

Meeting Procedures and Standing Orders Policy

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Head of Power

Local Government Act 2009

Related Legislation

Local Government Regulation 2012

Objective

This policy provides a framework to ensure the local government principles are reflected and for the orderly and proper conduct of meetings of the local government and its committees, outlining the processes that must be followed for instances of unsuitable meeting conduct and suspected inappropriate conduct by councillors of Moreton Bay City Council in a local government meeting including committee meetings.

It also ensures that if a councillor has a personal interest in a matter, the local government deals with the matter in an accountable and transparent way that meets community expectations.

Definitions - GENERAL TERMS

Act or **LGA** means *Local Government Act 2009*

Authorised person means a person who holds office under section 202 of the LGA

Chairperson means the person presiding at a meeting of the local government or committee

Chief Executive Officer or **CEO** means the Chief Executive Officer of the local government - a person who holds an appointment under section 194 of the Act.

Committee, Standing Committee or **Advisory Committee** means a committee of the local government appointed under section 264 of the *Local Government Regulation 2012*

Council means Moreton Bay City Council

Councillor means a Councillor of a local government, including the Mayor

Investigation policy means the policy as required by section 150AE of the LGA (MBRC Policy 2150-105)

Local government in this policy means Moreton Bay City Council

Meeting means a local government meeting or a committee meeting

Members means appointed members of a Committee

Ordinary meeting means Council's General Meeting (a meeting that the local government is required to hold pursuant to section 257 of the *Local Government Regulation 2012*)

Regulation or **LGR** means the *Local Government Regulation 2012*

NB: Definitions relating specifically to Meeting Conduct and Meeting Procedures are listed within the relevant section of this policy.

Application

This policy applies to the Mayor, Councillors and Council staff that attend and participate in Council's ordinary and committee meetings.

Obligations and Responsibilities

The Chief Executive Officer is responsible for the implementation of this policy.

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

Statement

A. Meeting Procedures

Section 150G of the *Local Government Act 2009* requires that a local government must adopt procedures for the conduct of meetings of a local government and its committees outlining:

- the process for how the chairperson of a local government meeting may deal with instances of unsuitable meeting conduct by councillors,
- the process for how the suspected inappropriate conduct of a councillor, referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting,
- the processes for dealing with conflicts of interests and recording them, and
- the process for dealing with a loss of quorum.

B. Standing Orders

Standing Orders provide rules for the conduct of local government meetings and Council is strongly committed to ensuring that the local government principles as outlined in section 4 of the *Local Government Act 2009* are reflected in the conduct of its ordinary and committee meetings.

The following local government principles underpin Council's commitment to its meeting processes:

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

A. MEETING PROCEDURES

Section 150G of the *Local Government Act 2009* requires that a local government must adopt procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a councillor's unsuitable meeting conduct and how the suspected inappropriate conduct of a councillor, referred to the local government by the Independent Assessor, must be dealt with at a local government meeting.

Section 150G of the Act requires a local government to either adopt model procedures made by the State Government or to adopt other processes. The processes outlined in this policy regarding meeting conduct is in accordance with the state government's Model Meeting Procedures as amended from time to time (Department of State Development, Infrastructure, Local Government and Planning, 10 November 2022 Version 3).

It must be noted that this policy does not deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of Councillors in meetings.

It must also be noted that these meeting procedures do not apply to meetings of the Council's Audit Committee.

Definitions - MEETING PROCEDURES

Assessor, Independent Assessor or **OIA** (Office of the Independent Assessor) means the Independent Assessor appointed under section 150CV of the LGA

Behavioural Standard means a standard of behaviour for Councillors set out in the "Code of Conduct for Councillors in Queensland" approved under section 150E of the LGA

Code of Conduct means the Code of Conduct for Councillors in Queensland prescribed by the State Government from time to time

Conflict of Interest is a conflict that:

- (a) is between-
 - (i) A councillor's personal interests; and
 - (ii) The public interest; and
- (b) Might lead to a decision that is contrary to the public interest

Conflict of Interest – Ordinary Business Matter as outlined in section 150EF of the *Local Government Act 2009* means a matter that:

- (a) is solely, or relates solely to, the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or
- (b) is solely, or relates solely to—
 - (i) making a planning scheme that applies to the whole of the local government area; or
 - (ii) amending a planning scheme, if the amendment applies to the whole of the local government area; or
- (c) is solely, or relates solely to, a resolution required for the adoption or amendment of a budget for the local government; or
- (d) is solely, or relates solely to—
 - (i) the remuneration or reimbursement of expenses of councillors or members of a committee of the local government; or
 - (ii) the provision of superannuation entitlements or insurance for councillors; or
 - (iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, councillor or member of a committee of the local government.
- (e) relates to a corporation or association where a councillor's conflict of interest arises solely because of a nomination or appointment of the councillor by the local government to be a member of the board of the corporation or association.
- (f) The conflict of interest in a matter of the councillor, close associate or related party of the councillor, or the 'donor' mentioned in section 150EG(1)(a) or 150EH(1)(a) stands to gain a benefit or suffer a loss in relation to the matter that is no greater than the benefit or loss that a significant proportion of persons in the local government area stand to gain or lose.

Definitions - MEETING PROCEDURES Cont.

Corrupt Conduct as per the *Crime and Corruption Act 2001*, is conduct of a person regardless of whether the person holds or held an appointment that fulfils each of the following elements:

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- (d) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Councillor Conduct Register as required under section 150DX of the Act is a record of all written complaints about councillors and the outcome of each complaint, including any disciplinary or other action.

