



Code of Meeting Practice

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PART 1 - Standing Orders

1.1 Legislation

The Code of Meeting Practice provides written rules (Standing Orders) for the orderly conduct of Council, Standing and Advisory Committee Meetings consistent with the relevant requirements of the *Local Government Act 2009* and *Part 2, Division 1A of the Local Government Regulation 2012*.

1.2 Principles

The Council has an obligation to act in accordance with the Local Government principles set out at *Section 4 of the Local Government Act 2009*, namely:

- 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
- e) Ethical and legal behaviour of Councillors and Local Government employees

1.3 Scope

- 1.3.1 The Code of Meeting Practice applies to all meetings of Balonne Shire Council, including meetings of Standing Committees, and all participants in those meetings. However, legislatively they do not apply to the meetings of the Council's Audit & Risk Committee
- 1.3.2 Any provision of the Code may be suspended by Resolution of any meeting of Council. A separate Resolution is required for any such suspension and must specify the application and duration of each suspension. (except where not consistent with legislation)
- 1.3.3 Where at a Council meeting a matter arises, which is not provided for in this Code, such matters shall be determined by Resolution of Council upon a Motion, which may be put without notice but otherwise in conformity with this Code
- 1.3.4 The Model Meeting Procedures include the following:
 - a) The process for the Chairperson to lead and manage Local Government meetings
 - b) The process for how the Chairperson of a Local Government meeting may deal with unsuitable meeting conduct by a Councillor
 - c) The process for how the Councillors at a Local Government meeting may deal with the unsuitable meeting conduct by the Chairperson
 - d) 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
 - e) The processes for dealing with a Conflict of Interest (COI) arising during a Local Government meeting and recording the COI in the Minutes of the meeting



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- f) The process for dealing with a Loss of Quorum due to the number of Councillors with a COI
- g) Procedures for closing Local Government meetings to the public

1.4 Responsibility

- 1.4.1 The Chairperson who presides at a meeting is responsible for the conduct of the meeting. (except as otherwise provided in Part 2 dealing with unsuitable conduct by a Chairperson)
- 1.4.2 The Chief Executive Officer is responsible for ensuring that Notices, Agendas, Minutes and/or Committee Reports are prepared in accordance with the relevant legislation and the Code of Meeting Practice
- 1.4.3 Each person is responsible for their conduct at a Local Government meeting

1.5 Before Council Meetings

1.5.1 Frequency of Meetings (s254 LGR)

The Council will meet once a month.

1.5.2 Dates

- a) Council meets at 9.00 am on the fourth Thursday of each month
- b) Any change from the date of commencement time of a Council meeting shall be by Resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor
- c) Special Meeting of Council will be held in accordance with Sections 1.5.2, 1.5.3 and 1.5.4

1.5.3 Notice of Meetings to Councillors (s254C LGR)

- a) Written notice of each meeting or adjourned meetings of the Council will be given to each Councillor at **least two (2) calendar days** before the day of the meeting unless it is impracticable to give notice
- b) The written notice shall state the day and time of the meeting and for a Special Meeting – state the business to be conducted at the meeting; and include the Agenda for the meeting
- c) The notice may be given electronically

1.5.4 Notice for Special Meeting

- a) A Special Meeting is a meeting at which the only business that may be conducted is the business stated in the Notice of Meeting
- b) If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call a Special Meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after the receipt of the request
- c) The Mayor or Chief Executive Officer may call a Special Meeting of the Council to be held as soon as practicable. The Mayor or CEO will notify the Councillors at least two (2) calendar days prior to the Special Meeting being held



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1.5.5 Public Notice of Meetings (s254B LGR)

- a) Following the Post-Election Meeting, Council will publish the days and times of its general meetings
- b) Council will display in its Administration Centre and libraries a notice of the days and times when its meetings will be held
- c) Council will publish all meeting days and times (including any amendment to the timetable of its meetings) via Council's website and changes via social media
- d) The full public Agenda will be published on Council's website by 5pm on the next business day after Notice of Meeting is given to Councillors (and prior to the Council Meeting). (this includes Standing Committees and Council Agendas but does not include any reports to be considered in Closed Session)

1.5.6 Place of Meetings (s254B & 257 LGR)

- a) Council Meetings will be held at the Balonne Shire Council Administration Centre St George, as outlined in its meeting schedule for the year
- b) Council may resolve to hold a particular meeting in another location provided Public Notice is given

1.5.7 Post-Election Meetings (s175 (1) LGA & s256 LGR)

- a) Council must hold a meeting within **fourteen (14) calendar days** after the conclusion of each quadrennial Election
- b) Council must, by Resolution, appoint a Deputy Mayor from its Councillors (other than the Mayor)
- c) The Chief Executive Officer will chair the Post-Election Meeting until the Mayor and Councillors have taken their Oath of Office
- d) Council must consider the day and time for holding other meetings at its Post-Election Meeting

1.6 Meetings

1.6.1 Chairperson

- a) The Mayor will preside at any of Council's Meetings, unless otherwise specified in a committee's Terms of Reference
- b) If the Mayor is absent, the Deputy Mayor will assume the Chair
- c) If the Deputy Mayor is absent a Councillor may be elected to the Chair by the Councillors present at the meeting
- d) If at the time designated for holding the meeting no Chairperson is present, the first business of the meeting must be the election of a Chairperson to preside at the meeting

