



## **AGENDA**

### **Statutory Post-Election Meeting**

**To be held at Council Chambers  
Sir Albert Abbott Administration Building  
73 Gordon Street, Mackay**

**On Thursday 11 April 2024**

**Commencing at 9:00 AM**

## ORDER OF BUSINESS

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**1. ATTENDANCE**

**2. OPENING PRAYER**

**3. CORRESPONDENCE AND OFFICER'S REPORTS**

**3.1. POST ELECTION**

**3.1.1. ELECTION OF DEPUTY MAYOR**

<b>Author</b>	Executive Officer (David McKendry)
<b>Responsible Officer</b>	Chief Executive Officer (Scott Owen)
<b>File Number</b>	Statutory Post-Election Meeting - Election of Deputy Mayor

**Purpose**

To appoint a Deputy Mayor from within the elected Councillors.

**Background/Discussion**

A local government is required per *Section 175(2) of the Local Government Act 2009* to appoint a Deputy Mayor from its Councillors, by resolution, at the first meeting after the conclusion of each quadrennial election.

**Consultation and Communication**

Elected Councillor representatives.

**Resource Implications**

Remuneration for the Deputy Mayor is as set by the Local Government Remuneration Commission. Funds have been allocated to remunerate the position of Mayor, Deputy Mayor and Councillors in current budgets.

**Risk Management Implications**

Nil

**Conclusion**

Councillors appoint a Deputy Mayor in accordance with the requirements of *Section 175(2) of the Local Government Act 2009*.

**Officer's Recommendation**

**THAT** a Deputy Mayor be appointed in accordance with *Section 175(2) of the Local Government Act 2009*.

### **3.1.2. MEETING ARRANGEMENTS**

**Author** Executive Officer (David McKendry)  
**Responsible Officer** Chief Executive Officer (Scott Own)  
**File Number** Meeting Arrangements

**Attachments** Nil

#### **Purpose**

To decide on the day and times of Council's Ordinary Meetings schedule for the newly elected Council.

#### **Background/Discussion**

*Section 256(1) of the Local Government Regulation 2012 (the Regulation)* requires each local government at its post-election meeting to decide on the day and time for holding meetings. *Section 257 of the Regulation* further notes that meetings must be held at least monthly.

For reference, the Council in its last term initially held its Ordinary Meeting at 10am on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Wednesday of each month.

*Section 254B of the Regulation* requires that at least once a year (and for any changes) that public notice is given of meeting details. Such notice to include website and display at Council offices.

#### **Consultation and Communication**

Mayor and Councillors

As per the provision of the *Local Government Regulation 2012 and Local Government Act 2009*.

#### **Resource Implications**

The Budget provides for sufficient funds to resource each Council Meeting. Relevant senior Council staff will be made available to support this process.

Minor advertising costs associated are accounted for within budgets.

#### **Risk Management Implications**

N/A

#### **Conclusion**

From past experience the holding of a single Ordinary Meeting per month provides a good balance between access to Council for decision making and the administration regarding agenda/minute preparation noting also the ability at anytime to call a Special meeting if needed.

Therefore, it is proposed that Council's Ordinary Meetings be held on the fourth (4<sup>th</sup>) Wednesday of each month commencing at 10am.

For the April meeting the date will need to be Wednesday 24<sup>th</sup> April 2024.

All Council meetings are historically held at the Mackay Regional Council Chambers, Sir Albert Abbot Administration Building, 73 Gordon Street, Mackay, and have been open to the public.

**Officer's Recommendation**

THAT per Sections 256 & 254B of the *Local Government Regulation 2012*, it is resolved that Council's Ordinary Meetings be set as –

- a. The first Ordinary Meeting of Mackay Regional Council post the 2024 elections be held on Wednesday 24 April 2024
- b. Following the 24 April 2024 meeting commencing from May that Council's Ordinary Meetings be held on the fourth (4<sup>th</sup>) Wednesday of each month commencing at 10am.
- c. To be held at Mackay Regional Council Chambers, Sir Albert Abbot Administration Building, 73 Gordon Street, Mackay, and have been open to the public.

ALSO THAT the required public notice of meeting arrangements be undertaken.

### **3.1.3. REIMBURSEMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS**

<b>Author</b>	Executive Officer (David McKendry)
<b>Responsible Officer</b>	Chief Executive Officer (Scott Owen)
<b>File Number</b>	Statutory Post-Election Meeting - Reimbursement of Expenses and Provision of Facilities for Councillors

#### **Attachments**

1. Mackay Regional Council Reimbursement of Expenses and Provision of Facilities for Councillors – Policy No 002

#### **Purpose**

To adopt a Reimbursement Policy for Councillors.

#### **Background/Discussion**

Under the provisions of *Section 249 and 250 of the Local Government Regulation 2012 (Regulation)*, Council must adopt an expenses reimbursement policy, with such policy providing for:

- (a) *payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors;*
- (b) *provision of facilities to Councillors for that purpose.*

After adoption the policy may be amended from time to time by resolution.

*Section 251 of the Local Government Regulation 2012* has a requirement regarding notification, including the need to:

- (a) ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
- (b) publish the policy on the local government's website.

#### **Consultation and Communication**

Mayor and Councillors

#### **Resource Implications**

All potential costs as proposed by this policy can be catered for in the current budget.

#### **Risk Management Implications**

Nil

#### **Conclusion**

The proposed policy as attached is in accordance with the guidelines and provides what is considered to be reasonable provision and can be catered for in the current budget.

**Officer's Recommendation**

THAT Council adopt the amended Mackay Regional Council Reimbursement of Expenses and Provision of Facilities for Councillors Policy No 002.

**COUNCIL POLICY****COUNCILLOR REIMBURSEMENT OF EXPENSES**

**Program:** Executive Office  
**Date of Adoption:**  
**Resolution Number:**  
**Review Date:**

**Scope**

This policy applies to the Mayor and Councillors of Mackay Regional Council to ensure accountability and transparency for reimbursing reasonable expenses incurred whilst undertaking their official Council Business.

This policy will ensure that the Mayor and Councillors have reasonable facilities to assist them in their official Council Business.

This policy does not provide salaries or any other form of remuneration to Councillors, which the Local Government Remuneration Commission determines.

**Objective**

The objectives of this policy are:

- a) to provide specific guidelines for the reimbursement of legitimate expenses incurred or to be incurred by a Councillor while carrying out official Council Business.
- b) to guidance for administrative support to enable Councillors to perform their duties with relative ease to discharge their duties and responsibilities as a Councillor.

**Policy Statement**

Councillors are elected community representatives who set the strategic direction for the Mackay Region.

Mackay Regional Council (MRC) is committed to ensuring that its elected representatives are not financially disadvantaged. This policy underpins that commitment by demonstrating that reasonable expenses incurred by the Mayor and Councillors whilst carrying out their duties and responsibilities. Reasonable expenses will be accepted and/or reimbursed and outlining the facilities and resources that MRC will provide to enable Councillors to discharge their duties and responsibilities.

The payment of or reimbursement of expenses and the provision of facilities and resources for Councillors will be:

- open and transparent;
- financially responsible and accountable;
- based on ensuring economy and efficiency;
- subject to budget provisions; and
- in accordance with all statutory requirements.



**COUNCIL POLICY**

**COUNCILLOR REIMBURSEMENT OF EXPENSES**

MRC will each year, as part of its budget process, establish a budget for the payment of reasonable expenses and the provision of facilities and resources to Councillors. Any unspent funds in a single financial year will not be carried over to the following year. It is acknowledged that each item will have an annual allocation in the budget; however, the allocation is not required to be spent for the specified use, and the entire budget (as provided by this policy) can be used for approved expenditure under this policy.

MRC's annual report will contain the particulars enacted by this policy and details of any expenses reimbursed under this policy.

MRC considers that to the extent this policy engages and limits, or potentially limits and human rights, that limitation is reasonable in that it is proportionate and justified.

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This process to remain in force until otherwise determined  
by Mackay Regional Council

**COUNCIL POLICY**

**COUNCILLOR REIMBURSEMENT OF EXPENSES**

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## COUNCIL POLICY

# COUNCILLOR REIMBURSEMENT OF EXPENSES

### 1.0 Principles

#### 1.1 General Entitlement

Councillors are entitled to be reimbursed for reasonable expenses incurred while undertaking Council Business and provided with appropriate facilities to assist them in their duties. A budget will be allocated each financial year for reasonable expenses to be incurred in accordance with this policy.