Inappropriate conduct as per section 150K of the *Local Government Act 2009*

1. The conduct of a councillor is inappropriate conduct if the conduct contravenes—
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
2. Also, the conduct of a councillor is inappropriate conduct if—
 - (a) 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
 - (b) it is part of a course of conduct at local government meetings leading to orders for the councillor's unsuitable meeting conduct being made on 3 occasions within a period of 1 year.
3. For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct.
4. However, inappropriate conduct does not include conduct that is—
 - (a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or
 - (b) misconduct; or
 - (c) corrupt conduct

Definitions - MEETING PROCEDURES Cont.

Misconduct as per section 150L the *Local Government Act 2009*

1. The conduct of a councillor is misconduct if the conduct—
 - (a) adversely affects, directly or indirectly, the honest and impartial performance of the councillor's functions, or the exercise of the councillor's powers; or
 - (b) is or involves—
 - (i) a breach of the trust placed in the councillor, either knowingly or recklessly; or
 - (ii) a misuse of information or material acquired in, or in connection with, 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; or
 - (c) contravenes any of the following—
 - (i) an order of the local government or the conduct tribunal;
 - (ii) the acceptable requests guidelines of the local government under section 170A;
 - (iii) a policy of the local government about the reimbursement of expenses;
 - (iv) section 150R(2), 150EK, 150EL, 150EQ, 150EW, 150EZ, 170(3), 171(3), 201A, 201B or 201C.
2. Also, the conduct of a councillor is misconduct if the conduct—
 - (a) is part of a course of conduct leading to the local government deciding to take action under section 150AG to discipline the councillor for inappropriate conduct on 3 occasions within a period of 1 year; or
 - (b) is of the same type stated in an order of the local government that if the councillor engages in the same type of conduct again, it will be dealt with as misconduct.
3. For subsection (2)(a), the conduct that led to the 3 occasions of disciplinary action, taken together, is the misconduct.

Unsuitable meeting conduct as per section 150H of the *Local Government Act 2009*

The conduct of a councillor is unsuitable meeting conduct if the conduct—

- (a) happens during a local government meeting; and
- (b) contravenes a behavioural standard of the Code of Conduct.

1. Meeting Procedures

1.1 Conduct during meetings

- 1.1.1 Councillors will conduct themselves in accordance with the principles of the Act 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.
- 1.1.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- 1.1.3 Unless exempted by the Chairperson, members shall address the Chairperson while:
 - moving any motion or amendment
 - seconding any motion or amendment
 - taking part in any discussion
 - replying to any question; or
 - addressing the local government for any other purpose.
- 1.1.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 1.1.5 Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.
- 1.1.6 Councillors will, during a meeting, address:
 - other councillors by their respective titles, “Mayor”, “Councillor” or “Portfolio Councillor” and
 - Employees by designating them with their respective official or departmental title.
- 1.1.7 Councillors will confine their remarks to the matters then under consideration in the meeting agenda.
- 1.1.8 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 1.1.9 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 silence so that the Chairperson may be heard without interruption.
- 1.1.10 Councillors present at a meeting of the local government, including committees, will actively participate in the meeting by refraining from taking calls or texting.

2. Unsuitable meeting conduct or inappropriate conduct

The following processes must be followed for dealing with unsuitable meeting conduct and suspected inappropriate conduct in a meeting of council.

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

Inappropriate conduct is when a councillor contravenes:

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

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

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

- 2.1.1 The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.

The conduct of a councillor is unsuitable meeting conduct if the conduct-

- a) happens during a local government meeting; and
- b) contravenes a behavioural standard as set out in the Code of Conduct for councillors.

The behavioural standards as outlined in the Code of Conduct are:

- a) Carry out responsibilities conscientiously and in the best interests of the Council and the community
- b) Treat people in a reasonable, just, respectful and non-discriminatory way
- c) Ensure conduct does not reflect adversely on the reputation of Council

- 2.1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to 2.1.7 for the steps to be taken.

- 2.1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:

- a) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
- b) Apologising for their conduct; and/or
- c) Withdrawing their comments.

- 2.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.

- 2.1.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

- 2.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

- 2.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 2.1.3, the Chairperson may make one or more of the orders below:

- d) an order reprimanding the Councillor for the conduct; or
- e) an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.¹

- 2.1.8 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.²

¹ Section 150I(2) of the Act

² Section 150I(2)(c) of the Act

- 2.1.9 Following the completion of the meeting, the Chairperson must ensure:
- a) details of any order issued is recorded in the minutes of the meeting³
 - b) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA⁴
 - c) the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Government's Councillor Conduct Register pursuant to the LGA.
- 2.1.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 2.1.1, 2.1.7 and 2.1.8 above.
- 2.1.11 If the conduct of a councillor at the meeting becomes inappropriate conduct; in accordance with section 150J of the LGA, it is not required to be notified to the independent assessor and may be dealt with under section 150AG of the LGA at the next council meeting.

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

2.2 Process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government by the Independent Assessor

- 2.2.1 Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government), after receiving a referral by the Independent Assessor or under paragraph 2.1.9(b) of this document of inappropriate conduct or an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct:
- a) consistent with any recommendations from the IA; and
 - b) consistent with the Council's investigation policy; or
 - c) in another way decided by resolution of the council.
- 2.2.2 After the completion of the investigation, the Local Government must decide by resolution whether the Councillor has engaged in inappropriate conduct unless it has delegated responsibility to the Mayor for this decision under section 257(2)(a) of the LGA.
- 2.2.3 When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor:
- a) The council must be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J(3)(f) of the Regulation.
 - b) The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in inappropriate conduct and what, if any, penalty to impose if the councillor is found to have engaged in inappropriate conduct.

