.
- (2) The written notice must state —
 - a) the day and time of the meeting; and

- b) for a special meeting – the business to be conducted at the meeting; and
 - c) include the agenda for the meeting.
- (3) The written notice may be given to a councillor or a committee member by sending the notice to the councillor or member electronically.
- (4) The agenda for a meeting must include —
 - a) items required under the Act or a local law to be included on the agenda; and
 - b) items required under the standing orders, part 3, to be included on the agenda; and
 - c) items that are by resolution of the local government to be included on the agenda; and
 - d) each item whose inclusion on the agenda is requested by a councillor.
- (5) A councillor or committee member who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the chief executive officer at least 2 days before the notice of meeting is given.

Division 4 – Conduct of meetings of the local government

11. Chairperson

- (1) The mayor will preside at a meeting of local government.
- (2) If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- (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.

12. Quorum

- (1) A quorum of a local government is a majority of its councillors.
- (2) However, if the number of councillors is an even number, one-half of the number is a quorum.
- (3) 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, that councillor, or if no councillors are present then the chief executive officer.

Division 5 – Conduct of committee meetings

13. Chairperson

- (1) The local government will choose the chairperson for a committee meeting.
- (2) The chairperson of a committee must preside over a committee meeting.
- (3) Should the chairperson not be present at a meeting, then the members present at the meeting shall appoint a chairperson for the meeting.

14. Quorum

- (1) A quorum of a committee is a majority of its members.
- (2) However, if the number of members is an even number, one-half of the number is a quorum.

15. Procedure at committee meetings

- (1) The procedure of a committee for dealing with business must be in accordance with—
 - a) procedural directions given to the committee by resolution of the local government; or
 - b) if there is no procedural direction governing a particular matter, the standing orders in part 2 and part 3.
- (2) However, a committee may, by resolution, overrule a decision on a procedural question made by the chairperson.

Division 6 – Terms of reference for a standing committee

16. Background

- (1) The terms of reference in this Division 6 will supplement the statutory requirements which regulate the conduct of meetings of a committee by providing detailed procedures for the conduct of meetings of a standing committee in order to provide open and transparent decision making.

17. Purpose

- (1) A standing committee provides direction and leadership on the areas of interest decided by the local government when the committee is established.

18. Membership

- (1) Except for a standing committee established in accordance with section 264 of the Local Government Regulation 2012 (Qld), the membership of a standing committee shall comprise—
 - a) 5 councillors, from which 1 councillor shall be appointed as chairperson; and
 - b) the mayor, as an ex officio member of the committee.

19. Scope and limitations

- (1) The main functions of a standing committee are to—
 - a) receive reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
 - b) adopt the reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
 - c) make decisions in line with the delegated authority; and
 - d) where necessary, formulate recommendations to the ordinary local government meeting.

20. Delegated authority

- (1) In accordance with section 257 of the Act, the local government has delegated to a standing committee, all powers referred to in the document titled “Diamantina Shire Council – Council to standing committee delegations register”.
- (2) To the extent that powers delegated to one committee have also been delegated to another committee or have previously been delegated to the chief executive officer, those powers can be exercised by each committee and the chief executive officer, severally.
- (3) The application of delegations to a standing committee should be restricted to the areas of interest decided by the local government when the committee is established. The intent of the delegation of the decision-making power by the local government is to allow for passing of resolutions, and the provision of leadership and direction within these documented areas only.

Part 3 – Standing Orders

Division 1 – Application of standing orders

21. Application

- (1) The standing orders in this part 3 provide for the conduct of —
 - a) meetings of the local government (other than a post-election meeting); and
 - b) where applicable, committee meetings.
- (2) The standing orders in this part 3 shall apply to a post-election meeting of the local government as far as practicable.
- (3) Any provision of the standing orders in part 2 or part 3 may be suspended by resolution of a meeting of the local government.
- (4) A separate resolution is required for a suspension of a standing order in part 2 or part 3.
- (5) A resolution to suspend a standing order in part 2 or part 3 must specify the application and duration of the suspension.
- (6) Subject to part 4, where a matter arises at a local government meeting which is not provided for in the standing orders, part 2 or part 3, the matter may be determined by resolution upon a motion which may be put without notice, but otherwise in conformity with the standing orders in part 2 and part 3.

Division 2 – Procedures for local government meetings

22. Order of business

- (1) The order of business must be determined by resolution of the local government from time to time.
- (2) Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake acknowledgements and/or greetings deemed appropriate by the local government.
- (3) The order of business may be altered for a particular meeting where the

councillors at the meeting pass a procedural motion to that effect.

- (4) A motion to alter the order of business may be moved without notice.
- (5) Unless otherwise altered pursuant to subsection (3) above, the order of business and agenda will be —
 - a) for ordinary meetings of the local government —
 - Attendances
 - Acknowledgement of Country
 - Apologies and granting of leave of absence
 - Amendments correcting the minutes of the previous meeting
 - Adoption of the Minutes of the previous meeting
 - Business Arising from Previous Minutes
 - Reception of Deputations by Appointment
 - Business which the mayor wishes to have considered at that meeting without notice (Mayoral Minute)
 - Matters of which notice has been given
 - Conflict of Interests Declarations
 - Reception of Petitions
 - Reception and Consideration of Officers' Decision Action Reports
 - Reception and Consideration of Officers' Information Reports
 - Councillor Notices of Motion
 - General Business
 - Community Acknowledgement
 - Any other business Council determines by resolution be included in the business paper
 - b) for special meetings, and committee meetings —
 - Attendances
 - Apologies
 - Reception of Deputations by Appointment
 - Reception and Consideration of Officers' Reports
- (6) The minutes (s254F of LGR) of a previous meeting (***previous minutes***) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed, and no discussion shall be permitted with respect to the previous minutes except with respect to the accuracy of the previous minutes as a record of the proceedings. Amendments to the minutes may be done 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. Once the minutes are confirmed by resolution of the meeting they

cannot be changed. If there is a need to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

- (7) Admission of deputations, invitees and visitors shall be at the discretion of either of
 - a) the chairperson; or
 - b) the chief executive officer.
- (8) The time for receipt of petitions shall be at the discretion of the local government.