In determining the validity of a claim for reimbursement, Councillors must consider public perceptions to ensure that the process meets the community's expectations concerning accountability and transparency.

MRC will reimburse the expense incurred by the Mayor (or of the Mayor's nominated representative) for the expenses of the spouse or partner (where officially invited) of the Mayor (or of the Mayor's nominated representative) when the Mayor has been invited to attend an authorised function or event in an official capacity.

Where a separate ticket is required to be purchased, the cost of a partner or companion accompanying a Councillor (excluding the Mayor as per the clause above) on Council Business must be borne by that person. If a partner or companion wishes to accompany a Councillor in a private capacity, such travel will not be booked by MRC.

#### 1.2 Official Council Business Representative

MRC will cover all expenses incurred in undertaking official Council Business, which includes the following:

- Preparing, attending and participating in Council meetings, committee meetings, workshops, strategic briefings, deputations and inspections;
- Attending civic functions or civic events to perform official duties or as an official Council representative;
- Attending a community event to represent the Council;
- The attendance of the Mayor or Councillor in an official capacity, representing the Council at ordinary meetings, annual general meetings, annual and bi-annual conferences of the Local Government Association of Queensland (LGAQ), Australian Local Government Women's Association (ALGWA, Australian Local Government Association (ALGA).

These costs will be excluded from the allowance referenced in clauses 1.4 and 1.5; however, they will still be reported against the individual Councillor in the Annual Report as per clause 1.8.

**COUNCIL POLICY****COUNCILLOR REIMBURSEMENT OF EXPENSES****1.3 Conferences**

MRC will pay for Councillors to attend Conferences relevant to the role as a Councillor, (such as flights, taxis, vehicle hire, and parking), accommodation, meals and associated registration fees, deemed reasonable and necessary.

All conference attendance required a Council resolution prior to travel unless it is urgent.

Councillors returning from a conference must provide a summary report to the Council.

**1.4 Hospitality & Community Events**

Each Councillor can attend, at their discretion, meetings, workshops, courses, seminars, ticketed community events and training courses that will improve their skills or are relevant to the role of Councillor.

MRC will budget \$2,500 per Councillor/per financial year for the quadrennial term of office. No transfer between Councillors and no carry forward option is permitted beyond one year. There is no requirement for a Council resolution to approve these attendances.

**1.5 Discretionary Professional Development**

MRC will provide \$5,000 per each Councillor per a quadrennial term for professional development to improve their skills relevant to the role of Councillor.

There is no requirement for a Council resolution to approve these attendances. However, the Councillor must submit a request to the Mayor for approval prior to attending and, subject to approval, provide all relevant documentation within 14 days of attending the event to ensure reimbursement of expenses.

Any professional development that requires overseas travel requires a formal Council resolution.

**1.6 Travel Expenses**

Where Councillors have received approval to attend a conference, workshop/or seminar, MRC will reimburse all travel expenses deemed necessary as follows:

- (a) Conference registration fees - MRC will make payment on behalf of the Councillor and/or reimburse any reasonable expenses incurred by the Councillor associated with their attendance.
- (b) Flight bookings - All Councillor travel will be booked and paid for by MRC. Economy class is to be used where possible, although upgrades may be approved in certain conditions or at the Councillors' expense. Airline tickets will not be transferable, but flight insurance will be paid to cover Councillors travelling for official Council Business.

**COUNCIL POLICY****COUNCILLOR REIMBURSEMENT OF EXPENSES**

- (c) Accommodation - Councillors will be entitled to stay at hotel accommodation when it is considered necessary to attend Council Business or when it is not practical for the Councillor to attend an early morning commitment or return home for the night.
- (d) Meal allowances and incidental expenses - Councillors are entitled to be reimbursed for the meal cost when travelling or attending to Council Business outside the region. Meal costs will be refunded in accordance with the relevant Taxation Determination (TD 2021/6).
- (e) Parking, Tolls, Hire Car, Public Transport – Vouchers for public transport will be provided where possible. Councillors will be reimbursed for parking and toll charges incurred whilst travelling on official Council Business. Any fines or infringements issued while undertaking such activities are the personal responsibility of the Councillor incurring the fine.
- (f) All international travel will require a Council resolution.
- (g) All Councillor travel will be booked through MRC's [corporate travel service](#).

**1.7 Vehicles****1.7.1 Mayoral Vehicle**

The Mayor will be provided with a fully maintained suitable MRC vehicle below the threshold for luxury car tax (ex GST and on-road costs) determined by the Australian Tax Office, including fuel and all running costs for unlimited and unrestricted use by the Mayor for Council Business and private purposes in recognition of the duties required to be performed by the Mayor and the irregular hours required to attend Council, community and civic responsibilities.

**1.7.2 Councillor Vehicles**

Councillors have the option of either being provided with access to a suitable MRC fleet vehicle as required or being reimbursed for the use of their private vehicle:

- Use of MRC-Provided Vehicles on council business;
- Councillors will have access to a suitable MRC vehicle for official MRC business. A Councillor wishing to use an MRC vehicle for MRC business must submit a request to the CEO at least two (2) days prior to use, except in exceptional circumstances as determined between the Councillor, Mayor and CEO;

All fuel used in an MRC-owned vehicle on official Council Business will be provided or paid for by MRC.

**COUNCIL POLICY****COUNCILLOR REIMBURSEMENT OF EXPENSES****1.7.3 Private Vehicle Usage**

Use of a Councillor's private vehicle for official Council Business will be reimbursed by MRC for:

- a) Official Council Business;
- b) Official Council meetings, internal meetings, functions, community events and public meetings in the role of Councillor;
- c) To investigate issues/complaints regarding MRC services raised by residents/ratepayers/visitors to the region.

Councillors claiming reimbursement for using their private vehicle for Council Business shall submit the appropriate form detailing the relevant travel based on logbook details.

The reimbursed amount will be based on the published Australian Tax Office business use of motor vehicle cents per kilometre method and the kilometre rate applicable at travel time.

Councillors will receive an appropriate logbook to assist in this process. Reimbursement under this part is limited to a maximum of \$18,000/annum per Councillor whilst still subject to individual claims and logbook records.

This annual limit will be monitored regarding travel requirements, with a review of the policy to be made if necessary.

**1.8 Provision of Facilities, Services & Equipment**

MRC will provide facilities, services, and equipment for the Councillors to use in their respective roles with MRC.

All facilities and equipment provided remain the property of MRC, will be maintained and, as appropriate, replaced by MRC, and must be returned to MRC when a Councillor's term expires.

The facilities and equipment provided by MRC to Councillors are to be used only for Council Business unless prior approval has been granted by resolution of Council.

**1.8.1 Administrative Tools and Access to Council Office Amenities**

Councillors will be provided with access to the following:

- A fully maintained office space, known as the "Councillors' Room", will be available at the Administration Centre, Gordon Street Mackay and Council meeting rooms for daily usage;
- Car parking spaces at the main Administration Building;

## COUNCIL POLICY

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- Laptop computer, docking station, monitor and keyboard (including home office items such as docking station, monitor, keyboard, etc.);
- Use of Council internet access;
- Fax and/or scanner;
- Printer, photocopier;
- Paper shredder, filing cabinet;
- Stationery;

Any other administrative necessities that the Council resolves are necessary to meet Council's business.

#### 1.8.2 Insurance Cover

Councillors will be covered under relevant MRC insurance policies while discharging civic duties. Specifically, insurance cover will be provided for:

- a) public liability;
- b) professional indemnity,
- c) personal accident and/or workers compensation;
- d) international and domestic travel.

MRC will pay the excess for injury claims made by a Councillor resulting from the conduct of official Council Business and on any claim made under insurance cover.

MRC will cover costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor or arising out of or in connection with the Councillor's performance of his/her civic functions. When it has been found that the Councillor breached the provisions of the *Local Government Act 2009*, the Councillor will reimburse the Council for all associated costs incurred by Council.

#### 1.8.3 Support Resources

Extra to general Council management and staff support, the following Council staffing and other resources will also be provided in direct support of Councillors and their functions:

- Executive Assistant – Provision for the Mayor of a Council staffed Executive Assistant position within the Office of the Mayor & CEO;
- Executive Support Officer – Provision for Councillors of access to the services of a Council staff Executive Support Officer position within the Office of the Mayor & CEO;

**COUNCIL POLICY****COUNCILLOR REIMBURSEMENT OF EXPENSES**

A communication specialist will be available from the Corporate Communications & Marketing Team or via contract to provide strategic communications advice to the Office of the Mayor and CEO.

