

	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Standing Orders and Meeting Procedures	POLICY REF NO: CHRCP: 0055

1.0 Policy Purpose

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

2.0 Policy Statement

2.1 Refer to Part 1, section 1 and section 2

3.0 Definitions

3.1 Refer to section 3

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Standing Orders and Meeting Procedures

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Part 1 – Preliminary

1 Background

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

2 Object

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

3 Definitions

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

Part 2 – Local Government Meetings

Division 1 – Time of meetings of the local government

4 Times of ordinary meetings of the local government

- (1) The local government may, by resolution, fix dates and times for its ordinary meetings.¹
 - (2) If there is no resolution fixing the date and time for an ordinary meeting, the chief executive officer must fix the date and time for the meeting.
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¹ See section 257 (frequency and place of meetings) of the Regulation, and section 175 (post- election meetings) of the Act.

- (3) Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer must, if practicable, consult with the mayor about the proposed date and time for the meeting.

5 Special meetings of the local government

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

Division 2 – Time of meetings of a committee

6 Times and places of committee meetings

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

7 Special meetings of a committee

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

Division 3 – Agenda and notice for local government meetings

8 Non-application to audit committee meetings

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

9 Public notice of ordinary meetings of the local government and its standing committees³

- (1) Council will, at least once in each year, publish a notice of the days and times when —
 - (a) its ordinary meetings of the local government will be held; and
 - (b) the ordinary meetings of its standing committees will be held.
 - (2) The notice must be published on Council’s website and in other ways Council considers
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² See Section 268 (frequency of meetings) of the Regulation.

³ See section 254B (public notice of meetings) of the Regulation.

appropriate.

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

10 Notice and agenda for local government meetings given to councillors⁵

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

Division 4 – Conduct of meetings of the local government

11 Chairperson

- (1) The mayor will preside at a meeting of local government.
 - (2) If the mayor is absent or unavailable to preside, the deputy mayor will preside.
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⁴ See section 254D (public availability of agendas) of the Regulation.

⁵ See section 254C (notice of meetings and agendas for councillors or committee members) of the Regulation.

- (3) If both the mayor and the deputy mayor, ~~or the mayor's delegate~~, are absent or unavailable to preside, a councillor chosen by the councillors present at the meeting will preside at the meeting.

12 Quorum

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

Division 5 – Conduct of committee meetings

13 Chairperson

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

14 Quorum⁶

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

15 Procedure at committee meetings

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

Division 6 – Terms of reference for a standing committee

16 Background

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

17 Purpose

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

18 Membership

The membership of a standing committee shall comprise—

- (1) 5 councillors, from which 1 councillor shall be appointed as chairperson: and
- (2) the mayor, as an ex officio member of the committee.

19 Scope and limitations

The main functions of a standing committee are to—

- (1) receive reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
 - (2) adopt the reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
 - (3) make decisions in line with the delegated authority; and
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⁶ See section 269 (quorum) of the Regulation.

- (4) where necessary, formulate recommendations to the ordinary local government meeting.

20 Delegated authority

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

Part 3 – Standing Orders

Division 1 – Application of standing orders

21 Application

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

Division 2 – Procedures for local government meetings

22 Order of business

- (1) The order of business must be determined by resolution of the local government from time to time.
- (2) Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake acknowledgements and/or greetings deemed appropriate by the local government.
- (3) The order of business may be altered for a particular meeting where the councillors at the meeting pass a procedural motion to that effect.
- (4) A motion to alter the order of business may be moved without notice.
- (5) Unless otherwise altered pursuant to subsection (3) above, the order of business and agenda will be —
 - (a) for ordinary meetings of the local government —
 - Attendance