23. Petitions

- (1) The rules for petitions to the local government are available on Council's website.
- (2) Any petition presented to a meeting of the local government must be in legible writing or typewritten and contain a minimum of 10 signatures (clearly stating the name and address of each person), contain a cover page detailing the request, suggestion or grievance and the name and contact details of the principal petitioner.
- (3) The petition should be addressed to the chief executive officer and can be emailed, mailed or physically handed in at a customer service centre of Council.
- (4) The details of the specific request/matter must appear on each page of the petition.
- (5) The chief executive officer will present the petition to a general meeting of the local government. In accordance with the local government's general meeting procedure, the chief executive officer may move the petition be received and referred to the relevant area of the local government for investigation and report back to the local government, if required.
- (6) The principal petitioner will be advised in writing of the local government's decision, following the relevant ordinary meeting.

24. Deputations to a meeting of the local government

- (1) A deputation wishing to attend and address a meeting of the local government shall apply in writing to the chief executive officer not less than 7 clear business days before the meeting.
- (2) The chief executive officer shall determine whether the deputation shall be heard.
- (3) The chief executive officer must inform the deputation of the determination in writing.
- (4) Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed. The chief executive officer may elect for a deputation to be scheduled outside of an ordinary meeting.
- (5) For deputations comprising 3 or more persons, only 3 persons who have been approved by the chief executive officer under section 24(c) may

be heard unless the local government determines otherwise by resolution.

- (6) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- (7) No response is to be provided by the mayor, councillors or attendees to any matters covered in deputations and this process is if appropriate to occur outside of the local government meeting.
- (8) The chairperson of a meeting may terminate an address by a person in a deputation at any time if —
 - a) the chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
 - b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting;
 - c) the person uses insulting or offensive language or is derogatory towards councillors or others; or
 - d) the person attempts to request comment or response from council.
- (9) If a member of the deputation other than an appointed speaker interjects or attempts to address the local government, the chairperson may finalise the deputation.
- (10) A suitable designated officer will be identified and will assume responsibility for the deputation including that the appointed speaker/s is notified in writing of developments or future actions as appropriate.
- (11) A rolling report on the status and outcome of all deputations will be presented to the local government on a quarterly basis.

Division 3 – Motions at local government meetings

25. Motions

- (1) Following the introduction of an item, councillors may engage in discussion about the item prior to a motion being put.
- (2) A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.
- (3) When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.
- (4) Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion.
 - a) A motion brought before a meeting in accordance with the Act or the standing orders in part 3 may be received and put to the meeting by the chairperson.
 - b) The chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
 - c) The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope

of a meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

- (5) The chairperson may call the notices of motion in the order in which they appear on the meeting agenda and, where no objection is taken to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion.

26. Absence of mover of motion

- (1) Where a councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be moved by another councillor at the meeting or deferred to the next meeting.

27. Motion to be seconded

- (1) A motion or an amendment to a motion must not be debated at a meeting unless or until the motion or the amendment is seconded, with the exception of a procedural motion.
- (2) A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- (3) Notwithstanding subsection (1) above, a councillor who moves a motion or an amendment to a motion may, with the permission of the chairperson, speak in support of the motion or amendment before it is seconded.

28. Amendment of motion

- (1) An amendment to a motion must —
 - a) be in terms which retain the identity of the motion; and
 - b) not negative the motion.

Note: to negative the motion means to be contrary to the intent or purpose of the motion.

- (2) Not more than 1 motion or 1 proposed amendment to a motion may be put before a meeting at any one time.
- (3) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been voted on.
- (4) Where a motion (the **original motion**) is amended by another motion (the **other motion**), the original motion must not be put as a subsequent motion to amend the other motion.
- (5) A councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

29. Speaking to motions and amendments

- (1) Subject to section 27(2) of these standing orders, the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, and —
 - a) may only speak in support of the amendment before it is seconded with the permission of the chairperson; and
 - b) may speak in support of the amendment after it is seconded.

- (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 councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- (3) A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.
- (4) The mover of a motion has the right of reply.
- (5) The mover of an amendment to a motion has no right of reply.
- (6) Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.
- (7) Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.
- (8) Where 2 or more councillors attempt to speak at the same time, the chairperson is to determine who is entitled to priority.
- (9) The minutes of a meeting must include a statement of the reasons for not adopting a recommendation or advice if a decision is made at the meeting and section 254H of the Regulation applies.

30. Method of taking vote

- (1) Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer.
- (2) The chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or negative has the majority vote.
- (3) The local government or committee must vote by a show of hands or as otherwise directed by the chairperson.
- (4) If, in relation to a question/motion put to a committee meeting, the question/motion does not have the unanimous support of the committee members present, the chairperson must—
 - a) not declare the result of the vote; and
 - b) direct that the question/motion be referred to the next meeting of the local government.
- (5) Any councillor or committee member may call for a division or a question in relation to the taking of a vote immediately following the chairperson declaring the result of the vote.
- (6) If a division is taken, the chief executive officer must record —
 - a) the names of the councillors or committee members voting in the affirmative; and
 - b) the names of the councillors or committee members voting in the negative.
- (7) The chairperson must declare the result of a vote or a division as soon as it has been determined.

- (8) For all matters put to the vote, the chief executive officer must record:
 - a) the names of the councillors or committee members voting in the affirmative; and
 - b) the names of the councillors or committee members voting in the negative.
- (9) A councillor or committee member present and entitled to vote at the meeting who fails or abstains from voting is taken to have voted in the negative.
- (10) Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- (11) If a report contains distinct recommendations, the decision of the local government or committee may be taken separately on each recommendation.

31. Withdrawing a motion

- (1) A motion or amendment may be withdrawn by the mover with the consent of the local government which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

32. Repealing or amending resolutions

- (1) A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act or the Regulation (five business days).
- (2) Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion, however, consideration of the relevant motion must not be deferred for more than 3 months.

33. Procedural motions

- (1) At a meeting, a councillor or committee member may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a ***procedural motion***) —
 - a) that the question/motion be now put to the vote; or
 - b) that the motion and amendment now before the meeting be adjourned; or
 - c) that the meeting proceed to the next item of business; or
 - d) that the question/motion lie on the table; or
 - e) a point of order; or
 - f) a motion of dissent against a chairperson's decision; or
 - g) that a report or document be tabled; or
 - h) to suspend the rule requiring that (insert requirement); or
 - i) for committee meetings only — that the question/motion be referred to the next meeting of the local government; or
 - j) that the meeting stand adjourned; or
 - k) to change the order of business.