**1.8.4 Legal Assistance**

The MRC recognises that Councillors may sometimes require legal representation due to their roles, functions, and duties at Council. Where there is a relevant nexus between their role at the Council and a legal proceeding against them, it may be appropriate to provide financial assistance to meet the cost of obtaining legal representation.

Council Policy Legal Assistance for Councillors and Employees sets out specifics.

**1.8.5 Corporate Credit Card**

The Mayor may be provided with a corporate credit card for business expenses in accordance with the provisions of MRC's Purchasing Card Policy.

**1.9 Other Resources****1.9.1 Communication and Technology Resources**

To enable Councillors to be able to communicate effectively, Councillors will be provided with:

- An allowance for the provision of their mobile phone and the costs of a mobile phone package paid by MRC.
- An allowance for providing their own home internet and phone line connections to be used for MRC purposes, including home office connectivity.

***Mobile Phones***

The mobile phone package allowance will be \$140 per month. The Councillor is required to arrange for the Plan in their name and be paid a monthly allowance.

Any costs over and above those covered by the Plan shall be at the Councillor's expense.

MRC will also provide support services for mobile phones. Where such service is not provided in-house, the costs for the provision of the service will be borne by MRC.

***Home Internet***



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**COUNCILLOR REIMBURSEMENT OF EXPENSES**

MRC will pay the one-off installation costs (if required) and an allowance towards the monthly costs for the line rental and current internet package (set at \$100/month).

The Councillor is to arrange for the Plan in their name and be paid a monthly allowance.

Any costs over and above those covered by the package shall be at the Councillor's expense.

1.9.2 Uniforms and Safety Equipment

MRC will provide to a Councillor:

- Uniform allowance as per staff policy;
- Council blazer, tie or scarf;
- Necessary safety equipment for use on official business (e.g. safety helmet, boots, safety glasses).

1.10 Annual Report

As per section 186 of the *Local Government Regulation 2012*, the expenses incurred by, and the facilities provided to, each Councillor during the financial year under this policy will be published in each Annual Report.

The Regulation does not specify the form for any publishing, with the below to be the base upon which expenses incurred under this policy are displayed –

*Summary of Policy Provisions:*

<u>Section</u>	<u>Heading</u>	<u>Description</u>
1.2	Official Council Business Representative	Acceptance of costs, including travel and accommodation, associated with attending Council-approved Conferences, seminars or workshops.
1.3	Conferences	MRC will pay reasonable registration fees for Councillors to attend conferences deemed to be relevant to their role as a Councillor.
1.4	Hospitality & Community Events	An allowance of \$2,500 will be assigned per Councillor per financial year for them to attend any hospitality or community event of their choice.
1.5	Discretionary Professional Development	Allowance for up to \$5,000 per Councillor per term of Council for a Councillor to undertake personal development courses or similar, including associated travel and accommodation expenses if applicable.
1.6	Travel Expenses	Acceptance of costs associated with travel on behalf of and representing the Council.

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**COUNCILLOR REIMBURSEMENT OF EXPENSES**

<u>Section</u>	<u>Heading</u>	<u>Description</u>
1.7	Vehicles	Provision of a Council-supplied vehicle, including private use, for the Mayor. Access for Councillors to Council fleet vehicles or mileage reimbursement for private vehicle use for Council Business travel.
1.8	Provision of Facilities, Services & Equipment	Administrative tools and access to Council office amenities, insurance coverage, and support resources
1.9	Other Resources	Communication and Technology Resources, Uniforms and safety equipment

*Expenses Summary Table Collating Individual Councillor costs*

<u>Section</u>	<u>Heading</u>	<u>Conferences / Travel</u>	<u>Travel on Council Business</u>	<u>Vehicle Costs</u>	<u>Other Support</u>
1.2	Official Business Representative	Including registration, accommodation, travel and other costs.			
1.3	Discretionary Professional Development and Councillor attendance				Including registration, accommodation, travel and other costs.
1.4	Travel Expenses	Including registration, accommodation, travel and other costs.			
1.5	Vehicles			Include all costs	
1.6	Provision of Facilities, Services & Equipment				Include costs
1.7	Other Resources				Include costs

**2.0 Definitions**

To assist in interpretation, the following definitions shall apply:

## COUNCIL POLICY

## COUNCILLOR REIMBURSEMENT OF EXPENSES

**Council** shall mean all individual elected representatives, including the Mayor of Mackay Regional Council.

**Council Business** shall mean official business conducted on behalf of the Council, where a Councillor is required to undertake specific tasks to satisfy legislative requirements or achieve Council objectives, for example, attend official Council meetings, Councillor forums and workshops, formal professional development training relevant to Councillor responsibilities, Committees/Boards as Council's official representative, and scheduled meetings relating to Council appointments.

Council Business should result in a benefit being achieved either for the local government and/or the local community; for example, this includes but is not limited to:

- Preparing, attending and participating in Council meetings, Committee meetings, workshops, strategic briefings, deputations and inspections;
- Investigating issues/complaints regarding Council services raised by residents/ratepayers/visitors to the Council area;
- Undertaking approved professional development opportunities;
- Attending civic functions or events;
- Attending public/community meetings, presentation dinners, annual general meetings where invited as a Councillor;
- Attending a community event (e.g. school fete, community group awards and presentations, fundraisers) where a formal invitation has been received.

Participating in a **Ticketed Community Event** (other than where attending by formal invitation) or being a representative on a Board in a personal capacity, is not regarded as Council Business.

**Council Representative** shall mean the Mayor, or the Deputy Mayor should the Mayor not be available. If the Deputy Mayor is also unavailable, the Mayor will nominate a Councillor to attend on their behalf.

**Councillors** shall mean an elected representative, including the Mayor, of Mackay Regional Council.

**Expense** shall mean payments made by MRC to reimburse Councillors for their reasonable expenses incurred or to be incurred when discharging their duties as Councillors. These payments are not regarded as remuneration. The expenses may be reimbursed to Councillors or paid directly by Council for something deemed a necessary cost or charge when on Council Business.

**Facility** shall mean the 'tools of trade' provided by MRC, required to enable Councillors to perform their duties and at a standard appropriate to fulfil their professional role for the community.

**Hospitality** shall mean an expense defined in the Entertainment and Hospitality Policy and Corporate Standard.

**Incidental expenses** shall mean newspapers, magazines, snacks, tea and coffee, private phone calls and personal items whilst travelling on approved Council Business.

**MRC** shall mean Mackay Regional Council.

**COUNCIL POLICY**

**COUNCILLOR REIMBURSEMENT OF EXPENSES**

**Professional development** shall mean attendance by a Councillor at an event or conference where the Councillor expects to develop further skills and knowledge relevant to their role as a Councillor.

**Representation** shall mean attendance by a Councillor at various community and special interest representative groups meetings and events relevant to the role of Councillor.

**Reasonable** shall mean applying sound judgment and considering what is prudent, responsible and acceptable to the community when determining levels of facilities and expenditure.

**Ticketed Community Event** shall mean a sporting, entertainment, or charitable function that requires a ticket to be purchased for admission or attendance and does not fall within the definition of Council Business; however, the Councillor has identified a benefit in attending linked to community involvement/engagement.

**3.0 Review of Policy**

This policy will be reviewed when any of the following occurs:

- The related documents are amended or replaced.
- Other circumstances are determined from time to time by a resolution of the Council.

Notwithstanding the above, this policy will be reviewed at intervals of no more than three (3) years.

**4.0 Reference**

- *Local Government Act 2009*
- *Local Government Regulation 2012 (sections 186, 249, & 250)*  
Mackay Regional Council Policy – Legal Assistance for Councillors and Employees

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy	Amendment to Policy	Council	20.10.10
2	Review of Policy	Amendment to Policy	Council	16.05.12
3	Review of Policy	Amendment to Policy	Council	06.04.16
4	Review of Policy	Amendments to Policy	Council	13.02.19
5	Review of Policy	Amendments to Policy	Council	22.07.20
6.	Review of Policy	Amendments to Policy	Council	

### **3.1.4. SUPERANNUATION FOR COUNCILLORS**

<b>Author</b>	Executive Officer (David McKendry)
<b>Responsible Officer</b>	Chief Executive Officer (Scott Owen)
<b>File Number</b>	Statutory Post-Election Meeting - Superannuation for Councillors

#### **Purpose**

To consider the provision of superannuation benefits for Councillors.