1.6.2 Duties of the Chairperson

The Chairperson has a duty to preserve order and ensure proceedings are conducted in a proper manner by:



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- Determining that the meeting is properly constituted, and a Quorum is present
- Informing Councillors as to the business and objectives of the meeting
- Formulating for discussion and decision any proposed Resolution (Motion) that has been moved for consideration of the meeting
- Deciding whether proposed Resolutions and amendments are in order
- Deciding points of order and other incidental matters that require a decision
- Facilitating an exchange of views and ideas on key issues before the meeting
- Confining discussion to within the scope of the meetings and within reasonable limits of time
- Preserving order at the meeting
- Serving the public interest
- Putting relevant questions to the meeting and conducting a vote (and where authorised, giving a casting vote)
- Declaring the result
- Ensuring a division is taken if properly requested
- Ensuring the record of minutes of the meeting is maintained
- Adjourning the meeting when circumstances justify that course
- Declaring the meeting closed when its business is complete

1.6.3 Councillors

- a) All Councillors have a responsibility to participate in Council Meetings, policy development and decision making, for the benefit of the Local Government area
- b) After a meeting of the Council has commenced, a Councillor must not enter, leave or withdraw from the meeting without first notifying the Chairperson
- c) Mobile telephones and audible pagers must be turned off or placed on silent mode in the meeting room
- d) Confine their remarks to matters then under consideration and act with due decorum in order that the meeting is conducted in an efficient and effective manner. (For further details refer to the Councillor Code of Conduct)

1.7 **Procedures for Meetings**

1.7.1 Order of Business

The Order of Business must be determined by Resolution of Balonne Shire Council from time to time. The Order of Business may be altered for a particular meeting where the Councillors at the meeting pass a Motion. Such a Motion may be moved without notice.

The regular Order of Business for **Ordinary Meetings** will be: -

- Opening Prayer
- Attendance Apologies
- Leave of Absence



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- Confirmation of Minutes
- Business Arising
- Declaration of Conflict of Interest
- Public Participation - Deputations
- Officers' Reports
- Confidential Items
- Councillor Reports
- General Business
- Items for Information Only

1.7.2 Agendas

The Agenda may contain (consistent with the Order of Business):

- Notice of Meeting
- Minutes of the Previous Meeting
- Business Arising out of Previous Meetings
- Business which the Mayor wishes to have considered at the meeting without notice (Mayoral Minute)
- Matters of which notice has been given (Notice of Motion)
- Officer Reports referred to the meeting by the Senior Leadership Group
- Committee Reports referred to the meeting by the Senior Leadership Group
- Deputations and delegations from the community that are approved to attend
- Any other business the Council determines by Resolution to be included in the Agenda

Business not on the Agenda or not fairly arising from the Agenda, will not be considered at any Council Meeting unless permission for that purpose is given by the Council at the meeting. Business must be in accordance with the adopted Terms of Reference for each committee.

Matters on the Agenda that will require the meeting to be in a Closed Session consistent with the provisions under *Section 254J LGR*, will be clearly identified on the Agenda including the reasons why the session will be closed.

1.7.3 Petitions

Any Petition presented to a meeting of Council shall:

- a) Be in legible writing or typewritten and contain a minimum of ten (10) signatures
- b) Include the name and contact details of the Principal Petitioner (ie., one person who is the organiser and who will act as the key contact for the issue) include the postcode of all Petitioners
- c) Have the details of the specific request/matter appear on each page of the Petition



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Where a Councillor presents a Petition to a meeting of Council no debate on or in relation to it shall be allowed and the only Motion which may be moved is that the Petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.

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

1.7.4 Deputations

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

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

For Deputations comprising three (3) or more persons, only three (3) persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by Resolution. A Deputation shall be given adequate opportunity to explain the purpose of the Deputation.

If a member of the Deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the Deputation.

The Chairperson may terminate an address by a person in a Deputation at any time where the:

- a) Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
- b) Time period allowed for a deputation has expired
- c) Person uses insulting or offensive language or is derogatory towards Councillors or staff members

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

1.8 **Motions**

1.8.1 Motion to be Moved

- a) A Councillor is required to 'move' a Motion and then another Councillor is required to 'second' the Motion
- b) When a Motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council
- c) Other Councillors can propose amendments to the Motion, which must be voted on before voting on the final Motion: -
 - i. A Motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or this Code shall be received and put to the meeting by the Chairperson
 - ii. The Chairperson may require a Motion or amendment to a Motion to



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be stated in full or be in writing before permitting it to be received

- iii. 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 the meeting, is defamatory, vexatious or is unnecessary, may be ruled Out of Order
- iv. The Chairperson may call the Notices of Motion in the order in which they appear on the Agenda, and where no objection is taken to a Motion being taken as a formal Motion, the Chairperson may put the Motion to the vote without discussion
- v. No more than one Motion or one proposed amendment to a Motion may be put before a meeting of Council at any one time

1.8.2 Absence of Mover of Motion

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

- Moved by another Councillor at the meeting
- Deferred to the next meeting

1.8.3 Motion to be Seconded

A Motion or an amendment to a Motion shall not be debated at a meeting of Council unless or until the Motion or the amendment is seconded, with the exception of Procedural Motions.