- (2) At a meeting, a CEO may, without the need for a seconder, move a motion (each a **procedural motion**) —
 - a) to withdraw a report from the agenda, as outlined under section 42A of this Policy; or
 - b) to change the order of business.

34. Motion that the question be put

- (1) A procedural motion that the 'question be put', may be moved when a councillor or committee member believes that there has been sufficient debate about the matter at the meeting.
- (2) Where a motion under subsection (1) above is carried, the chairperson must immediately put the 'question to the motion' or amendment to that motion before the meeting to the vote.
- (3) Where a procedural motion under subsection (1) above is lost, debate on the motion or amendment before the meeting must continue.

35. Motion that debate be adjourned

- (1) A procedural motion that another motion or an amendment now before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- (2) A motion under subsection (1) above must not adjourn debate on a matter the subject of a motion for more than 2 months after the date of the procedural motion.

36. Motion to proceed to next item of business

- (1) Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter the subject of the motion must cease.
- (2) However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders, part 3.

37. Motion that the motion lie on the table

- (1) A procedural motion that a motion or question lie on the table can only be moved where the chairperson or a councillor or a committee member requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- (2) Where a motion under subsection (1) above is passed, the local government or committee must proceed with the next matter on the agenda.
- (3) Where a motion under subsection (1) above is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

38. Points of order

- (1) A councillor or committee member may ask the chairperson to decide a point of order where it is believed that another councillor or member —
 - a) has failed to comply with proper procedures; or

- b) is in contravention of part 3 of the standing orders, or the Act;
 - c) is beyond the jurisdictional power of the local government; or
 - d) has misrepresented the councillor or committee member raising the point of order.
- (2) A point of order cannot be used as a means of contradicting a statement made by a councillor or committee member speaking about a matter.
- (3) Where a point of order is raised, consideration of the matter about which the councillor or committee member was speaking may be suspended subject to section 21(3) of these standing orders.
- (4) The chairperson must determine whether the point of order is upheld.
- (5) Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.
- (6) Despite anything to the contrary in part 3 of the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.
- (7) Points of order and the outcome of a point of order must be recorded.

39. Motion of dissent

- (1) A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order.
- (2) Where a motion is moved under subsection (1) above, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (3) Where a motion of dissent is carried —
 - a) the matter to which the ruling of the chairperson was made must proceed as though that ruling had not been made and debate continues; and
 - b) where, as a result of a ruling of the chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

40. Motion that a report be tabled

- (1) A motion that a report or document be tabled may be used by a councillor or committee member to introduce a report or other document to a 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.

41. Motion to suspend requirements of a rule

- (1) A procedural motion to suspend the requirements of a rule may be made by a councillor or committee member in order to permit some action that otherwise would be prevented by the standing orders, part 3.
- (2) A motion under subsection (1) above must specify the duration of the suspension.

42. Motion that the question/motion be referred to the next meeting of the local government (committee meetings only)

- (1) A procedural motion that the question/motion be referred to the next meeting of the local government may only be moved —
 - a) at a committee meeting; and
 - b) after a committee member has spoken against the question/motion; and
 - c) when a committee member reasonably believes that the question/motion is unlikely to have the unanimous support of committee members present.
- (2) Where a motion under subsection (1) above is carried, the chairperson must direct that the substantive question/motion be referred to the next meeting of the local government.

42A Withdrawal of report by CEO

- (1) Where the CEO seeks to remove a report from the meeting agenda, once the agenda has been released (refer item 10), the CEO must first discuss the intent with the mayor.
- (2) Where the CEO elects to withdraw a report from the agenda, the steps under item 33(2) are to be followed, and the CEO must provide a brief reason during the meeting.

43. Motion that meeting stands adjourned

- (1) A procedural motion that a meeting stands adjourned may be moved by a councillor or a committee member at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor's or committee member's time for speaking to the matter and must be put without debate.
- (2) A motion under subsection (1) above must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.

Division 4 – Mayoral minutes at a meeting of the local government

44. Mayoral minutes

- (1) The mayor may direct the attention of the local government at a meeting of the local government to a matter or subject not on the agenda by a minute (a **mayoral minute**) signed by the mayor.
- (2) The mayor must deliver a copy of the mayoral minute for a meeting of the local government to the chief executive officer.
- (3) The mayoral minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.
- (4) The motion comprising the mayoral minute may be put by the mayor—
 - a) to the meeting of the local government without being seconded; and
 - b) at any stage of the meeting of the local government considered appropriate by the mayor.

- (5) If the motion comprising the mayoral minute is passed by the local government, the mayoral minute becomes a resolution of the local government.

Division 5 – Councillor Conduct during local government meetings

45. Councillor conduct during meetings

- (1) Councillors must conduct themselves in accordance with the principles of the Act and the standards of behaviour set out in the code of conduct.
- (2) The chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- (3) After a local government meeting has been formally constituted and the business commenced, a councillor must not enter or leave the meeting without first notifying the chairperson.
- (4) After a local government meeting has been formally constituted and the business has commenced, councillors must ensure all electronic devices are turned to silent whilst in the meeting room.
- (5) A councillor must address the chairperson while —
 - a) moving any motion or amendment; or
 - b) seconding any motion or amendment; or
 - c) taking part in any discussion; or
 - d) placing or replying to any question; or
 - e) addressing the local government or committee for any other purpose.
- (6) Councillors shall speak of each other during a meeting by their respective titles, “mayor” or “councillor”, and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
- (7) Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- (8) A councillor must not interrupt another councillor who is speaking except upon a point of order being raised either by the chairperson or by the councillor.
- (9) If the chairperson intervenes during the process of debate, any councillor then speaking or offering to speak, and each councillor present, must preserve strict silence so that the chairperson may be heard without interruption.

Division 6 – Questions

46. Questions

- (1) At a meeting, a councillor or committee member may ask a question for reply by another councillor or committee member, or an officer of the local government, regarding any matter under consideration at the meeting.