³ Section 150I(3) of the Act

⁴ Section 150J of the Act

- c) Should the complainant be a Councillor, that councillor has a declarable conflict of interest in the matter and if so, that Councillor must inform the meeting of the declarable conflict of interest and follow the declarable conflict of interest procedures in Section 2.4. 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 councillors must decide how to deal with the conflict of interest under section 2.4. 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.
- d) The Local Government must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
- e) If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - i. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - ii. an order reprimanding the Councillor for the conduct
 - iii. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - iv. an order that the Councillor be excluded from a stated Local Government meeting
 - v. 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, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee)
 - vi. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - vii. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.

2.2.4 A local government may not make an order under 2.2.3 e) iii., iv., v. or vi. in relation to a person who is no longer a councillor.

2.2.5 When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.

2.2.6 The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made and the Chairperson must advise them of the details of the decision made by council and if relevant any orders it has made.

2.2.7 The Chairperson must ensure the meeting minutes reflect the resolution made.

2.3 Prescribed Conflict of Interest

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

- 2.3.1 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 council meeting must also give notice during the meeting.
- 2.3.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 2.3.3 A Councillor with a prescribed conflict of interest must inform the meeting of the Local Government of their prescribed conflict of interest and provide the following details (at a minimum):
 - a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract

- b) if it arises because of an application or submission, the subject of the application or submission
- c) the name of any entity, other than the councillor, that has an interest in the matter
- d) the nature of the councillor's relationship with the entity mentioned in c) that has an interest in the matter
- e) details of the councillor's and any other entity's interest in the matter.

2.3.4 The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.

2.3.5 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.

2.4 Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA, or ordinary business matters).

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

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

- 2.4.1 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 council meeting must also give notice during the meeting.
- 2.4.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 2.4.3 A Councillor with a declarable conflict of interest must inform the meeting of the Local Government of their personal interest and 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:
 - a) The nature of the declarable conflict of interest
 - b) If the Councillor's interest arises because of a relationship with a related party:
 - i. the name of the related party to the councillor
 - ii. the nature of the relationship of the related party to the councillor, and
 - iii. the nature of the related party's interest in the matter.
 - c) If the Councillor's interest arises because of a gift or loan from another person to the councillor or a related party:
 - iv. the name of the other person
 - v. the nature of the relationship of the other person to the councillor or related party
 - vi. the nature of the other person's interest in the matter; and
 - vii. the value of the gift or loan and the date the gift or loan was made.

- 2.4.4 The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on unless they have reasons why their participation would improve making the decision in the public interest. If the Councillor does not leave the meeting, they may advise the other Councillors of their reasons for seeking permission to participate in making the decision in the public interest. This could include prior advice from the Integrity Commissioner on the personal interest.
- 2.4.5 The other non-conflicted Councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the Councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the non-conflicted councillors.
- 2.4.6 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 LGA.
- 2.4.7 A 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 non-conflicted councillors in making their decision, but must not vote or otherwise participate in making the decision 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.
- 2.4.8 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the non-conflicted councillors should consider the circumstances of the matter including, but not limited to:
- how does the inclusion of the councillor in the deliberation affect the public trust
 - how close or remote is the councillor's relationship to the related party
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
 - how does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 2.4.9 In making the decision under 2.4.5 and 2.4.8, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 2.4.10 If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor under 2.4.5 and 2.4.8, they are taken to have decided that the councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.
- 2.4.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, **and subsequent decisions**, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. a briefing.
- 2.4.12 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in 150EV of the LGA.

2.5 Reporting a suspected conflict of interest

- 2.5.1 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a personal interest that may be a prescribed or declarable conflict of interest in a matter to be (or is being) discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 2.5.2 The Chairperson then should ask the Councillor with the suspected personal interest whether they do in fact have a prescribed or declarable conflict of interest in the matter. If that is the case, the Councillor must follow the respective procedures in item 2.3 or 2.4.
- 2.5.3 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.
- 2.5.4 The non-conflicted councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have 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 respective procedures in item 2.3 or 2.4, including if the councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the non-conflicted councillors must make a decision about the councillor's participation.
- 2.5.5 If the non-conflicted 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.

2.6 Loss of quorum

- 2.6.1 In the event where one or more Councillors leave the 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 LGA; or
 - b) defer the matter to a later meeting; or
 - c) not to decide the matter and take no further action in relation to the matter.
- All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.
- 2.6.2 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 2.6.3 If the matter cannot be delegated under section 257 of the LGA, the Local Government should seek Ministerial approval for the conflicted Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

2.7 Recording conflicts of interest

2.7.1 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:

- 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 council'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

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:

- a) the name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted

Where a decision has been made under section 2.4.5 above - the minutes must include:

- a) the decision and reasons for the decision, and
- b) the name of each eligible councillor who voted and how each eligible councillor voted.

B. STANDING ORDERS

These Standing Orders provide rules for the conduct of:

- a) Local government meetings; and
- b) Local government standing committee meetings;

Any provision of these Standing Orders may be suspended by resolution of any meeting of Council, except those sections that are mandatory under Meeting Procedures. A separate resolution is required for any such suspension and must specify the purpose and duration of each suspension.

Where at a local government meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by the Chairperson of the meeting in consultation with members of the meeting or by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Meeting Procedures.