#### **Corporate Plan Linkage**

Corporate Plan Strategy 8.8 – Governance and performance

#### **Background/Discussion**

Section 226 of the *Local Government Act 2009 (Act)* makes provision for Council's to consider the payment of superannuation contributions for Councillors to an approved fund which complies with the provision of the *Commonwealth Superannuation Act*.

Additionally, this provision allows only for maximum percentage contributions which do not exceed those made for its standard permanent employees (ie 12%).

Councillors do have the option to pass a resolution per the *Taxation Administration Act* schedule 1, section 446-5, that Councillors are subject to PAYG withholding (essentially making them employees and therefore subject to minimum superannuation guarantee contributions being made by Council), however such a resolution needs to be unanimous and has other non-superannuation components to be considered.

Also of note –

- The Local Government Remuneration Commission's annual report which sets Mayor/Councillor remuneration, specifically excludes superannuation as being a matter for individual Councils (the Commission is specifically restricted from including superannuation by virtue of section 244(3) of the *Local Government Regulation 2012*)
- Providing superannuation is a discretionary matter for Councils, similar to setting of the Reimbursement of Expenses and Provision of Facilities for Councillors Policy which sets matters outside remuneration)
- Participation in superannuation is discretionary for each individual Councillor
- The Act does not require the co-contribution by Councillors to receive the superannuation contribution by Council

#### **Consultation and Communication**

Section 226 of the *Local Government Act 2009*.

LGAQ Legal Opinion via King and Company regarding contributions

Department of Local Government, Racing and Multicultural Affairs

#### **Resource Implications**

Provision has been made in the current budget for approved superannuation contributions.

**Risk Management Implications**

Nil

**Conclusion**

Section 226 of the Act provides for Council to extend superannuation to Councillors, with resolution confirming this provision.

Council provides funding to cover the superannuation benefits with the recommendation that Councillors have the option to participate.

**Officer's Recommendation**

THAT per section 226 of the *Local Government Act 2009*, Council contribute up to a maximum of 12% superannuation contribution to superannuation funds/schemes complying with the Commonwealth Superannuation legislation for elected members who wish to participate.

### **3.1.5. STANDING ORDERS (MEETINGS)**

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<b>Responsible Officer</b>	Executive Officer (David McKendry)
<b>File Reference</b>	102 - Standing Orders (Meetings)

#### **Attachments**

1. 102 - Standing Orders ( Meeting) 2024 - Including Model Meeting Procedures [3.1.5.1 - 53 pages]

#### **Purpose**

To present the Standing Orders (Meetings) 2023 to Council for consideration and adoption inclusive of changes related to Late Business and Public Participation.

#### **Related Parties**

There are no identified related parties.

#### **Corporate Plan Linkage**

#### Financial Strength

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

#### **Background/Discussion**

Mackay Regional Council (MRC) reviews policies to ensure they are relevant and up to date. Council policies are required to be formally adopted by Council. The Council adopted the current Standing Orders (Meeting) 2023 on 22 March 2023.

A recent review has been completed of the Standing Orders (Meeting) 2023 to bring it in line with the Standing Orders – Best Practice Model recommended by the Department of State Development and Infrastructure (previously the Department of State Development, Infrastructure, Local Government and Planning).

The Model Meeting Procedures are attached to the Standing Orders (Meeting) 2024 for ease of reference.

#### **Consultation and Communication**

As part of the review process, consultation has been undertaken with the following:

- Mayor and Councillors
- Chief Executive Officer
- Executive Officer
- Coordinator Corporate Governance

#### **Resource Implications**

Implementing this Policy will not require additional resources beyond those currently budgeted.

### **Risk Management Implications**

Communication of the changes will be undertaken to avoid any confusion within the community, especially for those used to attending Council meetings.

Adopting Standing Orders assists with management of risk regarding the reputation and governance functions of the Council.


### **Conclusion**

It is recommended that the Council adopt the Standing Orders (Meetings) 2024 with the annexed Model Meeting Procedures, as amended.

### **Officer's Recommendation**

THAT Council adopt the Standing Orders (Meetings) 2024 with the annexed Model Meeting Procedures.





# COUNCIL POLICY

## Standing Orders (Meetings) 2024

**Program:** Executive Office  
**Date of Adoption:**  
**Resolution Number:**  
**Review Date:**

### Scope

These Standing Orders apply to all Ordinary and Standing Committee meetings of Council.

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

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

### Objective

These standing orders supplement the statutory requirements by providing standing processes to be observed at such meetings. In accordance with this policy, these standing orders may be suspended at any time by resolution.

### Policy Statement

The *Local Government Regulation 2012* (LGR) provides core requirements for the conduct of meetings of the local government and the committees of the local government.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

\*\*\*\*\*

This process to remain in force until otherwise determined  
by Mackay Regional Council



## COUNCIL POLICY

## Standing Orders (Meetings) 2024

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## COUNCIL POLICY

### Standing Orders (Meetings) 2024

#### 1.0 Principles

##### 1.1 Procedures for Meetings

###### 1.1.1 **Time of Meetings**

- (a) The local government may, by resolution, fix dates and times for its ordinary and committee meetings.

*Note: The local government must meet at least once in each month and a post-election meeting must be held within 14 days after the conclusion of the quadrennial elections.*

- (b) If there is no resolution fixing the date and time for its ordinary and committee meetings, the Chief Executive Officer must fix the date and time for the meeting in consultation with the Mayor.

###### 1.1.2 **Special Meetings**

- (a) The Chief Executive Officer must call a special meeting of the local government if—

- (i) the special meeting is required by a resolution of the local government; or
- (ii) a written request for the special meeting is lodged with the Chief Executive Officer under section 1.1.2(b).

- (b) A written request for a special meeting of the local government must:

- (i) be signed by the Mayor or three or more Councillors; and
- (ii) specify the business to be conducted at the special meeting; and
- (iii) propose a day and time for the holding of the special meeting.

- (c) The Chief Executive Officer calls a special meeting by giving written notice of the day and time of the meeting, and the business to be conducted at the meeting, to each Councillor, at least two days before the day of the meeting unless it is impracticable to give the notice. The only business that may be conducted at a special meeting is the business stated in the notice of meeting.

##### 1.2 Agenda for Meetings of the Local Government

###### 1.2.1 **Agenda for Meeting**

- (a) The Chief Executive Officer must ensure that a list of the items to be discussed at a meeting of the local government must be available for inspection at the time the agenda for the meeting is made available to Councillors.

- (b) The agenda must include—

## COUNCIL POLICY

### Standing Orders (Meetings) 2024

- (i) items required under the Act to be included on the agenda; and
  - (ii) items that are by resolution of the local government to be included on the agenda; and
  - (iii) items whose inclusion on the agenda is requested by a Councillor.
- (c) A Councillor who wants an item of business (including a Notice of Motion or Question on Notice) on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least five days before the notice of meeting is usually given.

#### 1.3 Conduct of Meetings

##### 1.3.1 **Presiding Officer**

- (a) The person who presides at a meeting of the local government is the Chairperson of the meeting
- (b) The Mayor will preside at an ordinary meeting of the local government.
- (c) If the Mayor is absent or unavailable to preside at an ordinary meeting, the deputy Mayor will preside.
- (d) If both the Mayor and the deputy Mayor are absent or unavailable to preside at an ordinary meeting, another Councillor chosen by the Councillors present at the meeting must preside at the meeting.
- (e) A Councillor will be appointed as Chairperson for each committee at an ordinary meeting.
- (f) If a deputy Chairperson is appointed, they will preside at a committee meeting if the Chairperson is absent.
- (g) If both the Chairperson and the deputy Chairperson are absent or unavailable to preside at a committee meeting, a Councillor chosen by the Councillors present at the meeting must preside at the meeting.

##### 1.3.2 **Order of Business**

- (a) The local government must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- (b) The order of business may be altered for a particular meeting where the Councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.

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### Standing Orders (Meetings) 2024

- (c) The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed, and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.
- (d) Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.
- (e) Once the minutes are confirmed by resolution of the meeting they cannot be changed. If the local government needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

#### 1.3.3 **Procedure at Meetings**

- (a) The procedure for dealing with business must be in accordance with the standing orders or, in the absence of a standing order governing a particular matter, as decided by the Chairperson of the meeting in accordance with the Model Meeting Procedures.
- (b) However, the local government may, by resolution:
  - (a) suspend a standing order; or
  - (b) over-rule a decision on a procedural question made by the Chairperson.