- (2) A question must be asked categorically and without argument, and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- (3) A councillor, committee member or officer who is asked a question may request that the question be taken on notice for the next meeting.
- (4) A councillor or committee member who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- (5) The chairperson may disallow a question which he or she considers is inconsistent with an acceptable request or good order.
- (6) A councillor or committee member may move a motion that a ruling of the chairperson under subsection (5) above be disagreed with, and if such motion is carried, the chairperson must allow the question.

Division 7 – Maintenance of good order

47. Disorder

- (1) Where disorder arises at a meeting, and the disorder does not arise as a result of unsuitable meeting conduct or inappropriate conduct of a councillor at the meeting, the meeting may be adjourned in accordance with —
 - a) for a meeting of the local government, section 261 (adjournment of meetings) of the Regulation; and
 - b) for a local government meeting generally, section 45 of these standing orders.
- (2) On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (3) Where a motion under subsection (2) above is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

48. Business of objectionable nature

- (1) At a meeting, if the chairperson, or a councillor or committee member, considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the chairperson, or the councillor or committee member, may declare on a point of order, that the matter not be considered further.

Division 8 – Attendance and non-attendance at local government meetings

49. Attendance Generally

- (1) In order to ensure achievement of the local government principles and, in relation to councillors, discharge of their responsibility to participate in local government meetings under the *Local Government Act 2009*, all councillors must seek to attend all meetings.

- (2) A councillor attends meetings by:
 - a) taking part in the meeting by attending at the place the meeting is held; or
 - b) taking part in the meeting by teleconference, if permitted in accordance with section 50.
- (3) A councillor wishing to take a leave of absence must apply for leave in writing including a reason for the requested leave of absence to the chief executive officer two (2) weeks prior to the commencement of the leave. The leave request will be submitted to Council for a decision by resolution at the next available general council meeting.

Where leave is required due to an emergent situation, the councillor may apply in writing to the mayor for interim approval until a council decision can be formally resolved. Where the leave involves the mayor, the chief executive officer can approve the leave until a council decision can be formally resolved.

50. Attendance by Teleconference

- (1) General attendance principle
 - a) A local government or committee of a local government may allow a person to take part in a meeting by teleconference.
 - b) In those circumstances, the councillor or committee member who takes part by teleconference is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.
 - c) Teleconferencing includes the use of a telephone, video conferencing equipment or other means of communication that allows a person to take part in a discussion as it happens.
- (2) As a general principle however, other than in exceptional circumstances, councillors must attend meetings in person by attending at the place the meeting is held.
- (3) If there are exceptional circumstances, then a councillor must seek approval of the chairperson to attend the meeting by teleconference in accordance with section 50(1).
- (4) Exceptional circumstances include where:
 - a) There is a disaster or emerging disaster event that prevents the safe attendance of a councillor in person;
 - b) A councillor cannot attend in person because the councillor is required to attend to official council business in another location;
 - c) A councillor is unwell experiencing symptoms of an infectious illness;
 - d) In the case of Special meetings, the councillor is in another location, and it is impracticable to return to the meeting place in person in the notice timeframes.
- (5) Where the local government or a committee has approved the teleconference arrangement, the councillor or committee member must be able to hear and be heard by each other person at the same time throughout the meeting.
 - a) In considering a request for attendance at a local government meeting by teleconference, the chairperson must consider confidentiality and

privacy as this may pose a risk to the local government due to the nature of the discussions.

- b) A high-quality mobile device and workstation set up must be used to attend via teleconference to ensure clear audio and visuals.
 - c) A councillor or committee member may participate in all aspects of an ordinary meeting of the local government, or standing committee meeting, via teleconference (e.g. by video link, face time, landline, or computer) provided a quorum is physically present at the official notified location of the meeting, and the councillor or committee member can be heard by all persons attending the meeting, including the public present in the notified location. It is the responsibility of the person the subject of the arrangement to be audio or audio visually linked in advance of the time of the meeting; audio links or audio-visual links received after the meeting has begun may not be accepted at the discretion of the chairperson. Any councillor or committee member participating shall identify to the chairperson any and all persons present in the location from which the councillor or committee member is participating.
 - d) Should the chairperson attend by teleconference, he/she shall appoint the deputy mayor as temporary chair or postpone the meeting to another date.
 - e) A register of attendance at local government meetings by teleconference will be recorded in the minutes of the meeting.
- (6) Advance approval for attendance by teleconference
- a) Councillors must seek approval to attend by teleconference in advance through the chairperson at least three business days prior to the Local Government meeting.
 - b) If a councillor seeks approval to attend a future meeting by teleconference under section 50 (2)
 - (a) the chairperson must;
 - (i) Consider the circumstances for the absence; and
 - (ii) If satisfied that there are exceptional circumstances precluding attendance in person, approve the councillor's attendance by teleconference at a future meeting.
- (7) Late approval for attendance by teleconference
- a) If it is not practicable for a councillor to seek approval for attendance by teleconference under section 50 (2) (a), a councillor may seek a late approval to attend by teleconference from the chairperson in writing at any time prior to the meeting.
 - b) The chairperson may give late approval only if:
 - (i) the exceptional circumstance the subject of the request for late approval were not known or foreseeable three business days prior to the meeting or;
 - (ii) the meeting is a special meeting.

51. Attendance of public and media at local government meetings

- (1) An area must be made available at the place where a local government meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be

accommodated in the area must be permitted to attend the meeting.

- (2) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (3) After a local government meeting has commenced, members of the public and media representatives must switch all electronic/communication devices to silent.
- (4) If a person fails to comply with subsection (3) above, the mayor or chairperson may direct that person immediately leave the meeting room.
- (5) Failure to comply with a direction under subsection (4) above may be considered an act of disorder.