Definitions - STANDING ORDERS

Amendment means an amendment to an original motion moved by a Councillor, to maintain or further clarify the intent of the original motion but does not contradict or negate the original motion, under clause 4.3 of this policy during debate on an original motion

An amendment may also include a **Variation to a motion** where a Councillor (including the mover or seconder) seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion, negating a formal amendment to a motion

Foreshadowed motion means a motion foreshadowed by a Councillor under clause 4.4 of this policy during debate on an original motion

Motion means a proposed action moved by a Councillor, that must be seconded by another Councillor to enable the matter to be considered at a meeting of Council under clause 4.1 of this policy

Point of order means an interjection during a meeting by a member who does not have the floor, to call to the attention of the Chairperson an alleged violation or breach of the local government's standing orders

Procedural Motion means a set of motions that can be employed in specific ways to control the conduct of meetings

Standing orders means the rules adopted by Council that regulate the meetings of the Moreton Bay City Council

3. Meetings

3.1 Presiding Officer (Chairperson)

- 3.1.1 The Mayor will preside at a meeting of Council.
- 3.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 3.1.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 3.1.4 The Mayor is a member of each standing committee of the local government.
- 3.1.5 Council will choose the Chairperson of a Committee. This Chairperson will normally preside over meetings of the Committee in accordance with the adopted Terms of Reference for each Committee.
- 3.1.6 If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Committee members present will preside over the Committee meeting.

- 3.1.7 The Chairperson of a local government meeting has the casting vote if the votes are equal on a matter being decided.

3.2 Councillor Portfolios - Meeting Sessions

- 3.2.1 Where the order of business for a local government meeting includes consideration of officers' reports as referred by the CEO, this part of the meeting will be conducted in sessions that reflect the adopted Councillor Portfolios as defined in the Councillor Portfolios Roles and Responsibilities Policy 2150-114, as amended from time to time.
- 3.2.2 The appointed Portfolio Councillors will facilitate the conduct of the respective session of the local government meeting, under the control of the Mayor (Chairperson).
- 3.2.3 For clarification, where a casting vote is required, the Mayor as presiding officer, will have the casting vote.

3.3 Times of Meeting

- 3.3.1 In accordance with section 257 of the Local Government Regulation 2012, the local government fixes the day and time for holding its meetings.
- 3.3.2 The local government must, at least once in each year, publish a notice of the days and times for holding its meetings.
- 3.3.3 The local government may, by resolution, amend the days and times for its meetings.
- 3.3.4 The local government must notify any changes to meeting days and times in accordance with section 254B(4) of the Local Government Regulation 2012.

3.4 Notice and Agendas for meetings

- 3.4.1 The Chief Executive Officer shall prepare or have prepared, a notice of the meeting which may include an agenda, to be distributed at least two days prior to the day of each meeting (unless it is impracticable to give the notice before that time), including Special Meetings.
- 3.4.2 The notice of the meeting and/or agenda may be sent electronically.
- 3.4.3 The agenda may contain:
- Notice of meeting
 - Minutes of the previous meetings
 - Business which the Mayor wishes to have considered at that meeting without notice (Mayoral Minute)
 - Matters of which notice has been given
 - Committees' reports to Council referred to the meeting by the CEO
 - Officers' reports to Council referred to the meeting by the CEO
 - Any other business Council determines by resolution be included in the agenda paper.
- 3.4.4 Business not on the agenda or not fairly arising from the agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting.
- 3.4.5 Business must be in accordance with the adopted Terms of Reference for each Committee.
- 3.4.6 The agenda must be made publicly available by 5pm on the next business day after the notice of meeting is given to the councillors. The related reports for the local government meeting must also be included and available to the public excluding confidential reports, as soon as practicable after being made available to the councillors, prior to the commencement of the meeting.
- 3.4.7 Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J of the Regulation, will be clearly identified including the reasons why the session will be closed.

3.5 Order of Business

- 3.5.1 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
- 3.5.2 The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.5.3 Unless otherwise altered, the order of business for an ordinary meeting shall be as follows:
- a) opening of meeting;
 - b) acknowledgement of country;
 - c) opening prayer / reflection;
 - d) attendance including apologies and leave of absence;
 - e) memorials or condolences;
 - f) confirmation of the minutes of the previous meeting;
 - g) adoption of Audit Committee meeting report and recommendations (when applicable);
 - h) presentation of petitions addressed to the Council and tabled by Councillors;
 - i) receipt of correspondence addressed to the Council and tabled by the Chief Executive Officer, and Council responses to petitions tabled and community comment addresses (both matters at the discretion of the CEO);
 - j) community comment;
 - k) consideration of notices of motion to repeal or amend resolutions;
 - l) conflicts of interest notified to the CEO, where not specifically related to an item on the agenda
 - m) officers' reports to Council as referred by the CEO (conducted in sessions)
 - n) notified general business items (including reports on significant regional achievements) or response to questions taken on notice;
 - o) closed session (where required in accordance with s254J of the Local Government Regulation 2012);
 - i. confidential officers' reports to Council as referred by the CEO (conducted in Sessions); and
 - ii. confidential general business
- 3.5.4 The unconfirmed minutes of a preceding meeting shall be taken into consideration at every ordinary meeting of Council, in order that such minutes may be confirmed.
- No discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.
- 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.
- 3.5.5 The procedure of a committee for dealing with business must be in accordance with the adopted Terms of Reference for each committee, or if there is no procedural direction governing a particular matter, the Chairperson's decision.

3.6 Special Meetings

A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting (refer s254C of the Regulation).

- 3.6.1 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) the Chief Executive Officer considers a matter should be brought before the Council for discussion; or
 - c) a written request for the special meeting is given to the Chief Executive Officer in accordance with subsection 3.6.2 below.
- 3.6.2 A written request for a special meeting of the local government must—
- a) be signed by the Mayor or three or more Councillors; and
 - b) specify the purpose of the special meeting; and
 - c) propose a date and time for the holding of the special meeting.
- 3.6.3 The Chief Executive Officer calls a special meeting by giving written notice of the date and time of the meeting and the business to be conducted at the meeting to each Councillor.
- 3.6.4 The order of business for a special meeting of Council shall be as follows:
- a) opening of meeting;
 - b) acknowledgement of country;
 - c) opening prayer / reflection;
 - d) attendances including apologies and leave of absence
 - e) officers' reports to Council as referred by the CEO (conducted in Sessions) - related to the specific matter that has been stated in the notice of the meeting.