#### 1.3.4 **Admission of non-members to debate etc**

- (a) The local government may, at its sole discretion, allow a non-member to participate in the discussion of a particular item of business before the local government, on conditions decided by the local government.
- (b) The local government may, as a mark of distinction, admit a non-member to a part of the local government chamber normally reserved for Councillors during the conduct of local government business.

#### 1.4 **Maintenance of Good Order**

##### 1.4.1 **Unsuitable Meeting Conduct by Members of the Local Government**

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### Standing Orders (Meetings) 2024

- (a) The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behaviour standard of the Code of Conduct for Councillors.
- (c) If unsuitable meeting conduct happens in a meeting of the local government or its committees, the Chairperson of the meeting may make any one or more of the following orders that the Chairperson considers appropriate in the circumstances:
  - (i) an order reprimanding the Councillor for conduct;
  - (ii) an order requiring the Councillor to leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place for the rest of the meeting;
  - (iii) if the Councillor fails to comply with an order made under paragraph 1.4.1(c)(ii) to leave a place — an order that the Councillor be removed from the place.

#### 1.4.2 **Maintenance of Good Order at Meeting**

The maintenance of the good order of a person who is not a member of the local government is regulated by section 34 of Local Law No. 1 (Administration) 2011.

### 1.5 Recording of Meetings

#### 1.5.1 **Minutes of Meetings**

The Chief Executive Officer must ensure minutes of each meeting of the local government are taken under the supervision of the person presiding at the meeting.

#### 1.5.2 **Recording of Meetings**

- (a) MRC will record, in both audio and video, its ordinary, special and committee meetings for the periods that they are open to the public. The recordings will be made available to the public live during the meeting and online at the earliest opportunity after the meeting has concluded. The recordings will also be used to assist in the accurate preparations of the official minute documents.
- (b) All participants at the meetings are reminded that parliamentary privileges do not apply to local government. Individuals must take responsibility for their own words and actions. MRC may, at the discretion of the CEO, remove any part of a recording for publication only where there is real concern that not to do so would expose Council to risk of an action for publishing defamatory material or releasing personal information contrary to legislation.
- (c) Right to Information (RTI) procedures should not be used to release copies of recordings of meetings as these will be freely available on

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### Standing Orders (Meetings) 2024

MRC's Council's website. RTI or Information Privacy procedures may be used to seek material withheld from public release in accordance with paragraph 1.5.2. (b).

- (d) All participants will be made aware by way of signage that the meeting will be recorded and that anyone attending a public meeting of council will consent to their image, voice and comments being recorded and published.
- (e) No other audio or video recording of a meeting of the local government may be made without the express and prior permission of the Chairperson of the meeting. Any person publishing part or all of a recording of a meeting assumes full responsibility for the release of the information, including the risks associated with the publication of potentially defamatory material or personal information.
- (f) If a person fails to comply with section 1.5.1(e) the person may be directed by the Chairperson of the meeting to immediately withdraw from the meeting.
- (g) A person who fails to comply with a direction given under section 1.5.1(f) at a meeting may be removed from the meeting.
- (h) Recordings will be retained for a period no shorter than the statutory minimum for the retention of official records.

#### 1.6 Standing Orders

##### 1.6.1 **Application**

- (a) The standing orders in clause 1.6 provide rules for the conduct of:
  - (i) meetings of the local government (other than a post-election meeting); and
  - (ii) where applicable, committee meetings of the local government.
- (b) The standing orders shall apply to a post-election meeting of the local government as far as practicable.
- (c) Any provision of the standing orders may be suspended by resolution of a meeting of the local government.
- (d) A separate resolution is required for a suspension of a standing order.
- (e) A resolution to suspend a standing order must specify the application and duration of the suspension.
- (f) Where a matter arises at a meeting of the local government, which is not provided for in the standing orders, the matter may be determined by resolution upon an urgent motion which may be put



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without notice, but otherwise in conformity with the standing orders.

- (g) For the purposes of section 1.6.1(f), a matter may only be determined by resolution upon an urgent motion if the matter is so critical that a decision is required immediately, and the matter cannot wait to be dealt with by means of a notice or report at the next meeting.

#### 1.7 Procedures for Meetings of the Local Government

##### 1.7.1 **Order of Business**

- (a) The order of business must be determined by resolution of the local government from time to time.
- (b) The order of business may be altered for a particular meeting where the Councillors at the meeting pass a motion to that effect.
- (c) A motion to alter the order of business may be moved without notice.
- (d) Unless otherwise altered pursuant to section 1.7.1(b), the order of business for the ordinary meeting will be:
- Attendance
  - Opening Prayer Acknowledgement of Country
  - Absent on Council business
  - Apologies
  - Condolences
  - Confirmation of minutes
  - Business arising from the minutes of the previous meeting
  - Mayoral minutes
  - Receipt of Standing Committee Minutes
  - Consideration of committee reports and recommendations
  - Correspondence and officers' reports
  - Receipt of petitions
  - Tenders
  - Consideration of notified motions and questions on notice
  - Public participation and deputations
  - Late Business
  - Confidential reports
  - Meeting Closure
  - For information only
- (e) Unless otherwise altered pursuant to section 1.7.1(b), the order of business for the committee meeting will be:
- Attendance
  - Absent on Council business
  - Apologies

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- Condolences
  - Confirmation of minutes
  - Business arising from the minutes of the previous meetings
  - Correspondence and officers' reports
  - Receipt of petitions
  - Tenders
  - Consideration of notified motions and questions on notice
  - Public participation and deputations
  - Late Business
  - Confidential reports
  - Meeting Closure
  - For information only
- (f) The minutes of a preceding meeting (***previous minutes***) not previously confirmed may be taken into consideration as the first business of a meeting, in order that the previous minutes may be confirmed, and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.
- (g) Admission of deputations, invitees and visitors with regard to ordinary meetings shall be at the discretion of either:
- (a) the Chairperson; or
  - (b) the local government.
- (h) Admission of deputations, invitees and visitors with regard to committee meetings shall be at the discretion of either:
- (a) the Chairperson; or
  - (b) the local government.
- (i) The time for receipt of petitions shall be at the discretion of the local government.

#### 1.7.2 **Late Business**

A Councillor may seek to propose a motion as late business at a meeting. The Councillor must explain the nature of the late business and urgency and answer questions about the matter, after which the Chairperson will seek a resolution to allow the matter to proceed.

If the motion is lost, the matter will not proceed at the meeting. If the motion is carried, the Councillor proposing the motion will require another Councillor to second it before it is presented and debated.

Where possible, a Council must provide a copy of the proposed motion under late business to all other Councillors as soon as practical before the meeting.

**COUNCIL POLICY****Standing Orders (Meetings) 2024****1.7.3 Meeting Agenda**

- (a) The Chief Executive Officer must prepare or have prepared a meeting agenda for each meeting.
- (b) The agenda must, where practicable, be made available to Councillors two days prior to the meeting.
- (c) A meeting agenda shall include, but not be limited to:
  - (i) matters requiring attention from a previous meeting;
  - (ii) officers' reports;
  - (iii) matters or recommendations referred to the local government by a committee;
  - (iv) any other business the local government or committee determines should be included in the meeting agenda.
- (d) The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors (i.e. At MRC this is a Monday for a Wednesday Meeting).
- (e) Any related reports, for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, (excluding confidential reports). If the related report is made available to Councillors during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the Councillors.
- (f) Matters on the agenda that may require the meeting to be in a closed session consistent with the provisions under section 254J LGR, will be identified on the agenda.

**1.7.4 Petitions (including e-Petitions)**

- (a) Any petition presented for consideration at a meeting of the local government must be in legible writing or typewritten and contain a minimum of 25 signatures.
- (b) For a petition to be considered at a meeting it must be delivered to the Chief Executive Officer at least two days prior to the closure of the agenda for the meeting. A petition must:
  - (i) state the nature of the petition; and
  - (ii) detail the issue at point; and

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- (iii) preferably indicate the outcome sought.
- (c) Where a petition is put to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that:
  - (i) the petition be received, and consideration stand as an order of the day for:
    - the meeting; or
    - a future meeting; or
  - (ii) the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government; or
  - (iii) the petition not be received.
- (d) The Chief Executive Officer will respond to the Principal Petitioner in relation to all petitions deemed valid.