52. Public participation at meetings of the local government

- (1) The chairperson may invite a member of the public to take part in the proceedings of a meeting of the local government. If invited, a member of the public including a person talking to a petition will have a time limit of 3 minutes to address the meeting and no more than 3 speakers shall be permitted to speak at one meeting.
- (2) Except when invited to do so by the chairperson pursuant to subsection (1) above, a member of the public must not take or attempt to take part in the proceedings of a meeting of the local government.
- (3) During debate on a motion, the chairperson of a meeting of the local government may invite submissions, comments, or questions from members of the public.
- (4) If any submission or comment from a member of the public is irrelevant, offensive, or unduly long, the chairperson may require the member of the public to cease making the submission or comment.
- (5) For any matter arising from a submission or comment from a member of the public, the local government may —
 - a) refer the matter to a committee; or
 - b) deal with the matter immediately; or
 - c) place the matter on notice for discussion at a future meeting; or
 - d) note the matter and take no further action.
- (6) Any person invited to address a meeting of the local government must —
 - a) stand, act, and speak with decorum; and
 - b) frame any remarks in respectful and courteous language.
- (7) If a person is considered by the local government, mayor, or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

53. Council officers' participation at meetings of the local government

- (1) In addition to the chief executive officer and minutes secretary, meetings of the local government are attended by -
 - a) the Executive Leadership Team members of -

- (i) General Manager Commercial and Corporate Services;
 - (ii) General Manager Communities;
 - (iii) General Manager Infrastructure and Utilities;
 - (iv) General Manager People, Safety and Legal;
 - (v) Chief Finance Officer; and
- b) Section managers speaking to reports.
- (2) If the local government resolves that a meeting be closed to the public, the above officers may remain in the meeting unless determined otherwise by the chairperson. Any other officers shall be required to leave the meeting unless determined otherwise by the chairperson.
 - (3) After a meeting has commenced, all attending local government staff must switch any electronic devices to silent whilst in the meeting room.
 - (4) If a person fails to comply with subsection (3) above, the mayor or chairperson may direct that the person immediately leave the meeting room.

Division 9 – Miscellaneous committee matters

54. Reports by committees

- (1) All committee reports must be submitted to a meeting of the local government under the signature of the chief executive officer or a delegate of the chief executive officer.
- (2) If a report of a committee makes distinct recommendations, the local government may make a separate decision on each recommendation.

55. Councillors' attendance at committee meetings

- (1) Any councillor may attend a committee meeting and may address the committee in accordance with the procedures established by the chairperson of the committee.

56. Public participation at standing committee meetings

- (1) At a standing committee meeting, a person who is not a councillor or a committee member must not take part in the meeting.
- (2) However, the chairperson of a standing committee may invite any person to address the committee upon the matter before it.
- (3) Any person wishing to be heard personally or as a deputation on any matter relevant to a standing committee, may make an appointment with the chief executive officer.
- (4) Where subsection (3) above applies, the committee must determine whether the matter shall be heard.
- (5) A deputation or personal address must not exceed 10 minutes unless otherwise agreed by the chairperson of the standing committee.
- (6) No more than 2 members of a deputation may address the standing committee except in reply to questions from committee members.

Division 10 – Procedure not provided for

57. Procedure not provided for

- (1) Subject to part 4, if an appropriate or adequate method of dealing with a matter is not provided for in the standing orders, part 2 or part 3, the method of dealing with the matter may be determined by resolution of the local government or committee upon a motion which may be put without notice in conformity with the standing orders, part 3.

Part 4 - Meeting procedures

Division 1 - Preliminary

58. Purpose of the meeting procedures

- (1) The purpose of the meeting procedures in this part 4 is to set out certain procedures to ensure the local government principles are reflected in the conduct of local government meetings (other than meetings of the audit committee).
- (2) It is not intended that the meeting procedures in this part 4 will deal with all aspects of meeting conduct but only those required to strengthen public confidence in the local government to deal with the conduct of councillors in meetings.

59. Background

In particular, as required under section 150F (2) of the Act, the meeting procedures in this part 4 set out –

- (1) the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor;
- (2) the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by a chairperson;
- (3) 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;
- (4) the processes for dealing with a conflicts of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting;
- (5) the process for dealing with a loss of quorum due to the number of councillors with a COI;
- (6) procedures for closing local government meetings to the public, and
- (7) the process for taking part in meetings by teleconference. (Refer to Part 3, Division 8, section 50).

60. Application

- (1) Council must either adopt the model procedures or prepare and adopt other procedures for the conduct of its council meeting and standing committee meetings that are consistent with the model procedures.

- (2) Council must conduct its meetings in a manner that is consistent with either the model procedures or its own meeting procedures.
- (3) This part 4 are the meeting procedures for the conduct of local government meetings (other than meetings of the audit committee) in compliance with section 150G(1)(b) of the Act.
- (4) If there is any inconsistency between the meeting procedures in this part 4 and the model procedures, then the model procedures apply to the extent of the inconsistency.
- (5) The meeting procedures in this part 4 do not apply to meetings of the audit committee.

Division 2 - Processes

61. Process for dealing with unsuitable meeting conduct by the mayor or a councillor in a meeting

- (1) 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 in a meeting, the following procedures must be followed—
 - a) The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting.
 - b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to section 61(1)(g) of these meeting procedures for the steps to be taken.
 - c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as—
 - (i) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (ii) apologising for their conduct;
 - (iii) withdrawing their comments.
 - d) If the councillor complies with the chairperson's request for remedial action, no further action is required.
 - e) If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request may result in an order being issued.
 - f) If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
 - g) 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 section 61(1)(b) of these meeting procedures, the chairperson may make one or more of the orders below—
 - (i) an order reprimanding the councillor for the conduct;

- (ii) an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- h) If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- i) Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for section 61(1)(a), (g) and (h) above.
- j) Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct.

Note: Details of any order issued is recorded in the minutes of the meeting. If a third or more order is 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 government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

62. Process for dealing with unsuitable meeting conduct by a Chairperson in a meeting

- (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) 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 chairperson has engaged in unsuitable meeting conduct in which case a seconder for the motion is required. Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- (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 66 below.
 - (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. Where the deputy mayor does not have a conflict of interest in the matter, the deputy mayor shall be the chairperson. Where the deputy mayor has a conflict of interest in the matter, a councillor that moved the motion shall appoint the chairperson for the matter.
- (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.
- (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).

- (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.
- (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.
- (9) The chairperson then resumes the role of chairperson, and the meeting continues.
- (10) 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.
 - a) 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.
 - b) 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.