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

3.7 Quorum

- 3.7.1 Business may be conducted at a meeting of a local government only if a quorum is present (refer s259 of the Regulation).

A quorum of a local government is a majority of its councillors.

- 3.7.2 The quorum for Council's ordinary meeting is seven (7).
- 3.7.3 The quorum for a committee meeting is in accordance with the adopted Terms of Reference for each Committee.
- 3.7.4 If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment.
- The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if not councillors are present, then the chief executive officer.

3.8 Attendance at meetings

- 3.8.1 A Councillor must attend a meeting of Council or committee in person.
- 3.8.2 If a Councillor is prevented from attending the place of the meeting in person, due to exceptional circumstances, a Councillor may take part in the meeting by teleconference subject to prior approval by the Chairperson.

- 3.8.3 A councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.
- 3.8.4 Any change to legislative requirements regarding a Councillor taking part in a meeting by teleconference will apply despite the above.
- 3.8.5 Any Councillor of the local government may attend a meeting of a committee and may address the committee in accordance with section 3.5.5 of this policy.

3.9 Leave of absence from meetings

- 3.9.1 Councillors must seek a leave of absence from an ordinary or committee meeting where a Councillor cannot attend a meeting due to private or business purposes.
- 3.9.2 Such requests shall be made in writing to the CEO prior to the meeting and shall specify the date(s) of the meeting(s) for the requested leave of absence.
- 3.9.3 The CEO will inform the Chairperson of the relevant meeting of the request.
- 3.9.4 Approval of leave of absence is at the full discretion of the Council or Committee.
- 3.9.5 A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event.

3.10 Absence from meetings

- 3.10.1 A request by a Councillor for a leave of absence for not attending a meeting will be recorded in the minutes.
- 3.10.2 Where a Councillor is absent from a meeting without an approved leave of absence or submitted apology (for unplanned non-attendance), the Councillor will not be listed in the apologies section of the meeting minute.

3.11 Mayoral minute

- 3.11.1 The Mayor may direct the attention of Council to a matter or subject not on the agenda by a minute signed by the Mayor, without notice, on any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 3.11.2 The Mayor must deliver a copy of the Mayoral Minute for an ordinary meeting of the local government to the Chief Executive Officer.
- 3.11.3 The Mayoral Minute shall, when introduced at the discretion of the Mayor, take precedence over all business before, or to come before, the meeting of the local government.
- 3.11.4 A motion comprising the Mayoral Minute may be put by the Mayor without being seconded at any stage of the ordinary meeting considered appropriate by the Mayor.
- 3.11.5 If the motion comprising the Mayoral Minute is passed, the Mayoral Minute becomes a resolution of the local government.
- 3.11.6 Amendments or variations to Mayoral Minutes that are consistent with the intent of the terms of the minute are permitted, provided such amendments have the agreement of the Mayor.

3.12 Memorials and condolences

- 3.12.1 At each ordinary meeting, the Mayor will make an overarching statement extending the Council's condolences to the next of kin of all persons who had passed away in the interim period, noting the Council's sympathy and observing a moment's silence as a mark of respect.
- 3.12.2 A Councillor may make a specific statement in respect of prominent or distinguished members of the region who had passed away.

3.13 Petitions

3.13.1 Where a Councillor wishes to present a petition addressed to the Council, the Councillor shall state the nature of the petition and present it to the meeting of the Council.

3.13.2 Any petition presented to a meeting of Council must satisfy Council's eligibility criteria, and 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 (i.e., one person who is the organiser and who will act as the key contact for the issue);
- c) include the postcode of all petitioners, and
- d) have the details of the specific request/matter appear on each page of the petition.

Petitions that do not meet the eligibility criteria and general standards will be received as an item of correspondence and will be dealt with in accordance with the relevant Council policy, directive, procedure or guideline.

3.13.3 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 investigation and a report back to the Council if required; or, not be received because it is deemed invalid.

3.13.4 Council will respond to the Principal Petitioner in relation to all petitions, with a copy of the response being included in the agenda for the General Meeting (under Correspondence).

3.14 Notice of motion to repeal or amend resolutions

3.14.1 A resolution of Council is effective from the moment it is passed and it is the function and duty of the Chief Executive Officer to give effect to such resolution.

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

3.14.3 A resolution of Council may not be amended or repealed unless a notice of motion is given in accordance with the requirements of the Act or the Regulation.

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

3.14.5 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.

3.15 Notified General Business items

3.15.1 Any Councillor requesting a matter to be included as a General Business item on an agenda, must provide the proposed item in writing to the Chief Executive Officer at least five (5) business days before the notice of the meeting is required to be given for a meeting.

3.15.2 Councillors may advise whether the General Business item is to go to the next ordinary meeting. However the CEO, in setting the agendas, may determine that the General Business item is best dealt with at another ordinary meeting.

3.15.3 General Business items must:

- a) be framed as succinctly as possible, including background material;
- b) be relevant to the good order of the business of the Council; and
- c) not be an action that could be dealt with in operational procedures.

3.16 Statement of Reasons

- 3.16.1 Where required in accordance with section 254H of the Regulation, 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.

3.17 Adjournments (rest breaks)

- 3.17.1 An adjournment may be called by the Chairperson at any time in order for a rest break. Such break will be taken in a separate meeting room.