#### 1.7.5 Quorum

- (a) A quorum at a local government meeting is a majority of its Councillors. If the number of Councillors is even, then one half of the number is a quorum (at MRC the quorum for 11 Councillors is six).
- (b) If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present then the chief executive officer.

#### 1.7.6 Loss of Quorum

- (a) In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the local government must resolve to:
  - delegate the consideration and decision on the matter, as described in section 257 of the *Local Government Act 2009* (LGA) unless the matter cannot be delegated under subsection 3 of both sections because an Act says it must be decided by resolution of the local government.
  - decide by resolution to defer the matter to a later meeting.
  - decide by resolution 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.

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- (b) The local government may by resolution delegate a power under section 257 of the LGA to:
  - The mayor or chief executive officer, or
  - Another local government for a joint government activity,
- (c) 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.
- (d) The local government may only delegate a power to make a decision about a Councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to the Mayor:
- (e) 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.

#### 1.8 Motions

##### 1.8.1 **Motions**

- (a) A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the local government and cannot be withdrawn without the consent of the Chairperson.
- (b) Other Councillors can propose amendments to the motion and put to the meeting by the Chairperson, which must be voted on before voting on the final motion. If a motion fails a Councillor is entitled to raise an alternative motion.
- (c) The Chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the Chairperson may put the motion to the vote without discussion and the vote can occur.
- (d) No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government 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 at which the motion is to be considered, the motion may be:

**COUNCIL POLICY****Standing Orders (Meetings) 2024**

- moved by another Councillor at the meeting; or
- deferred to the next meeting.

Any general motion that is not moved will lapse; and the Chairperson may call for any alternative motions to be received and considered.

**1.8.3 Motion to be Seconded**

- (a) A motion or an amendment to a motion must not be debated at a meeting unless or until the motion or the amendment is seconded, with the exception of a procedural motion which do not need to be seconded.
- (b) A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- (c) Notwithstanding section 1.8.3(a), a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.

**1.8.4 Amendment of Motion**

- (a) An amendment to a motion must:
  - (i) be in terms which retain the identity of the motion; and
  - (ii) not negate the motion.
- (b) Not more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.
- (c) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- (d) Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

**1.8.5 Speaking to Motions and Amendments**

- (a) Subject to section 1.8.5(b), the mover of an amendment to a motion must read the amendment and state that the amendment is so moved but must not speak to the amendment until it is seconded.
- (b) A Councillor may request further information from the Chairperson before or after the motion or the amendment to the motion is seconded.
- (c) Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment and each subsequent speaker alternatively against

## COUNCIL POLICY

### Standing Orders (Meetings) 2024

and in favour of the motion or amendment, unless the Chairperson in his or her discretion rules otherwise.

- (d) The mover of a motion has the right of reply.
- (e)
- (f) Each Councillor must speak not more than twice to the same motion or the same amendment (noting the ability to speak initially, and then again during the item to address matters as raised by other speakers) except as a right of reply unless the Chairperson in his or her discretion rules otherwise.
- (g) Each speaker is restricted to not more than five minutes unless the Chairperson in his or her discretion rules otherwise.
- (h) Where two or more Councillors attempt to speak at the same time, the Chairperson is to determine who is entitled to priority.
- (i) A Councillor must not speak to a motion unless the Councillor is:
  - (i) recognised by the Chairperson; and
  - (ii) standing when speaking to the motion.
- (j) In accordance with section 254H of the LGR, if a decision made at the local government meeting is inconsistent with a recommendation or advice given to the local government by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

**Note:** *If a report contains distinct recommendations, the decision of the local government 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.*

#### 1.8.6 Method of Taking Vote

- (a) Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the Chief Executive Officer.
- (b) The Chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (c) The local government must vote by a show of hands or as otherwise directed by the Chairperson.

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- (d) Any Councillor may call for a division in relation to the taking of a vote provided the call for a division is made prior to the Chairperson calling for the vote.
- (e) If a division is called for in accordance with section 1.8.6(d), the Chairperson shall first request those in favour of the motion to stand and then ask those against the motion to stand.
- (f) If a division is taken, the Chief Executive Officer must record:
  - (i) the names of the Councillors voting in the affirmative; and
  - (ii) the names of the Councillors voting in the negative.
- (g) The Chairperson must declare the result of a vote or a division as soon as it has been determined.
- (h) Regardless of whether a division is called or not, for each decision taken whether it is not a unanimous decision, the Chief Executive Officer must record the names of the Councillors voting in the negative.

1.8.7 **Withdrawing a Motion**

A motion or amendment may be withdrawn or changed by the mover which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Chairperson for its withdrawal.

1.8.8 **Repealing or Amending Resolutions**

- (a) A resolution of the local government or committee must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act<sup>1</sup> (requiring five days notice before the meeting).
- (b) Where a motion (a **relevant motion**) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least three months after the date on which the relevant motion was defeated.
- (c) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than three months.
- (d) Where a resolution (a **later resolution**) of the local government or committee relates to a matter the subject of a previously passed resolution (a **previous resolution**), the previous resolution is amended or repealed to the extent that it is inconsistent with the

<sup>1</sup> See section 262 (Repeal or amendment of resolutions) of the *Local Government Regulation 2012*.



later resolution.

#### 1.8.9 **Procedural Motions**

- (a) At a meeting, a Councillor may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a **procedural motion**):
- (i) that the question/motion be now put to the vote; or
  - (ii) that the motion and amendment now before the meeting be adjourned; or
  - (iii) that the meeting proceeds to the next item of business; or
  - (iv) that the question/motion lie on the table; or
  - (v) a point of order; or
  - (vi) a motion of dissent against a ruling on a point of order; or
  - (vii) that a report or document be tabled; or
  - (viii) to suspend the rule requiring that ...; or
  - (ix) that the meeting stands adjourned.

#### 1.8.10 **Motion that the Quest "Be Put"**

A procedural motion that the question be put, may be moved without notice and without comment, at any time after a motion has been moved and seconded.

The Chairperson shall, without debate, put the procedural motion and should it be carried, the Chairperson shall, without further debate, put the motion before the meeting to the vote.

Where the procedural motion is lost, debate on the motion shall continue and a procedural motion that the question be put may not be moved again for a period of 15 minutes.

#### 1.8.11 **Motion that Debate be Adjourned**

- (a) A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- (b) A motion under section 1.8.11(a) must not adjourn debate on a matter the subject of a motion for more than two months after the date of the procedural motion.

**1.8.12 Motion to Proceed to next item of Business**

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

**1.8.13 Motion that the "Motion Lie on the Table"**

- (a) A procedural motion that a motion or question lie on the table can only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- (b) Where a motion under section 1.8.13(a) is passed, the local government must proceed with the next matter on the agenda.
- (c) Where a motion under section 1.8.13(a) is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

**1.8.14 Points of Order**

- (a) A Councillor may ask the Chairperson to decide a point of order where it is believed that another Councillor:
  - (i) has failed to comply with proper procedures; or
  - (ii) is in contravention of these standing orders or the Act; or
  - (iii) is beyond the jurisdictional power of the local government; or
  - (iv) has made comments that are misrepresentative.
- (b) A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- (c) Where a point of order is raised, consideration of the matter about which the Councillor was speaking is suspended.
- (d) The Chairperson must determine whether the point of order is upheld or not.
- (e) Upon a point of order arising during the process of a debate, the

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Councillor raising the point of order may speak to the point of order.

- (f) Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

#### 1.8.15 *Motion of Dissent*

- (a) A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order.
- (b) Where a motion is moved under section 1.8.15(a), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (c) Where a motion of dissent is carried:
  - (i) the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
  - (ii) where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

#### 1.8.16 *Motion to Suspend Requirements of a Rule*

- (a) A procedural motion to suspend the requirements of a rule may be made by a Councillor in order to permit some action that otherwise would be prevented by the standing orders.
- (b) A motion under section 1.8.16(a) must specify the duration of the suspension.

#### 1.8.17 *Motion that Meeting Stands Adjourned*

- (a) A procedural motion that a meeting stand adjourned<sup>2</sup> 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 must be put without debate.
- (b) A motion under section 1.8.17(a) must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.

<sup>2</sup> See section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.

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- (c) Where a motion under section 1.8.17(a) is lost, the Chairperson must not accept a similar motion until the expiration of fifteen minutes after the time the motion was lost.