63. Meeting procedures for dealing with a suspected conduct breach including that which has been referred to a local government by the Independent Assessor

- (1) 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 the 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 61(1) (j) of this document.

- (2) 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.

- (3) 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.
- (4) When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:
 - a) The local government must act in a manner 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 Local Government Regulation (LGR) section 254J.
- (5) No resolution for a decision can be made in the closed session, including a decision about a conflict of interest matter. The matter must be decided in an open session of the meeting or at a later meeting.
- (6) 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 the LGR section 254H.
- (7) The subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless the eligible councillors decide 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 about the conduct breach provided by the councillor to the local government.
- (8) 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.
- (9) 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 part 66. 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 (who do not have a COI in the matter) must decide how to deal with the conflict of interest under part 66. 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 under section 150AH of the LGA.

- (10) 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.
- (11) 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:
 - a) Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, whichever is not the most appropriate in the circumstances or
 - b) Decide, by resolution, to defer the matter to a later meeting or
 - c) 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. If the conduct breach referral notice is about the suspected conduct breach by the mayor, then the matter will need to be delegated to a standing committee for decision that must be delegated.

The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters that must be delegated. The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AE or 150AG of the LGA due to conflicts of interest. The standing committee will decide about the mayor's conduct. While section 12(4)(f) of the LGA provides that the mayor has the extra responsibility of being a member of each standing committee, the mayor could not be a decision-making member of a standing committee dealing with decisions about the mayor's conduct because of the conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

- (12) 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 63 (13), if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous conduct breach 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.
- (13) The local government may order that no action be taken against the councillor or make one or more of the following:
 - a) An order that the councillor make a public apology, in the way decided by the local government,
 - b) An order reprimanding the councillor for the conduct breach
 - c) An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

- d) An order that the councillor be excluded from a stated local government meeting
 - e) 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)
 - f) An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct.
 - g) An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
 - h) A local government may not make an order in relation to a person who has vacated their office as a councillor.
- (14) 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.
- (15) 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.

64. Prescribed conflict of interest

- (1) Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government or standing committee meeting (other than ordinary business matters prescribed in section 150EF of the Act).
- (2) When dealing with a prescribed conflict of interest, councillors must abide by the following procedures—
 - a) A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a meeting must also give notice during the meeting at or before the time when the matter is to be discussed.
 - b) A councillor who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of interest.
 - c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided —
 - (i) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - (ii) if it arises because of an application or submission, the matters the subject of the application or submission;
 - A. the name of any entity, other than the councillor, that has an interest in the matter;
 - B. the nature of the councillor's relationship with the entity that has an interest in a matter;
 - C. details of the councillor's and any other entity's interest in the matter.

- (3) 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 deciding the matter including participating in the discussion and the vote.

Note: Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

- (4) Once the councillor has left the area where the meeting is being conducted, or remains in the meeting under ministerial approval, the local government or committee can continue discussing and deciding on the matter at hand.
- (5) However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillors conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each councillor individually. If the councillor with the suspected declarable COI considers there is no conflict of interest then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA.

65. Declarable conflict of interest

- (1) Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at meetings of the local government, or standing committee meetings, that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the Act, and ordinary business matters prescribed in section 150EF of the Act).
- (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 Act applies. If more than one councillor is reported by another councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each councillor individually.
- (3) When dealing with a declarable conflict of interest, councillors must abide by the following procedures—
 - a) A councillor who has notified the chief executive officer 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.
 - b) 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.
 - c) 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 minimum details must be provided —

- (i) the nature of the declarable conflict of interest;
 - (ii) if it arises because of the councillor's relationship with a related party —
 - A. the name of the related party to the councillor;
 - B. the nature of the relationship of the related party to the councillor;
 - C. the nature of the related party's interest in the matter;
 - (iii) if it arises because of a gift or loan from another person to the councillor or a related party —
 - A. the name of the other person;
 - B. the nature of the relationship of the other person to the councillor or related party;
 - C. the nature of the other person's interest in the matter;
 - D. the value of the gift or loan and the date the gift or loan was made.
- d) 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.
- (i) 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 as prescribed in section 150ES of the LGA.
 - (ii) 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 they 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.
 - (iii) 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 Act or under an approval by the minister for local government under section 150EV of the Act.
 - (iv) 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 less than a quorum for the meeting consistent with

section 150ET of the Act.

- e) The councillor who is the subject of the decision may remain in the meeting while the debate is occurring about their ability to participate and can answer 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.
- f) 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 circumstances of the matter including, but not limited to —
 - (i) how does the inclusion of the councillor in the deliberation affect the public trust;
 - (ii) how close or remote is the councillor's relationship to the related party;
 - (iii) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
 - (iv) 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;
 - (v) how does the benefit or detriment the subject councillor stands to receive compare to others in the community;
 - (vi) 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;
 - (vii) whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- g) If the eligible councillors cannot decide about the councillors participation in the meeting with a declarable conflict of interest, 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 as prescribed in section 150ET(3) of the LGA.
- h) 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 (as prescribed in section 150ET(4) of the LGA) 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 by resolution 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.
- i) In making the decision under subsection (f) above, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

- j) 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.

66. Reporting a suspected conflict of interest

- (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 a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists, 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. If more than one councillor is reported by another councillor to have suspected personal interest in a matter, the meeting must deal with each councillor individually.
- (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 in section 64 or 65 of these meeting procedures.
- (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.
- (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 in section 64 or 65 of these meeting procedures.
- (5) If the eligible councillors cannot reach a majority decision, then they are taken to have determined that the councillor has a declarable conflict of interest. The councillor must leave the meeting and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. The decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.
- (6) If the belief or suspicion of a COI relates to more than one councillor, parts 64(1) to 65(3)(g) must be complied with in relation to each councillor separately.

67. Loss of quorum

- (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, the local government must resolve to:
 - a) delegate the consideration and decision on the matter, pursuant to section 257 of the Act unless the matter cannot be delegated;
 - b) decide by resolution to defer the matter to a later meeting; or
 - c) decide by resolution not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the local government must decide the matter.
- (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.