4. Motions

4.1 Motion to be moved and seconded

- 4.1.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- 4.1.2 A motion shall not be debated at a meeting of Council unless or until the motion is seconded, with the exception of Procedural Motions (which are not debated).
- 4.1.3 The mover or seconder of a motion is taken to be in favour of the motion so moved, unless the motion is being moved or seconded for the purpose of debate.
- If a motion is moved or seconded for the purpose of debate, the mover or seconder must make a statement to this effect that will be recorded in the minutes.
- 4.1.4 If a seconder is not obtained the motion "lapses for the want of a seconder" and is not recorded in the minutes of the meeting.
- If the motion lapses, the Chairperson may ask for an alternative motion to be moved or defer the item to another meeting and time.
- 4.1.5 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.
- 4.1.6 A motion brought before a meeting of Council in accordance with the Act or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion to be stated in full or be in writing before permitting it to be received.
- 4.1.7 No more than one motion may be put before a meeting of Council at any one time, other than an amendment to a motion.
- 4.1.8 The Chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction. 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.
- 4.1.9 The Chairperson may ask for an alternate motion/s should there be a legislative requirement to do so.

4.2 Absence of Mover of Motion

- 4.2.1 Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- a) moved by another Councillor at the meeting; or
 - b) deferred to the next appropriate committee or ordinary meeting.

4.3 Amendment to a motion

- 4.3.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the motion and does not contradict or negate the motion.
- 4.3.2 An amendment can either be in the form of a variation (that is accepted by mover and seconder of the motion) or a formal amendment (moved and seconded).
- 4.3.3 A Councillor who has proposed or seconded a motion may propose an amendment to that motion.
- 4.3.4 No more than one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 4.3.5 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 to the vote.
- 4.3.6 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.
- 4.3.7 Any amendment to a motion must be proposed before debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.

a) Amendment to a motion by variation

- 4.3.8 A variation to a motion generally applies when only minor clarification of the intent of the original motion is sought (such as changing a word or phrase) and is proposed for acceptance by the mover and seconder without a formal amendment being moved or voted on.
- 4.3.9 If the variation is accepted by both the mover and seconder, the original motion is deemed to be withdrawn and the motion, as accepted, will become the motion and will be debated.
- 4.3.10 If the variation is not accepted by both the mover and seconder, the proposer of the variation may move a formal amendment.

b) Formal amendment to a motion

- 4.3.11 Where the clarification of the intent of the original motion is more than a minor change to the motion, or where a proposed variation is not accepted by the mover and seconder of the original motion, a formal amendment is required to be moved and voted on.
- 4.3.12 A Councillor 'moves' an amendment to the motion then another Councillor is required to 'second' the amendment.
- 4.3.13 The amendment shall not be debated unless or until the amendment is seconded.
If a seconder is obtained the proposed amendment so moved, is debated and voted on.
If a seconder is not obtained the proposed amendment 'lapses for the want of a seconder'. The lapsed amendment is not recorded in the minutes. Debate resumes on the original motion or an alternative amendment may be moved.
- 4.3.14 Once debate on the amendment has closed, the amendment is voted on.
- 4.3.15 If the amendment is carried, it becomes the substantive motion and may be put to the vote without further debate (if the Chairperson determines that debate on the motion has been exhausted), or is further debated before being voted on.
- 4.3.16 If the amendment is lost, debate is to resume on the original motion.

4.4 Foreshadowed motions

- 4.4.1 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion.
- 4.4.2 The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded for debate and voting on.
- If the original motion is carried, the foreshadowed motion lapses and is not recorded in the minutes.
- 4.4.3 A foreshadowed motion cannot be proposed to an amendment to a motion.

4.5 Withdrawal of Motion

- 4.5.1 After a motion has been moved and seconded, the mover of the motion may elect to withdraw the motion:
- before the motion is voted on; or
 - before an amendment to the motion is moved and seconded.
- 4.5.2 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 4.5.3 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

4.6 Speaking to Motions and Amendments

- 4.6.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- 4.6.2 The mover of a motion is taken to be in favour of the motion so moved, unless the mover is moving the motion for the purpose of debate (which must be stated).
- 4.6.3 The order of speakers will be:
- a) the Councillor moving the motion;
 - b) other Councillors as signified and in the order determined by the Chairperson;
then once other speakers are exhausted, as determined by the Chairperson;
 - c) the mover of the motion has the final right of reply, provided there has been a speaker against the motion or amendment.
- 4.6.4 The mover of an amendment to a motion has no right of reply.
- 4.6.5 If the amendment to a motion is passed, the Councillor who moved the original motion will have the right of reply to the amended motion.
- 4.6.6 Once the right of reply has been exercised on a motion, the debate on the motion is closed.
- 4.6.7 A Councillor will be given the opportunity to speak at least once on the motion or amendment. The Chairperson may allow a Councillor to speak more than once if providing further information or clarification, or to raise a new matter related to the motion or amendment.
- 4.6.8 Each speaker shall be permitted a reasonable length of time to speak, at the discretion of the Chairperson.
- 4.6.9 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.

4.7 Method of taking vote

- 4.7.1 Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer or other officer who is taking the minutes of the meeting.
- 4.7.2 The Chairperson must, in taking the vote on a motion or 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 the negative has the majority vote.
- 4.7.3 Councillors will vote by a show of hands.
- 4.7.4 When the Chairperson calls for a vote and a Councillor present does not cast a vote (abstains), the Councillor is taken to have voted in the negative in accordance with section 254E(c) of the Regulation.
- 4.7.5 The Chairperson shall declare the result of a vote as soon as it has been determined.