1.8.4 Amendment of Motion

An Amendment to a Motion shall be in terms, which maintain or further clarify the intent of the original Motion and do not contradict the Motion.

Not more than one Motion or one proposed amendment to a Motion may be put before a meeting of Council at any one time.

Where an Amendment to a Motion is before a meeting of Council, no other Amendment to the Motion shall be considered until after the first amendment has been put.

Where a Motion is amended, the original Motion cannot be re-introduced as a subsequent amendment to the first amended Motion.

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

1.8.5 Speaking to Motions and Amendments

The mover of a Motion or Amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.

The Chairperson will manage the debate by allowing the Councillor who proposed the Motion the option of speaking first on the Motion. The Chairperson will then call on any other Councillor who wishes to speak for or against the Motion, until all Councillors who wish to speak have had the opportunity.



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A Councillor may make a request to the Chairperson for further information before or after the Motion or Amendment is seconded.

A Motion or Amendment may be withdrawn by the mover with the consent of Council, which shall be signified without debate, and a Councillor shall not speak to such Motion or Amendment after the mover has been granted permission by Council for its withdrawal.

The mover of a Motion or Amendment shall have the right to reply. Once the right of reply has been delivered the debate ends.

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

In accordance with *Section 254J of the Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the Minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. (Refer to 1.11.3)

**Note: If a report contains distinct recommendations, the decision of the Council may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report, the Minutes must give the reasons for the decision.*

1.9 Procedural Motions

1.9.1 Types of Procedural Motions

A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a Procedural Motion, without the need for a Secunder the following Motions:

- That the question/Motion be now put
- That the Motion or Amendment now before the meeting be adjourned
- That the meeting proceeds to the next item of business
- That the question lie on the table
- A Point of Order
- A Motion of dissent against the Chairpersons decision
- That this report/document be tabled
- To suspend the rule requiring that (insert requirement)
- That the meeting stands adjourned

Eligible Councillors may move a Procedural Motion that a Councillor may participate in a meeting despite a Declarable Conflict of Interest. (see Part 6)

1.9.2 Motion that the Question Be Put

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

1.9.3 Motion to Adjourn



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The Procedural Motion, that the Motion or Amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:-

- A further Motion may be moved to specify such a time or date
- The matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting

1.9.4 Motion to Change Order of Business

Where a Procedural Motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the Motion shall cease and may be considered again by Council on the giving of notice in accordance with this Code.

1.9.5 Point of Order

Any Councillor may ask the Chairperson to decide on a 'Point of Order' where it is believed that another Councillor:

- Has failed to comply with proper procedures
- Is in contravention of the Local Government Act/Regulations
- Is beyond the jurisdiction power of Council

***Note** - *Points of Order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'Point of Order' is moved, consideration of the matter to which the Motion was moved shall be suspended. The Chairperson shall determine whether the Point of Order is upheld.*

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

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

***Note:** *Points of Order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a Point of Order is moved, consideration of the matter to which the Motion was moved will be suspended.*

The Chairperson will determine whether the Point of Order is upheld.

1.9.6 Motion of Dissent

A Councillor may move 'a Motion of Dissent' in relation to a ruling of the Chairperson on a Point of Order. Where such Motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a Motion of Dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Whereas a result of that ruling the matter was discharged as Out of Order, it shall be restored to the business paper and be dealt with in the normal course of business.



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1.9.7 Questions

A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.

The Chairperson may disallow a question, which is considered inconsistent with an acceptable request or good order.

1.9.8 Table a Document

The Motion that a report/document be tabled may be used by a Councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

1.9.9 Conduct During Meetings

Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

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

No Councillor who is speaking shall be interrupted except upon a Point of Order being raised either by the Chairperson or by a Councillor.

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

Refer to Parts 1, 2 and 3 for the process for dealing with unsuitable meeting conduct.

1.9.10 Closed Meetings (s254J LGR)

- a) The Council has limited powers under the Act and Regulations to close Council Meetings to the public
- b) In the interests of accountability and transparency, Council must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into Closed Session
- c) If the matter is known in advance, the Agenda should clearly identify that the matter will be considered in Closed Session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into Closed Session
- d) If a Closed Session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation
- e) A Resolution that a meeting be closed must state the nature of the matters to



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be considered while the meeting is closed

- f) Only Procedural Resolutions may be made during a Closed Meeting. The meeting must be reopened before any substantive Resolution on the matter is made
- g) When the Council resolves to close the meeting to the public, the Chairperson may direct all persons other than Councillors and the Chief Executive Officer to leave the Council Chambers. The Chairperson may allow additional persons (including officers of the Council, and Legal and Technical Advisers) to remain in the meeting
- h) All other persons must immediately leave the Council Chambers
- i) A person failing to comply with a direction to leave the Council Chambers may be removed from the Council Chambers using reasonable, necessary force. For the purpose of effecting the removal the Chairperson may call upon the assistance of a member of the Police Service
- j) Unless the Council, upon the resumption of its open meeting, resolves to the contrary, all matters discussed in a Closed Meeting must be kept confidential
- k) The Minutes of a Local Government meeting must detail the matter discussed and reasoning for discussing the matter in Closed Session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed Resolutions
- l) A Council Meeting, Standing or Advisory Committee cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a Declarable Conflict of Interest in the matter
- m) Further, the meeting must not be closed if a Quorum is lost due to the number of conflicted Councillors who leave the meeting, and the Council must:
 - Delegate the matter
 - Decide by Resolution to defer to a later meeting
 - Decide by Resolution to take no further action on the matter

Refer to Part 9 Closed Meetings relating to suspected conduct breach

1.9.11 Disorder

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

1.9.12 Method of Taking Vote

The Chairperson will call for all Councillors in favour of the Motion to indicate their support. The Chairperson will then call for all Councillors against the Motion to indicate their objection.