- (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 Act.
- (4) The local government may by resolution delegate a power under section 257 of the Act to:
 - a) the mayor or chief executive officer; or
 - b) a standing committee, or joint committee of the local government; or
 - c) the chairperson of a standing committee or joint standing committee of the local government; or
 - d) another local government for a joint government activity.
- (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 Act, to
 - a) the mayor; or
 - b) a standing committee of the local government; or
 - c) if it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.
- (6) The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter 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.

68. Recording prescribed and declarable conflicts of interest

- (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 (see section 150FA of the Act):
 - a) the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest;
 - b) the particulars of the prescribed or declarable conflict of interest provided by the councillor;
 - c) 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;
 - d) any decision then made by the eligible councillors;
 - e) whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
 - f) the local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision;
 - g) the name of each councillor who voted on the matter and how each voted;

Note: the eligible councillors include a councillor who has either been

granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g., the eligible councillors in this subsection means all councillors who were entitled to vote on the matter).

- (2) If a 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 the councillor's personal interest by someone other than the councillor —
 - a) the name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest; and
 - b) how each of the councillors voted;
- (3) Where a decision has been made under section 65(3)(f) of these meeting procedures, the minutes must include —
 - a) the decision and reasons for the decision; and
 - b) the name of each eligible councillor who voted; and
 - c) how each eligible councillor voted.

69. Closed meetings

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

- a) delegate the consideration and decision on the matter, pursuant to section 257 of the Act
 - b) decide by resolution to defer the matter to a later meeting when a quorum may be available
 - c) decide by resolution not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the local government must decide the matter.
- (4) None of the above will be considered, discussed, voted on or made during a closed session.
- (5) If a closed session meeting includes attendance by teleconference, the councillor or member attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting and state this is the case audibly in the open meeting prior to moving into closed session. A failure to do so could be a contravention of section 171(3) of the LGA.
- (6) If a councillor or member notifies the Chairperson that they need to leave the room during a closed session meeting, the councillor or member must maintain confidentiality and not discuss any matters raised within the closed session outside of the closed session.
- (7) To take a matter into a closed session the local government must abide by the following:
- a) Pass a resolution to close all or part of the meeting;
 - b) 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 66 (1) of these meeting procedures);
 - c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and state an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated;
 - d) Not make a resolution while in a closed meeting (other than a procedural resolution).

Schedule 1 Code of conduct for Councillors in Queensland

Section 43(1)

Code of Conduct for Councillors in Queensland

Approved 22 February 2024

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Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, councillors will increase public confidence in local government and their decisions.

Background

Under section 150D of the *Local Government Act 2009* (the LGA), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for councillors in the performance of their responsibilities as councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, all councillors must make a declaration of office and commit to complying with the local government principles and obligations of councillors in accordance with section 169 of the *Local Government Act 2009* and 169 of the *City of Brisbane Act 2010*, as well as the standards of behaviour set out in this Code of Conduct. As part of that declaration, councillors must declare that they will abide by this Code of Conduct.

The Local Government Principles and Values

The legislation is founded on five local government principles with which councillors must comply while performing their roles as elected representatives.

These principles are listed below:

1. Transparent and effective processes, and decision making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement.
4. Good governance of, and by, local government
5. Ethical and legal behaviour of councillors and local government employees.

This Code of Conduct provides a set of values that describe the types of conduct councillors should demonstrate to ensure their compliance with the local government principles. These values are listed below:

1. In making decisions in the public interest, councillors will:
 - make decisions in open local government meetings
 - properly inform relevant personnel of all required information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, councillors will:
 - manage local government resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.

3. In representing and meaningfully engaging with the community, councillors will:
 - show respect to all persons
 - clearly and accurately explain the local government's decisions
 - accept and value differences of opinion.
4. In exercising good governance, councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of local government decisions.
5. To meet the community's expectations for high level leadership, councillors will:
 - be committed to the highest ethical standards while performing their official duties
 - uphold the system of local government and relevant laws applicable to it.

This Code of Conduct also sets out standards of behaviour aimed at helping councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which councillors are expected to conduct themselves. It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

Standards of Behaviour

This Code of Conduct sets out the standards of behaviour applying to all councillors in Queensland while acting in their official capacity. The behavioural standards relate to, and are consistent with, the local government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

1. RESPONSIBILITIES
2. RESPECT
3. REPUTATION

Each standard of behaviour includes, but is not limited to, several examples to guide councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

1. Carry out RESPONSIBILITIES conscientiously and in the best interest of the local government and the community

For example, councillors will, at a minimum, have the following responsibilities:

- 1.1. Attend and participate meaningfully in all local government meetings, committee meetings, informal meetings, relevant workshops and training opportunities to assist them in fulfilling their roles other than where prior leave of absence is given
- 1.2. Respect and comply with all policies, procedures and resolutions of local government
- 1.3. Use only official local government electronic communication accounts (e.g.

email accounts) when conducting local government business

- 1.4. Report any suspected wrongdoing to the appropriate entity within required time periods
- 1.5. Ensure that their behaviour or capacity to perform their responsibilities in their official capacity as a councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6. Cooperate with any investigation being undertaken by the local government or other entity
- 1.7. Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland
- 1.8. Awareness of responsibilities imposed on councillors by the *Local Government Act 2009*, the *City of Brisbane Act 2010* and the relevant regulations.

2. Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

For example, councillors will, at a minimum, act in the following ways:

- 2.1. Treat fellow councillors, local government employees and members of the public with courtesy, honesty and fairness
- 2.2. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other councillors, local

government employees or members of the public

- 2.3. Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

3. Ensure conduct does not reflect adversely on the REPUTATION of the local government

For example, councillors will, at a minimum, conduct themselves in the following manner:

- 3.1 When expressing an opinion dissenting with the majority decision of the local government, respect the democratic process by acknowledging that the local government decision represents the majority view of the local government.
- 3.2 When making public comment, clearly state whether they are speaking on behalf of the local government or expressing their personal views.
- 3.3 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of the local government and avoid any action which may diminish its standing, authority or dignity.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this code of conduct may give rise to a complaint against a councillor's conduct and subsequent investigation and disciplinary action under the legislation if found to have engaged in a conduct breach, misconduct, or corrupt conduct.

A complaint about the conduct of a councillor must be reported to the Office of the Independent

Assessor (OIA) within one year from when the conduct occurred, or within six months after the conduct comes to the knowledge of the complainant but within two years after the conduct occurred.