4.8 Recording the vote

- 4.8.1 All motions and details of their outcome (ie whether they were lost or carried) must be recorded in the minutes.
- 4.8.2 If a motion is carried unanimously, this will be recorded in the minutes accordingly.
- 4.8.3 The minutes will record the number of Councillors who voted in favour of the motion and identify those that voted against the motion, including Councillors present who did not cast a vote which is recorded as having voted in the negative (refer clause 4.7.4)
- 4.8.4 Any Councillor may call for a 'division' on an item. If a division is called, the minutes will record the names of Councillors and how they voted.
- 4.8.5 Councillors have the right to request that their name and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- 4.8.6 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

5. Procedural motions

5.1 Process for procedural motions

- 5.1.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, the following motions:
 - a) that the question/motion be now put to the vote;
 - b) that the motion or amendment now before the meeting be adjourned (deferred);
 - c) that the meeting proceed to the next item of business;
 - d) that the motion/question lie on the table;
 - e) that the motion/question be taken from the table;
 - f) a point of order;
 - g) a motion of dissent against the Chairpersons decision;
 - h) that this report/document be tabled;
 - i) suspension/resumption of standing orders;
 - j) that the meeting stand adjourned.
- 5.1.2 The procedural motion will require a seconder.
- 5.1.3 A procedural motion must be dealt with immediately by the Chairperson.

5.1.4 Where a procedural motion is lost, the Chairperson shall not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

5.1.5 Debate on a procedural motion may be allowed at the discretion of the Chairperson

5.2 “That the motion be put to the vote”

5.2.1 A procedural motion, “that the motion be put to the vote”, may be moved in order to bring on the finalisation of a motion.

5.2.2 A Councillor may move that a motion or an amendment be now put to the vote:

- a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
- b) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

5.2.3 Where such a procedural motion is carried, the Chairperson must immediately put the motion, or amendment to that motion under consideration.

5.2.4 Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.

5.3 “That the debate on the motion or amendment be adjourned (deferred)”

5.3.1 The procedural motion, “that the debate on the motion or amendment be adjourned (deferred)”, shall specify a time or date, to which the debate will be adjourned.

5.4 “That the meeting proceed to the next item”

5.4.1 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. However, debate on the matter of the motion may be considered again by Council on the giving of notice in accordance with the Standing Orders.

5.5 “That the matter lie on the table”

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

5.5.2 If the motion to lay the matter on the table is passed, the Council shall proceed with the next matter on the agenda.

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

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

5.5.5 If the motion is carried, the matter is unable to be dealt with until a procedural motion ‘that the matter be taken from the table’ is carried.

5.6 “That the matter be taken from the table”

- 5.6.1 The motion, “that the matter be taken from the table”, can only be taken from the table by the same committee or the ordinary meeting.
- 5.6.2 Once the matter is returned to the table, all members, whether or not they have previously spoken, have the right to speak.

5.7 Points of Order

- 5.7.1 A member who is speaking shall not be interrupted, except by the Chairperson or upon a point of order, in which event the member shall resume the member’s seat and remain silent until the Chairperson has ceased speaking or the point of order has been disposed of, whereupon the member so interrupted may, if permitted, proceed.
- 5.7.2 Any Councillor may ask the Chairperson to decide on a ‘point of order’ where it is believed that:
 - a) another Councillor has failed to comply with these standing orders;
 - b) a matter before the meeting is in contravention of the Act or Regulation, or is beyond the jurisdiction power of Council or is of an objectionable nature;
 - c) another Councillor’s conduct at the meeting may constitute inappropriate conduct, misconduct or corrupt conduct.
- 5.7.3 A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- 5.7.4 Where a ‘point of order’ is raised, consideration of the matter to which the motion was raised shall be suspended and the Chairperson shall determine whether the point of order is upheld.
- 5.7.5 Notwithstanding anything contained in these standing orders to the contrary, all points of order at any time arising shall, until decided, suspend the consideration and decision of every other motion or matter.

5.8 Motion of dissent “That the Chairperson’s ruling be dissented from”

- 5.8.1 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.
- 5.8.2 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.
- 5.8.3 Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the agenda and be dealt with in the normal course of business.
- 5.8.4 Where a motion of dissent is not carried, the ruling of the Chairperson will stand.

5.9 “That the report/document be tabled”

- 5.9.1 The motion, ‘that this report/document be tabled’, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 5.9.2 The only motion which will be moved following tabling is that:
 - a) the report/document be received and referred to a committee or an employee for consideration and report back to the meeting; or
 - b) the report/document not be received.

5.10 “That the Standing Orders or Meeting Procedures or a provision thereof be suspended/resumed”

- 5.10.1 A procedural motion, “that the Standing Orders or a provision of these meeting procedures be suspended for a specified period”, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.
- 5.10.2 A procedural motion to suspend a rule shall specify the reason and duration of such a suspension.
- 5.10.3 At the conclusion of the specified period, a procedural motion “to resume Standing Orders or a provision of these meeting procedures” shall be made to reinstate all provisions of the standing orders or meeting procedures to the meeting.

5.11 “That the meeting be adjourned/resumed”

- 5.11.1 A procedural motion, “that the meeting be adjourned”, may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor’s time for speaking to the matter, and shall be put without debate.
- 5.11.2 Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

5.12 Closed meetings (closed session)

- 5.12.1 The Local Government or its committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters⁵:
 - a) appointment, discipline or dismissal of the chief executive officer,
 - 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 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 council under the Acquisition of Land Act 1967,
 - i) a matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 5.12.2 A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor’s personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.

⁵ section 254J(3) of the Local Government Regulation 2012 (Closed meetings)

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 resolve to;

- delegate the matter pursuant to section 257 of the LGA unless the matter cannot be delegated
- decide by resolution to defer to a later meeting when a quorum may be available
- decide by resolution to take no further action on the matter.