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A Councillor may call for a 'division' to ensure their objection to the Motion is recorded in the Minutes. If a division is taken, the Minutes of the meeting will record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson will declare the result of a vote or a division as soon as it has been determined.

Councillors have the right to request that their names and how they voted be recorded in the Minutes if they request it when voting other than by division.

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

1.9.13 Voting and Decisions of Council

At a meeting of Council:

- Voting must be open
- A question is decided by a majority of the votes of the Councillors present
- Each Councillor present has a vote on each question to be decided and, if the votes are equal, the Councillor presiding has a casting vote
- If a Councillor present fails to vote, the Councillor is taken to have voted in the negative

1.9.14 Disclosures of Interest

Councillors are ultimately responsible to disclose any prescribed or declarable Conflict of Interest on matters to be considered at Council/Committee Meetings and comply with the relevant provisions of the Local Government Act and Regulations. Refer to Parts 4-6 on how to declare and record interests.

1.10 Attendance and Non-Attendance

1.10.1 Quorum for a Meeting

- a) The Quorum for a meeting is **four (4)** Councillors. The Councillors must be present in the room for there to be a Quorum and therefore leaving the room for disclosure of interests or other breaks may impact the meeting
- b) If a Quorum is not present within 15 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within fourteen calendar days after the adjournment
- c) A Quorum does not apply to consideration of a Declarable Interest by eligible Councillor/s

1.10.2 Councillor Presence at Council Meetings

Council will allow a Councillor to take part in a meeting by audio or visual link and may allow a person to take part in a meeting by audio or visual link by Resolution of Council. *Audio or Audio-visual link* or other method - means 'real-time' communication that allows a person to take part in discussions as they happen.

- a) A Councillor who is absent without Council leave from two (2) or more consecutive statutory meetings of Council over at least two (2) months, may see their office becoming vacant. (*s162 (1) (e) LGA 2009*)



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- b) A Councillor who is absent without approved leave from meetings may be considered inappropriate conduct
- c) Leave is to be approved by the Mayor

**Note: Leave from Council Meetings will not be unreasonably withheld if valid reasons for leave are provided for approval.*

1.10.3 Attendance of Public and Media at Meetings

An area must be made available at the place where a 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.

If Council resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.

1.10.4 Public Participation at Meetings

The Chairperson may invite a member of the public to take part in the proceedings of a meeting. During debate on a Motion, the Chairperson may invite submissions, comments or questions from members of the public provided it is not irrelevant, offensive or unduly long.

1.11 Record of Meetings

1.11.1 Minutes and Access to Information (s254F LGR)

- a) The Chief Executive Officer must ensure Minutes of each meeting are taken under the supervision of the person presiding at the meeting
- b) Minutes of each meeting must include:
 - The names of Councillors present at the meeting
 - If a division is called on a question – the names of all persons voting on the question and how they voted
 - Each relevant report for the meeting, other than to the extent the relevant report contains information that is confidential to Council. (relevant reports are those tabled at the Ordinary Meeting and not otherwise included in the public Agenda)
 - Reasons for particular decisions (Section 1.11.3)
- c) Councillors may confirm the Minutes (even if they were not present at the previous meeting) or if they had a Prescribed or Declarable Interest in a matter considered, discussed or voted on at the previous meeting. (refer to Parts 4-6)
- d) A copy of the Minutes of each meeting must be made public and available by 5pm on the 10th day after the meeting is held (unless the Minutes are sooner confirmed)
- e) When the Minutes have been confirmed – must be available for purchase at the Council's public offices

1.11.2 Amending Minutes



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Minutes can only be amended at the time of confirmation to correct an inaccurate record of the meeting.

1.11.3 Recording of Reasons for Particular Decisions (s254H LGR)

This section applies if a decision made at a meeting is inconsistent with a recommendation or advice given to the Council by an advisor of the Council and either or both of the following apply to the decision:-

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

Examples of decisions to which this section might apply:-

- *The grant of a licence, permit or approval, however named, under an Act or Local Law*
- *The grant of a concession, rebate or waiver in relation to an amount owed to the Council*
- *Disposing of land or a non-current asset*

The Chief Executive Officer must ensure the Minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.



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PART 2 - Model Meeting Procedures

Part 2 of the Code of Meeting Practice for the Balonne Shire Council is based on the Model Meeting Procedures issued by the Department of Housing Local Government Planning & Public Works – Revised November 2023

2.1 Purpose of the Meeting Procedures

The purpose of the Model Meeting Procedures is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government meetings and Local Government committee meetings. The Model Meeting Procedures do not apply to meetings of Council's Audit & Risk Committee.