These time limitations do not reflect the fact that the OIA can look at a matter received late due to exceptional circumstances.

There is no time limit for reporting of corrupt conduct.

A preliminary assessment process must be undertaken by the Independent Assessor before progressing conduct matters. After the preliminary assessment the Independent Assessor must decide:

- to dismiss a complaint, notice or information, or
- take no further action in certain circumstances, or
- refer a suspected conduct breach to a local government for investigation, or
- investigate the conduct of the councillor, or
- not deal with the complaint and give the councillor counselling or recommend training or mediation.

If, after the preliminary assessment the Independent Assessor refers the complaint to the appropriate entity to deal with, the entity to which they refer the matter will depend on the category of the conduct complaint (conduct breach, misconduct, and corrupt conduct).

The Independent Assessor may take no further action about the conduct of a councillor, following an investigation, if satisfied that taking further action would not be in the public interest.

Unsuitable Meeting Conduct

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct that occurs within a local government meeting (including standing committee meetings), is dealt with as unsuitable meeting conduct.

Unsuitable meeting conduct by a councillor is dealt with by the chairperson of the meeting. It is important that the chairperson deal with matters of unsuitable meeting conduct immediately, and as efficiently and effectively as possible so that the local government can continue with their business of making effective decisions in the public interest.

Unsuitable meeting conduct by the chairperson will be dealt with by the councillors present at the meeting who will decide by resolution if the chairperson has engaged in unsuitable meeting conduct and if so how to deal with the matter. The councillors may make an order to reprimand the chairperson.

Conduct breach

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a local government, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as a conduct breach. The code of conduct only applies to conduct directly relevant to a councillor's official duties.

The conduct of a councillor is also a conduct breach if it contravenes an order by the chairperson of a local government meeting for the councillor to leave the meeting or is a series of conduct at local government meetings that leads to orders for the councillor's unsuitable meeting conduct being made

on three occasions within a period of one year. The local government is not required to notify the OIA of these matters and may deal with the conduct under section 150AG of the *Local Government Act 2009* (including Brisbane City Council).

The Independent Assessor is responsible for conducting a preliminary assessment of the complaint about the conduct of a councillor including the allegations of a suspected conduct breach, excluding those arising from unsuitable meeting conduct, referred to the Independent Assessor.

Following the preliminary assessment, if the Independent Assessor has decided not to dismiss, the Independent Assessor must refer a suspected conduct breach to the local government to deal with.

The local government may decide not to start, or to discontinue investigation if:

- the complainant withdraws the complaint or consents to the investigation not being started or being discontinued; or
- the complainant does not comply with a request by the local government for further information; or
- there is insufficient information to investigate the conduct; or
- the councillor has vacated office (if re-elected within a 12 month period, the investigation must be recommenced).

Misconduct

Councillors are required to comply with all laws that apply to local governments, this includes refraining from engaging in misconduct.

The Independent Assessor is responsible for assessing and investigating instances of suspected

misconduct. The OIA may make an application to the Councillor Conduct Tribunal (CCT) for the matter to be heard and determined. If the councillor is found to have engaged in misconduct, the CCT may decide to take the disciplinary action it considers appropriate against the councillor. The Independent Assessor may, at any time before an application is decided by the CCT, withdraw the application in whole or in part if satisfied the withdrawal is in the public interest.

If the office of a councillor is vacated before an application is decided, the Independent Assessor must withdraw the application.

The conduct of a councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the councillor's functions or exercise of the councillor's powers, or
- is, or involves:
 - non-compliance with an Act by a councillor
 - misuse of information or material acquired by the councillor, in the performance of the councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit or to the detriment of another person
- is:
 - a contravention of an order of a local government or the CCT
 - a contravention of a policy of the local government about the reimbursement of expenses
 - failure to notify particular conduct to the OIA

- a failure to declare a conflict of interest or appropriately deal with a prescribed conflict of interest or a declarable conflict of interest in a meeting
- participation in a decision when a prescribed or declarable conflict of interest exists without approval of the other councillors in the matter
- a failure to report another councillor's potential conflict of interest in a matter in a meeting if the councillor reasonably believes or suspects the other councillor has a conflict of interest
- a release of confidential information that the councillor knows is confidential
- an attempt to influence a decision maker about a matter in which the councillor has a prescribed conflict of interest or a declarable conflict of interest
- failure to declare particulars of interests at the start of the term or appointment, update or annually review.

The conduct of a councillor is also misconduct if the conduct leads to the councillor being disciplined for a conduct breach on three occasions within a period of one year or is conduct that is identified in an order of local government that it will be dealt with as misconduct if the councillor engages in the same conduct breach again.

The conduct of a councillor is misconduct if a councillor purports to direct the Chief Executive Officer (CEO) in relation to disciplinary action regarding the conduct of a local government employee or a Councillor Advisor.

The conduct of a mayor is misconduct if an unlawful direction is given by a mayor to the CEO under the *Local Government Act 2009* or, is given to the CEO or a senior executive employee under *the City of Brisbane Act 2010*.

Councillors / mayor may only give directions to local government employees that are in accordance with the guidelines made about the provision of administrative support.

Corrupt Conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001*¹ and must be referred to the Crime and Corruption Commission (CCC).

Corrupt Conduct means conduct of a person, regardless of whether the person holds or held an appointment, that

- adversely affects or could adversely affect the performance of the councillor's responsibilities, and
- involves the performance of the councillor's responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the councillor, or
 - involves a misuse of information or material acquired through the performance of the councillor's responsibilities and
- would if proved, be –
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt Conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- impairs, or could impair, public confidence in public administration; and
- involves, or could involve, any of the following—
 - collusive tendering;
 - fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)
 - protecting health or safety of persons;
 - protecting the environment;
 - protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - fraudulently obtaining or retaining an appointment; and
- would, if proved, be—
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

The OIA has entered into a section 40² arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an investigation, should the CCC consider that appropriate.

Further information about the CCC's jurisdiction and other topics in relation to local government is available at

<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf> (Chapter 4).

More Information

For any further enquiries on this matter please contact the department.

² Section 40 *Crime and Corruption Act 2001*