#### 1.9 Mayoral Minute

##### 1.9.1 **Mayoral Minute**

- (a) The Mayor may direct the attention of the local government at an ordinary meeting of the local government to a matter or subject not on the agenda by a Minute (a **Mayoral Minute**) signed by the Mayor.
- (b) The Mayor must deliver a copy of the Mayoral Minute for an ordinary meeting of the local government to the Chief Executive Officer.
- (c) Despite section 1.9.1(d), the Mayoral Minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.
- (d) The motion comprising the Mayoral Minute may be put by the Mayor:
  - (i) to the ordinary meeting of the local government without being seconded; and
  - (ii) at any stage of the ordinary meeting of the local government considered appropriate by the Mayor.
- (e) If the motion comprising the MaMyoral Minute is passed by the local government, the Mayoral Minute becomes a resolution of the local government.

#### 1.10 Unsuitable Meeting Conduct

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behavioural standard of the [Code of Conduct for Councillors](#). When dealing with an instance of unsuitable meeting conduct by a Councillor in a meeting, the following procedures must be followed:

1.10.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a Councillor during a meeting. The Chairperson may consider the severity of the conduct and whether the Councillor has been issued with any previous warnings for unsuitable meeting conduct. 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 section 1.10.6 below.

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

- ceasing and refraining from exhibiting the conduct
- apologising for their conduct
- withdrawing their comments.

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

1.10.4 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 for unsuitable meeting conduct being issued.

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

1.10.6 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 1.10.2 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.

1.10.7 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.

1.10.8 Following the completion of the meeting, the Chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):

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

1.10.9 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1.10.1, 1.10.2, 1.10.6 and 1.10.7 above.

#### 1.11 Process for dealing with Unsuitable Meeting Conduct by a Chairperson

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- 1.11.1 If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.
- 1.11.1 The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). The Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 1.11.2 The Chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and 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 above for declarable conflict of interest.
- 1.11.3 For the debate and vote on the motion, the Deputy Mayor is to act as the Chairperson.
- 1.11.4 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.
- 1.11.5 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).
- 1.11.6 If it is decided that the Chairperson has engaged in unsuitable meeting conduct, the Councillors can decide to make an order reprimanding the Chairperson for the conduct.
- 1.11.7 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.
- 1.11.8 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 orders for unsuitable meeting conduct*

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*being made against the Chairperson, on 3 occasions within a 12- month period, 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 of the LGA, the local government is not required to notify the Assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.*

#### 1.12 Conduct Breach

##### 1.12.1 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 Independent Assessor (the Assessor) must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply – see section 150SD of the LGA. If the Assessor finds 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.

The local government is to refer to the Councillors Investigation Policy which details the process for dealing with a suspected conduct breach.

**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 of three instances of unsuitable meeting conduct orders within a 12 month period.*

#### 1.13 General conduct during meetings

1.13.1 After a meeting of the local government has been formally constituted and the business commenced, a Councillor will not enter or leave from the meeting without first notifying the Chairperson.

1.13.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'Councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.

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

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

**1.14 Questions****1.14.1 Questions**

- (a) At a meeting, a Councillor may ask a question for reply by another Councillor or an officer of the local government regarding any matter under consideration at the meeting.
- (b) A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- (c) A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or a specified future meeting.
- (d) A Councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- (e) The Chairperson may disallow a question which he or she considers is:
  - (i) inconsistent with good order; or
  - (ii) not relevant to the debate or matter under consideration.
- (f) A Councillor may move a motion that a ruling of the Chairperson under section 1.14.1(e) be disagreed with, and if such motion is carried, the Chairperson must allow the question.

**1.15 Disorder and Business****1.15.1 Disorder**

- (a) Where disorder arises at a meeting, the Chairperson may adjourn the meeting of the local government in accordance with section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.
- (b) On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (c) Where a motion under section 1.15.1(b) is lost, the Chairperson must declare the meeting closed, and any outstanding matters



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must be referred to a future meeting.

**1.15.2 Business of Objectionable Nature**

At a meeting, if the Chairperson or a Councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the Chairperson or the Councillor may declare on a point of order, that the matter not be considered further.

**1.16 Attendance and Non-Attendance****1.16.1 Attendance of Public and Media at Meetings**

- (a) 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.
- (b) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (c) Each Councillor present at a meeting of the local government will have their names recorded by the Chief Executive Officer.
- (d) The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 254J *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in closed session.

**1.16.2 Public Participation and Deputations at Meetings**

- (a) Any person or group deputation may attend a meeting to address the local government on matters of public interest related to the local government's jurisdiction.
- (b) A person or group wishing to attend and address or provide a deputation at a local government meeting:
  - To ensure enough time to be listed on the Council meeting agenda, must make a written request at least seven days before the meeting, to the Chief Executive Officer setting out the matter to be raised by the presentation or deputation; and specifying their name and address and

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contact details of the person authorised to receive notices on behalf of the presentation or deputation; or

- may be invited by the Chairperson to address the local government on a matter on the agenda for which they have an interest without notice.

(c) The Chief Executive Officer must inform the Chairperson immediately upon the receipt of the request. Following consideration of the request confirmation will be given if the matter is to be listed for the meeting agenda. If approved conditions considered appropriate will be applied. These conditions will generally include:

- (i) that the address must be local government specific;
- (ii) other appropriate channels within Council have been already utilised in furthering of the matter;
- (iii) a maximum of three speakers per matter;
- (iv) a maximum of three minutes per speaker.

Unless otherwise directed by the Chairperson, the Chief Executive Officer will list the presentation on the agenda of the next local government meeting and give to the person specified in the request notice of the time and date when the presentation will be heard.

(d) Except when invited to do so by the Chairperson pursuant to sections 1.16.2(a) and 1.16.2(b), a member of the public must not take or attempt to take part in the proceedings of a meeting.

(e) If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the Chairperson may require the member of the public to cease making the submission or comment.

(f) For any matter arising from a submission or comment from a member of the public, the local government may:

- (i) refer the matter to a committee; or
- (ii) deal with the matter immediately; or
- (iii) place the matter on notice for discussion at a future meeting; or
- (iv) refer to the Chief Executive Officer or applicable director for action; or
- (v) note the matter and take no further action; or
- (vi) take no action.

(g) Any person invited to address a meeting must:

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- (i) State their name, address, and matter; and
  - (ii) stand, act and speak with decorum; and
  - (iii) frame any remarks in respectful and courteous language; and
  - (iv) keep to the timeframe given by the Chairperson, but ordinarily to a limit of three minutes.
- (h) If a person is considered by the Chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting.
- (i) If a person in the public gallery at the place where a meeting is taking place has an item of communication equipment, for example, a mobile telephone or an audible pager, the Chairperson of the meeting may direct the person to turn off the item of communication equipment.
- (j) If a person fails to comply with a direction given under this section 1.16.2, the person is deemed to obstruct the proper conduct of the meeting and may be removed from the meeting.

#### 1.17 Closed Sessions

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

- Appointment, dismissal, or discipline of the CEO; or
- industrial matters affecting employees;
- the local governments budget which does not include the monthly financial statements;
- rating concessions;
- 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;
- matters that may directly affect the health and safety of an individual or a group of individuals;
- Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- Negotiations relating to the taking of land by the local government under *the Acquisition of Land Act 1967*;
- A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

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- A matter relating to the consideration of an investigation report for a conduct breach matter given to the local government by the Assessor under the LGA chapter 5A, part 3, division 5.
- 1.17.2 A local government or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.
- 1.17.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting, and the local government must;
- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA unless the matter cannot be delegated,
  - decide by resolution to defer the matter to a later meeting when a quorum may be available,
  - decide by resolution 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.
- 1.17.4 None of the matters referred to in clause 1.17.3 will be considered, discussed, voted on or made during a closed session.
- 1.17.5 If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA.
- 1.17.6 To take a matter into a closed session the local government must abide by the following process:
- pass a resolution to close the meeting;
  - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered;
  - if 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;
  - no resolution can be made while in a closed meeting (other than a procedural resolution);
- 1.18 Teleconference of Meetings
- 1.18.1 If a Councillor wishes to be absent from a local government meeting place during a meeting, the Councillor must apply to the local government to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Mayor or CEO have the

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delegation (COUDEL05) to approve a Councillor to participate in a local government or committee meeting by teleconference.