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

- 5.12.3 If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA.
- 5.12.4 To take a matter into a closed session, the Local Government must first pass a resolution to do so.
- 5.12.5 In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- 5.12.6 If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and state the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
- 5.12.7 The minutes of a Local Government 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.
- 5.12.8 Where a procedural motion, "that the Council resolve to close the meeting to the public for the purpose of" is passed, all members of the public must leave and not re-enter the room where the meeting is being held until a procedural motion "that the Council meeting resume in open session" is passed. Any livestreaming or recording of the meeting is paused.
- 5.12.9 A resolution (other than a procedural motion) of the Local Government or committee cannot be made in a closed meeting.

5.13 Questions

- 5.13.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting.
- 5.13.2 Questions relating to general work or procedure of the local government or any matter under the jurisdiction of the local government but not related to any matter under consideration at that meeting are not allowed.
- 5.13.3 A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question.
- 5.13.4 A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for response at the next meeting. In this instance the question must be reduced to writing and provided to the relevant Councillor or Chief Executive Officer.
- 5.13.5 A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 5.13.6 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

5.14 Mayoral Statement

- 5.14.1 The Mayor may at a Council Meeting make a Mayoral Statement on matters relating to the local government area, at the Mayor's discretion.
- 5.14.2 The Mayor must provide a copy of the Mayoral Statement to the Chief Executive Officer prior to the commencement of the meeting at which the statement will be made.

6. Maintenance of Good Order

6.1 Business of objectionable nature

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

6.2 Disorder

- 6.2.1 The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor.
- 6.2.2 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.

6.3 Acts of disorder by members of the local government or a committee

- 6.3.1 If a member of the local government or committee fails to leave the meeting place as directed by the Chairperson, an authorised person may, at the request of the Chairperson, exercise reasonable force to remove the member and to keep the member away, from the meeting place.

7. Public attendance at meetings

7.1 Attendance of public and media at meetings

- 7.1.1 An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- 7.1.2 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- 7.1.3 The Chairperson may direct any persons improperly present to withdraw immediately.

Clauses 7.1.4 to 7.1.7 are supported by section 34 Maintenance of good order at meetings of Council's Local Law No. 1 (Administration) 2011

- 7.1.4 A person who is not a member of the local government or a committee must not interrupt or obstruct the proper conduct of a meeting.
- 7.1.5 If a person (other than a member of the local government or committee) interrupts or obstructs the proper conduct of a meeting, the Chairperson of the meeting may ask the person to leave the meeting place.
- 7.1.6 A person asked to leave a meeting place must immediately leave the place and must not return to the meeting until the end or at such earlier time as is decided by the Chairperson.
- 7.1.7 If a person contravenes clause 7.1.6 above, an authorised person may, at the request of the Chairperson, exercise reasonable force to remove the person from the meeting place, and keep the person away, from the meeting place.
- 7.1.8 The Chairperson will adjourn the meeting until the person asked to leave the meeting place has left. After the person has left the meeting place, the Chairperson will reconvene the meeting.

7.2 Public participation at meetings (Community Comment)

- 7.2.1 A member of the public, may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- 7.2.2 In each ordinary meeting, time will be allocated to permit residents and ratepayers to address the Council on matters of public interest related to local government. Any public participation at a meeting will be conducted in accordance with the Community Comment Session Policy 2150-062.
- 7.2.3 If any address or comment is irrelevant, offensive, contrary to the Community Comment Session Policy 2150-062, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 7.2.4 For any matter arising from such an address, Council may take the following actions:
- refer the matter to a committee;
 - deal with the matter immediately;
 - place the matter on notice for discussion at a future meeting;
 - note the matter and take no further action.
- 7.2.5 Any person addressing the Council shall act and speak with decorum and frame any remarks in respectful and courteous language.
- 7.2.6 Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Code of Conduct for Councillors in Queensland (as approved under s150E of the *Local Government Act 2009*)
- Moreton Bay City Council Investigation Policy 2150-105
- Community Comment Session Policy 2150-062
- Councillor Portfolios Roles and Responsibilities Policy 2150-114

Review Triggers

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

The effectiveness of this policy will be measured by an annual review process by the CEO in consultation with the Mayor and Councillors. Upon review a report will be submitted to Council outlining proposed amendments or continuing with the status quo. In the case of proposed amendments, the report will clearly outline the reasoning for such amendments.

Responsibility

This Policy is to be:

- (1) implemented by the Chief Executive Officer; and
- (2) reviewed and amended in accordance with the "Review Triggers" by Manager Governance & Executive Services.

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

Policy: 2150-115		Official Version: 66721813	
Meeting Procedures and Standing Orders Policy			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
V1	ADOPTED General Meeting (20/627) Incorporates and supersedes adopted MBRC Meeting Procedures (Coordination Committee P.18/2326) 27.11.2018 (A19489305)	13.5.2020	A19790579
V2	AMENDED General Meeting (20/1810) to reflect amendments to legislative provisions effective 12 October 2020 and Community Comment Policy 2150-062	28.10.2020	A20608922
V3	AMENDED General Meeting (21/2066) To reflect actual meeting process relating to ‘Speaking to Motion’ and other administrative amendments to reflect current practice	8.12.2021	62645852 (official version at this time)
V4	AMENDED General Meeting (23/630) To reflect amendments to Model Meeting Procedures (MMPs) and Best Practise Standing Orders, including amendment to s254J(3)(c) re closing meeting to discuss local government's budget (not including monthly financial reports) (DSDILGP 66138724 19.12.2022)	29.3.2023	66168283
V5	AMENDED To reflect amendments to Model Meeting Procedures (MMPs) and Best Practise Standing Orders (DSDILGP 9 August 2023), including additional clause under Motions to reflect preferred meeting procedure	13.9.2023	67865949