It is not intended that the Model Meeting Procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in Local Government to chair meetings and deal with the conduct of Councillors in meetings. Refer to Part 1 for Standing Orders and conduct of meetings. Refer to Parts 3 and 4 deal with Prescribed and Declarable Interests.

2.2 Background

In particular, as required under *Section 150F* of the *Local Government Act 2009 (LGA)* this document sets out the:

- Process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable meeting conduct by Councillors
- Process for how suspected inappropriate conduct of a Councillor referred to the Local Government by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting

2.3 Application

The Balonne Shire Council has chosen to adopt the Model Meeting Procedures as Part 2 of its Code of Meeting Practice to ensure they are consistent.

Council must conduct its meetings in a manner that is consistent with either the Model Meeting Procedures, or its own Standing Orders provided they are consistent with Parts 2-9 outlined in the Model Meeting Procedures.

2.4 Processes

2.4.1 Process for the Chairperson

This Clause applies to Local Government meetings, and Local Government committee meetings. For the purposes of this Clause, Local Government meetings are Ordinary and Special Meetings. This section does not apply to Brisbane City Council (BCC) where the Chair of Council, elected by Councillors, presides over each BCC meeting.

Under *Section 12(4)* of the *LGA* the Mayor has extra responsibilities in addition to those which all Councillors have. The Mayor is the Chairperson, leading and managing Local Government meetings, including managing the conduct of participants at the meeting. The Mayor may delegate another Councillor to perform the Mayor's extra responsibilities including acting as Chairperson when the Mayor is absent or temporarily incapacitated. Alternatively, if the Mayor has not delegated a Councillor to undertake responsibilities as Chairperson, under the provisions of *Section 165* of the



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LGA, the Deputy Mayor acts for the Mayor during the absence or temporary incapacity or when the Office of Mayor is vacant.

- a) The Mayor will be the Chairperson at a Local Government meeting at which the Mayor is present
- b) If the Mayor is absent from a Local Government meeting, the meeting will be chaired by the Councillor to whom the Mayor has delegated their responsibility to chair the meeting
- c) If the Mayor is absent or unavailable to chair the meeting, and has not delegated another Councillor to do so, the Deputy Mayor will be the Chairperson
- d) If the Office of Mayor becomes vacant the Deputy Mayor acts as Mayor and Chairperson of the Local Government meetings
- e) If the Mayor and the Deputy Mayor are both prevented from chairing the meeting because of absence or temporary incapacitation, and no other Councillor has been delegated the responsibility or appointed to act as Chairperson, the Local Government may by Resolution appoint one of the Councillors present at the meeting to act as Chairperson for the duration of the meeting
- f) The Local Government may appoint the Chairperson for a committee. This Chairperson will preside over meetings of the committee. The Mayor is a member of each Standing Committee but not necessarily a member of every Advisory Committee. The Mayor is not necessarily the Chairperson of Committee Meetings
- g) If the Chairperson of a committee is absent or unavailable to chair, another Councillor who is chosen by the Councillors present, will be Chairperson of the Committee Meeting
- h) Before proceeding with the business of the Local Government meeting, the Chairperson at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the Local Government

**Note: Section 12 of the LGA does not prescribe that other Councillors have the responsibility of chairing Local Government meetings. Other Councillors cannot assume the Chairperson role except when they are delegated by the Mayor to perform the extra responsibilities of a Mayor or a Resolution has been passed by the Councillors present to select a Councillor to act as Chairperson of a particular meeting, because the Mayor, a delegated Councillor and the Deputy Mayor are unavailable. The provision for the Mayor to delegate the responsibility to be Chairperson to another Councillor caters for the possibility that the Mayor will not be the Chairperson of a particular Local Government meeting because the Mayor has, for example, a Conflict of Interest in a matter, or will be absent or incapacitated for that meeting.*

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

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



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- a) The Chairperson must reasonably believe that the conduct of a Councillor during a meeting is unsuitable meeting conduct.
- 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, the Chairperson can make an order in relation to the conduct under g) below
- 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 action such as:
 - Ceasing and refraining from exhibiting unsuitable meeting conduct
 - Apologising for their conduct
 - 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 could 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 e) above, the Chairperson may make one or more of the orders below:
 - An order reprimanding the Councillor for the conduct
 - An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting
- 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 Sections 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 (see note):

***Note:** Details of any order issued must be recorded in the Minutes of the meeting. If it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next Local Government meeting as a suspected conduct breach. The Local Governments, Chief Executive Officer (CEO) is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register.



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2.4.3 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

- a) 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
- b) The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a Motion that the Councillor has engaged in unsuitable meeting conduct (a Seconder for the Motion is required). Councillors present, excluding the Chairperson, must decide by Resolution if the conduct is unsuitable meeting conduct
- c) The Chairperson has a Declarable Conflict of Interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the Chairperson wishes to remain in the meeting, the eligible Councillors must make a decision and follow the procedures set out in Part 5
- d) For the debate and vote on the Motion, a Councillor other than the Councillor that moved the Motion, is to act as the Chairperson
- e) 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
- f) 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)
- g) 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
- h) 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
- i) The Chairperson then resumes the role of Chairperson, and the meeting continues

***Note:** Details of any reprimand order is recorded in the Minutes of the meeting. The Local Governments, Chief Executive Officer (CEO) is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register.