**Note:** *There is no legislative requirement for a resolution by a local government to allow a Councillor to participate by audio link or audio-visual link. This means the local government may delegate the matter. For example, the local government may delegate to the Chairperson of the local government or a committee meeting the ability to decide whether a Councillor can attend a meeting by audio link or audio-visual link.*

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

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

#### 1.19 Committees

##### 1.19.1 **Standing Orders for Meetings of Local Government Committees**

Subject to the Act and the *Local Government Regulation 2012*<sup>3</sup>, these standing orders apply to meetings of local government committees.

#### 1.18 Procedure Not Provided For

##### 1.18.1 **Procedure not Provided for**

If an appropriate or adequate method of dealing with a matter is not provided for in the Act, the *Local Government Regulation 2012* or the standing orders, the method of dealing with the matter may be determined by resolution of the local government upon a motion which may be put without notice in conformity with the Act, the *Local Government Regulation 2012* and the standing orders.

## 2.0 Definitions

To assist in interpretation the following definitions shall apply:

**Act** shall mean the *Local Government Act 2009*.

**Chief Executive Officer** shall mean the Chief Executive Officer of the local government.

**Committee** shall mean a committee of the local government appointed under section 264 of the *Local Government Regulation 2012*.

<sup>3</sup> See chapter 8-part 2 division 2 (Local government committees) of the *Local Government Regulation 2012*.

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**Council** shall mean the Mayor and Councillors of Mackay Regional Council.

**Local Government** shall mean the Council including the Mayor and Councillors of Mackay Regional Council.

**LGA** shall mean the *Local Government Act 2009*.

**LGR** shall mean the *Local Government Regulation 2012*.

**MRC** shall mean Mackay Regional Council.

**3.0 Review of Policy**

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

**4.0 Reference**

- *Local Government Act 2009*
- *Local Government Regulation 2012*

**5.0 Attachments**

# Model Meeting Procedures

Conduct of local government meetings and its committee meeting

**Revised March 2024**

Last updated:

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

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## Purpose of the Model Meeting Procedures

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

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

## Meeting Principles

Local government meetings must adhere to the following principles:

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

## Background

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

The model meeting procedures include the following:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting

- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI
- procedures for closing local government meetings to the public.

## Application

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

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

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

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

## Processes

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

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

- 1.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.
- 1.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under 1.7 below.

- 1.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
  - 1.3.1. ceasing and refraining from exhibiting unsuitable meeting conduct
  - 1.3.2. apologising for their conduct
  - 1.3.3. withdrawing their comments.
- 1.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 1.5. If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.
- 1.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 1.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:
  - 1.7.1. an order reprimanding the councillor for the conduct
  - 1.7.2. an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 1.8. If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 1.9. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.
- 1.10. Following the completion of the meeting, the chairperson must ensure the minutes of the meeting record the information about unsuitable meeting conduct (see note):

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

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

- 2.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.
- 2.2. The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 2.3. The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out in *part 5* below.
- 2.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 2.5. If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, the chairperson can put forward their reasoning about their conduct and respond to questions through the chairperson from the eligible councillors.
- 2.6. The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).

- 2.7. If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors can make an order reprimanding the chairperson for the conduct.
- 2.8. Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.
- 2.9. The chairperson then resumes the role of chairperson, and the meeting continues.

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

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

*If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.*

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

Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The IA 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 described in the above Note at end of section 2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting in this document.

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

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

- 3.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.
- 3.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:
- 3.3.1. The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the CBR section 242], or the LGR section 254j].
- 3.3.2. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- 3.3.3. Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter

in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under CBR section 242H and the LGR section 254H.

3.3.4. The subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless they decide otherwise), during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.

3.3.5. The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.

3.3.6. If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 5. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 5. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.

3.3.7. After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the local government if they were complainants, and any councillor who declared a COI in the matter.



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

3.4.1. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

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

3.4.3. Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter.

***Note:** A local government cannot decide to take no further action on a decision about a conduct matter because a decision 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.*

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

3.5. If it is decided that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 3.6, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous conduct breach of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

- 3.6. The local government may order that no action be taken against the councillor or make one or more of the following:
- 3.6.1. An order that the councillor make a public apology, in the way decided by the local government,
  - 3.6.2. An order reprimanding the councillor for the conduct breach
  - 3.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
  - 3.6.4. An order that the councillor be excluded from a stated local government meeting
  - 3.6.5. An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)
  - 3.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
  - 3.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
  - 3.6.8. A local government may not make an order in relation to a person who has vacated their office as a councillor.
- 3.7. The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.
- 3.8. The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.

#### 4. Prescribed Conflict of Interest

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

- 4.1. A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 4.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest.
- 4.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:
  - 4.3.1. if it arises because of a gift, loan or contract, the value of the gift, loan or contract
  - 4.3.2. if it arises because of an application for which a submission has been made, the matters the subject of the application and submission
  - 4.3.3. the name of any entity, other than the councillor, that has an interest in the matter
  - 4.3.4. the nature of the councillor's relationship with the entity mentioned in 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.

## 5. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government meetings and standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA and section 177L of the COB, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

- 5.1. A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the other councillors may disclose their suspicion and the processes under section 150EW of the LGA or section 177T of COBA applies.
- 5.2. When dealing with a declarable conflict of interest, a councillor must abide by the following procedures:
  - 5.2.1. A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.
  - 5.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must inform the meeting of the conflict of interest.
- 5.3. When notifying the meeting of a declarable conflict of interest, a councillor should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
  - 5.3.1. The nature of the declarable conflict of interest
  - 5.3.2. If it arises because of the councillor's relationship with a related party
    - the name of the related party and
    - the nature of the relationship of the related party to the councillor and
    - the nature of the related party's interest in the matter.

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

- the name of the other person and
- the nature of the relationship of the other person to the councillor or related party and
- the nature of the other person's interest in the matter and
- the value of the gift or loan and the date the gift or loan was made.

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

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

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

5.4.3. The councillor must comply with any decision or condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or section 177P of the COBA or under an approval by the minister for local government under section 150EV of the LGA or section 177S of the COBA.

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

- 5.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 5.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:
- 5.6.1. How does the inclusion of the councillor in the deliberation affect the public trust
- 5.6.2. How close or remote is the councillor's relationship to the related party
- 5.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- 5.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
- 5.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community
- 5.6.6. How does this compare with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting
- 5.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?
- 5.7. If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.

- 5.8. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g., workshops.
- 5.9. In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 5.10. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

## **6. Reporting a Suspected Conflict of Interest**

- 6.1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 6.2. The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 6.3. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 6.4. The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or

declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.

6.5. If the councillors cannot reach a decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

6.6. If the belief or suspicion of a COI relates to more than one councillor. Section 6 of these procedures must be complied with in relation to each councillor separately.

## **7. Loss of Quorum**

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

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

7.1.2. Defer the matter to a later meeting

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

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

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



- 7.4. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:
- 7.4.1. the mayor or chief executive officer, or
  - 7.4.2. a standing committee, or joint committee of the local government, or
  - 7.4.3. the chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or
  - 7.4.4. another local government for a joint government activity.
  - 7.4.5. the Establishment and Coordination Committee – only applies to Brisbane City Council
- 7.5. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- 7.5.1. the mayor or
  - 7.5.2. a standing committee
  - 7.5.3. if it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.
- 7.6. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:
- 7.6.1. the mayor, or
  - 7.6.2. the Establishment and Coordination Committee, or
  - 7.6.3. a standing committee of the local government. If it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.
- 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.

*Note: Refer to note under 3.4*

## **8. Recording Prescribed and Declarable Conflicts of Interest**

8.1. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see section 150FA of the LGA or section 177X of the COBA):

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

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

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

8.1.4. Any decision then made by the eligible councillors

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

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

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

8.2. If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:

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

8.3. Where a decision has been made under section 5 above – the minutes must include:

8.3.1. the decision and reasons for the decision, and

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

## 9. Closed Meetings

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

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

9.1.2. Industrial matters affecting employees

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

9.1.4. Rating concessions

9.1.5. Legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government

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

9.1.7. Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government

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

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

- 9.1.10. A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.
- 9.2. A local government meeting, standing and advisory committee meetings cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.
- 9.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the local government meeting, and the local government must resolve to:
- 9.3.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated
- 9.3.2. Defer the matter to a later meeting when a quorum may be available
- 9.3.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 9.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 9.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).
- 9.6. To take a matter into a closed session the local government must abide by the following:
- 9.6.1. Pass a resolution to close all or part of the meeting
- 9.6.2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see section 9.1)

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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).

#### **4. MEETING CLOSURE**