For conduct of a Chairperson, at Local Government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the Chairperson, on three (3) occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a Councillor, including a Chairperson, at the meeting becomes a conduct breach; in accordance with Section 150J of the LGA, and is a conduct breach under Section 150K(2)(b) and (3) of the LGA, the Local Government is not



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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.



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PART 3 - Meeting Procedures for Dealing with Suspected Conduct Breach

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

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

***Note:** *Conduct breach is conduct that contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure or Resolution of the Local Government; or the conduct contravenes an order of the Chairperson of a Local Government meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances as outlined in this document.*

3.1.1 In relation to matters referred by the IA to the Local Government, the Local Government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the Councillor vacates or has vacated their office as a Councillor.

***Note:** *The Local Government investigation must be conducted in a way that is consistent with the Local Government's Investigation Policy. An investigation report must be prepared to assist the Councillors in making a decision on the outcome under Section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under Section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

3.1.2 The Local Government must decide in a Local Government meeting, whether the Councillor has engaged in a conduct breach. Unless in accordance with *Section 150AG of the LGA*, it has delegated responsibility for this decision to the Mayor under *Section 257(2)(a)*, or to a Standing Committee *Section 257(2)(b) of the LGA* or *Section 238(2)(a), (b) or (c) of the COBA*.

3.1.3 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 be consistent with the Local Government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the Local Government. However, where the matter requires debate a Local Government may close all or part of a meeting to the public, if



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considered necessary, to discuss an investigation report under the City of Brisbane Regulation (CBR) *Section 242J*, or the *Local Government Regulation (LGR) Section 254J*

- b) No Resolution for a decision can be made in the Closed Session. The matter must be decided in an Open Session of the meeting or at a later meeting
- c) Where a Local Government makes a decision about a conduct breach matter at a Local Government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the Minutes of the meeting under *CBR Section 242H* and the *LGR Section 254H*
- d) The subject Councillor has a Declarable Conflict of Interest in the matter but may remain in the Closed Meeting (unless the Local Government decides otherwise), during the debate about the investigation report and answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission provided by the Councillor to the Local Government
- e) 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
- f) 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 4. If the complainant Councillor who has a Conflict of Interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible Councillors (do not have a COI in the matter) must decide how to deal with the Conflict of Interest under Part 4. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied
- g) After making a decision under *Section 150AG of the LGA*, the Local Government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the Local Government if they were complainants, or any Councillor who declared a COI in the matter

3.1.4 If the Local Government has lost Quorum due to the number of conflicted Councillors or another reason, the Local Government must do one of the following:

- a) Delegate deciding the matter under *Section 257 of the LGA* to the Mayor or a Standing Committee, or under *Section 238 of the COBA*, to the Mayor or the Establishment and Coordination Committee, or a Standing Committee, whichever is the most appropriate in the circumstances
- b) Decide, by Resolution, to defer the matter to a later meeting



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- 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, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.*

- 3.1.5 If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in Section 3.1.6, if any, to impose on the Councillor. In deciding what penalty to impose the Local Government may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Local Government is reasonably satisfied is true
- 3.1.6 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
- 3.1.7 The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the decision made by the Local Government and if relevant any orders made by Resolution
- 3.1.8 The Minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under *Section 150AH* the details of the order



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PART 4 - Prescribed Conflicts of Interest (formerly Material Personal Interest)

Councillors are ultimately responsible for informing of any Prescribed Conflict of Interest on matters to be discussed at a Local Government meeting, Standing or Advisory Committee Meeting (other than ordinary business matters prescribed in *Section 150EF of the LGA* or *Section 177C of the COBA*). When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- 4.1 A Councillor who has notified the Chief Executive Officer in writing of a Prescribed Conflict of Interest in a matter to be discussed in a Local Government meeting must also give notice during the meeting at the time when the matter is to be discussed
- 4.2 A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a Local Government meeting must immediately inform the meeting of the Conflict of Interest
- 4.3 When notifying the meeting of a Prescribed Conflict of Interest, the following particulars must, at a minimum, be provided:-
 - 4.3.1 If it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - 4.3.2 If it arises because of an application for which a submission has been made, the matters the subject of the application and submission
 - 4.3.3 The name of any entity, other than the Councillor, that has an interest in the matter
 - 4.3.4 The nature of the Councillor's relationship with the entity mentioned in 4.3.3 that has an interest in a matter
 - 4.3.5 Details of the Councillor's and any other entity's interest in the matter.
- 4.4 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice of approval from the Minister to participate in the matter
- 4.5 Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand



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PART 5 - Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at Local Government meetings and Standing or Advisory Committee Meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under *Section 150EO of the LGA* and *Section 177L of the COB*, and ordinary business matters prescribed in *Section 150EF of the LGA* and *Section 177C of the COBA*).

- 5.1 A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a Conflict of Interest. If the other Councillors suspect the personal interest might be a Conflict of Interest, the other Councillors may disclose their suspicion and the processes under *Section 150EW of the LGA* or *Section 177T of COBA* applies.
- 5.2 When dealing with a Declarable Conflict of Interest, a Councillor must abide by the following procedures:
 - 5.2.1 A Councillor who has notified the Chief Executive Officer in writing of a Declarable Conflict of Interest in a matter to be discussed at a Local Government meeting must also give notice during the meeting at the time when the matter is to be discussed
 - 5.2.2 A Councillor who first becomes aware of a Declarable Conflict of Interest in a matter during a Local Government meeting must inform the meeting of the Conflict of Interest
- 5.3 When notifying the meeting of a Declarable Conflict of Interest, a Councillor should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the Declarable Conflict of Interest in the public interest. The following minimum details must be provided:
 - 5.3.1 The nature of the Declarable Conflict of Interest
 - 5.3.2 If it arises because of the Councillor's relationship with a related party, the:
 - Name of the related party
 - Nature of the relationship of the related party to the Councillor
 - Nature of the related party's interest in the matter
 - 5.3.3 If it arises because of a gift or loan from another person to the Councillor or a related party, the:
 - Name of the other person
 - Nature of the relationship of the other person to the Councillor or related party
 - Nature of the other person's interest in the matter
 - Value of the gift or loan and the date the gift or loan was made
- 5.4 After a Councillor has Declared a Conflict of Interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
 - 5.4.1 If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision
 - 5.4.2 The other eligible Councillors at the meeting must then decide, by Resolution, whether the Councillor can participate in the decision making in relation to the matter, including



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voting on the matter, or whether the Councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting eg., may stay for the debate but must leave for the vote

- 5.4.3 The Councillor must comply with any decision or condition imposed by the eligible Councillors. The Councillor must not participate in the decision unless authorised in compliance with *Section 150ES of the LGA* or under an approval by the Minister for Local Government under *Section 150EV of the LGA*
- 5.4.4 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a Declarable Conflict of Interest, only Councillors who do not themselves have a Prescribed or Declarable Conflict of Interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or do not form a Quorum for the meeting consistent with *Section 150ET of the LGA* and *Section 177Q of COBA*
- 5.5 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the eligible Councillors in making their decision. The subject Councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a Declarable Conflict of Interest
- 5.6 When deciding whether a Councillor may participate in the decision making on a matter in which the Councillor has a Declarable Conflict of Interest, the eligible Councillors should consider the circumstances of the matter including, but not limited to:
 - 5.6.1 How does the inclusion of the Councillor in the deliberation affect the public trust
 - 5.6.2 How close or remote is the Councillor's relationship to the related party
 - 5.6.3 If the Declarable Conflict of Interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - 5.6.4 Will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them
 - 5.6.5 How does the benefit or detriment the subject Councillor stands to receive compare to others in the community
 - 5.6.6 How does this compare with similar matters that the Local Government has decided and have other Councillors with the same or similar interests decided to leave the meeting
 - 5.6.7 Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?
- 5.7 If the eligible Councillors cannot decide whether the subject Councillor has a Declarable Conflict of Interest, then they are taken to have decided that the Councillor must leave and stay away from the meeting while the eligible Councillors discuss and vote on the matter
- 5.8 A decision about a Councillor who has a Declarable Conflict of Interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the



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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 eg., workshops

- 5.9 In making the decision about the Councillor's Conflict of Interest in a matter, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected)
- 5.10 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed in *Section 150EV of the LGA* or *Section 177S of the COBA*.



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PART 6 - Reporting a Suspected Conflict of Interest

- 6.1 If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a Prescribed or Declarable Conflict of Interest, and that Councillor is participating in a decision on that matter, the Councillor who believes or suspects this, must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion
- 6.2 The Chairperson should ask the relevant Councillor with the suspected personal interest whether they have any Prescribed or Declarable Conflict of Interest in the matter. If the Councillor agrees they have a Conflict of Interest, the Councillor must follow the relevant procedures above
- 6.3 If the Councillor believes they do not have a Conflict of Interest, they must inform the meeting of that belief and their reasons for that belief
- 6.4 The eligible Councillors must then decide whether the Councillor has a Prescribed Conflict of Interest, a Declarable Conflict of Interest or that the Councillor does not have a Prescribed or Declarable Conflict of Interest in the matter. If the meeting decides the Councillor has a Conflict of Interest, the Councillor must follow the relevant procedures above. If a Councillor with a Declarable Conflict of Interest wants to participate in the decision despite the Declarable Conflict of Interest, then the eligible Councillors must make a decision about the Councillor's participation
- 6.5 If the Councillors cannot reach a decision about the Conflict of Interest, or the subject Councillor's participation in the matter despite a Declarable Conflict of Interest, then they are taken to have determined that the Councillor must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the Conflict of Interest remains unchanged
- 6.6 If the belief or suspicion of a COI relates to more than one Councillor. Part 5 of these procedures must be complied with in relation to each Councillor separately



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PART 7 - Loss of Quorum

- 7.1 In the event where one or more Councillors leave a meeting due to a Prescribed or Declarable Conflict of Interest in a matter that results in a loss of a Quorum for deciding the matter, all the Councillors including the conflicted Councillors must resolve to:
- Delegate the consideration and decision on the matter, pursuant to *Section 257 of the LGA* or *Section 238 of the COBA* unless the matter cannot be delegated
 - Defer the matter to a later meeting
 - Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the Local Government must decide the matter
- 7.2 The Local Government must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a Prescribed or Declarable Conflict of Interest in the matter
- 7.3 The Local Government must not delegate a power that an Act says must be decided by Resolution of the Local Government under *Section 257(3) of the LGA* or *Section 238(3) of the COBA*
- 7.4 The Local Government may by Resolution delegate a power under *Section 257 of the LGA* or *Section 238 of the COBA* to:
- The Mayor or Chief Executive Officer
 - A Standing Committee, or Joint Committee of the Local Government
 - The Chairperson of a Standing Committee or Joint Standing Committee of the Local Government – does not apply to Brisbane City Council
 - Another Local Government for a joint government activity
 - The Establishment and Coordination Committee – only applies to Brisbane City Council
- 7.5 The Local Government may only delegate a power to make a decision about a Councillors conduct under *Section 150AE or 150AG of the LGA* pursuant to *Section 257(2) of the LGA*, to:
- The Mayor or
 - A Standing Committee
- 7.6 A Local Government may only delegate a power to make a decision about a Councillor's conduct pursuant to *Section 238(2) of the COBA*, to:
- The Mayor
 - The Establishment and Coordination Committee
 - A Standing Committee of the Local Government
- 7.7 The Minister for Local Government may, by signed notice give approval for a conflicted Councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of Quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose



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PART 8 - Recording Prescribed and Declarable Conflicts of Interest

- 8.1 When a Councillor informs a meeting that they or another Councillor have a Prescribed or Declarable Conflict of Interest in a matter, the Minutes of the meeting must record all the relevant details of how the Conflict of Interest was dealt with, being (see *Section 150FA of the LGA* or *Section 177X of the COBA*):
- 8.1.1 The name of any Councillor and any other Councillor who may have a Prescribed or Declarable Conflict of Interest
 - 8.1.2 The particulars of the Prescribed or Declarable Conflict of Interest provided by the Councillor
 - 8.1.3 The actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a Prescribed or Declarable Conflict of Interest
 - 8.1.4 Any decision then made by the eligible Councillors
 - 8.1.5 Whether the Councillor with a Prescribed or Declarable Conflict of Interest participated in or was present for the decision under ministerial approval
 - 8.1.6 The Local Government's decision on what actions the Councillor with a Declarable Conflict of Interest must take and the reasons for the decision
 - 8.1.7 The name of each eligible Councillor who voted on the matter and how each voted
- 8.2 If the Councillor has a Declarable Conflict of Interest the following additional information must be recorded in the Minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor:
- 8.2.1 The name of each Councillor who voted in relation to whether the Councillor has a Declarable Conflict of Interest, and how each of the Councillors voted.
- 8.3 Where a decision has been made under Part 4 – the Minutes must include:
- 8.3.1 The decision and reasons for the decision
 - 8.3.2 The name of each eligible Councillor who voted, and how each eligible Councillor voted



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PART 9 - Closed Meetings

- 9.1 A Local Government meeting, Standing Committee Meeting and Advisory Committee Meeting may resolve that a meeting be closed to the public if its Councillors and members consider it necessary to discuss any of the following matters pursuant to *Section 254J (3) of the LGR* or *Section s242J (3) of the COBR*:
- 9.1.1 Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees
 - 9.1.2 Industrial matters affecting employees
 - 9.1.3 The Local Government's budget, which does not include the monthly financial statements
 - 9.1.4 Rating concessions
 - 9.1.5 Legal advice obtained by the Local Government or legal proceedings involving the Local Government, including for example, legal proceedings that may be taken by or against the Local Government
 - 9.1.6 Matters that may directly affect the health and safety of an individual or a group of individuals
 - 9.1.7 Negotiations relating to a commercial matter involving the Local Government for which a public discussion would be likely to prejudice the interests of the Local Government
 - 9.1.8 Negotiations relating to the taking of land by the Local Government under the *Acquisition of Land Act 1967*
 - 9.1.9 A matter that the Local Government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
 - 9.1.10 A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the Local Government under the *LGA Chapter 5A, Part 3, Division 5*
- 9.2 A Local Government meeting, Standing and Advisory Committee Meetings cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide by Resolution whether the Councillor has a Prescribed or Declarable Conflict of Interest in the matter
- 9.3 Further, the meeting must not be closed if a Quorum is lost due to the number of conflicted Councillors who leave the Local Government meeting, and the Local Government must resolve to:
- 9.3.1 Delegate the consideration and decision on the matter, pursuant to *Section 257 of the LGA* or *Section 238 of the COBA* unless the matter cannot be delegated
 - 9.3.2 Defer the matter to a later meeting when a Quorum may be available
 - 9.3.3 Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the Local Government must decide the matter
- 9.4 None of the above will be considered, discussed, voted on or made during a Closed Session
- 9.5 If a Closed Session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their



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conversation while in the Closed Meeting (a failure to do so could be a contravention of *Section 171(3) of the LGA* or *Section 173(3) of the COBA*).

- 9.6 To take a matter into a Closed Session the Local Government must abide by the following:
- 9.6.1 Pass a Resolution to close all or part of the meeting
 - 9.6.2 The Resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see Section 9.1)
 - 9.6.3 If it is known in advance, the Agenda should clearly identify that the matter may be considered in Closed Session, and an explanation of why the Councillors at the meeting may consider it necessary to take the issue into Closed Session must be stated
 - 9.6.4 Not make a Resolution while in a Closed Meeting (other than a Procedural Resolution)