- Acknowledgement of Country

- Apologies and granting of leave of absence
 - Confirmation of Minutes
 - Business Arising from Previous Minutes
 - Conflict of Interests Declarations
 - Reception of Petitions
 - Reception and Consideration of Committee Reports
 - Reception and Consideration of Officers' Decision Action Reports
 - Reception and Consideration of Officers' Information Reports
 - Miscellaneous Business
 - Any other business Council determines by resolution be included in the business paper
- (b) for special meetings, and committee meetings —
- Attendance
 - Apologies
 - Reception of Deputations by Appointment
 - Reception and Consideration of Officers' Reports
- (6) The minutes⁷ of a previous meeting (***previous minutes***) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed, and no discussion shall be permitted with respect to the previous minutes except with respect to the accuracy of the previous minutes as a record of the proceedings.
- (7) Admission of deputations, invitees and visitors shall be at the discretion of either of
- (a) the chairperson; or
 - (b) the chief executive officer.
- (8) The time for receipt of petitions shall be at the discretion of the local government.

23 Petitions

- (1) The rules for petitions to the local government are available on Council's website.
- (2) Any petition presented to a meeting of the local government must be in legible writing or typewritten and contain a minimum of 10 signatures (clearly stating the name and address of each person), contain a cover page detailing the request, suggestion or grievance and the name of the principal petitioner.⁸
- (3) The petition should be addressed to the chief executive officer and can be emailed, mailed or physically handed in at a customer service centre of Council.
- (4) The details of the specific request/matter must appear on each page of the petition.
- (5) The chief executive officer will present the petition to a general meeting of the local government. In accordance with the local government's general meeting procedure, the chief executive officer may move the petition be received and referred to the relevant area of the local government for investigation and report back to the local government, if required.
- (6) The principal petitioner will be advised in writing of the local government's decision, following the relevant ordinary meeting.

⁷ See section 254F (Minutes) of the Regulation.

⁸ See "What are the rules for petitions" on Central Highlands Regional Council website for further information on rules for

submitting petitions to Council.

- (7) A petition may be presented to a meeting by a councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.
- (8) On presenting a petition to a meeting, a councillor must —
 - (a) state the nature of the petition; and
 - (b) read the petition.
- (9) Where a councillor presents a petition 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—
 - (a) the petition be received, and consideration stand as an order of the day for —
 - (i) the meeting; or
 - (ii) a future meeting; or
 - (b) the petition be received and referred to a committee or the chief executive officer for consideration and a report to the local government; or
 - (c) the petition not be received.

24 Deputations to a meeting of the local government

- (1) A deputation wishing to attend and address a meeting of the local government shall apply in writing to the chief executive officer not less than 7 clear business days before the meeting.
- (2) The chief executive officer, on receiving an application for a deputation shall notify the chairperson who shall determine whether the deputation shall be heard.
- (3) The chief executive officer must inform the deputation of the determination.
- (4) Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed.
- (5) For deputations comprising 3 or more persons, only 3 persons may be heard unless the local government determines otherwise by resolution.
- (6) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- (7) The chairperson of a meeting may terminate an address by a person in a deputation at any time if —
 - (a) the chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
 - (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting; or
 - (c) the person uses insulting or offensive language.
- (8) If a member of the deputation other than an appointed speaker interjects or attempts to address the local government, the chairperson may finalise the deputation.
- (9) A suitable designated officer will be identified and will assume responsibility for the deputation including that the appointed speaker/s is notified in writing of developments or future actions as appropriate.
- (10) A rolling report on the status and outcome of all deputations will be presented to the local government on a quarterly basis.

Division 3 – Motions at local government meetings

25 Motions

- (1) A councillor is required to 'propose' a motion and then another councillor is required to 'second' the motion.

(2) A motion brought before a meeting in accordance with the Act or the standing orders in part 3 may

be received and put to the meeting by the chairperson.

- (3) The chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- (4) The chairperson may call the notices of motion in the order in which they appear on the meeting agenda and, where no objection is taken to a motion being taken as a formal motion, the chairperson may put the motion to the vote without discussion.
- (5) An item on the meeting agenda must not be removed from the agenda where a councillor at the meeting objects to it being removed.
- (6) When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.

26 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 moved by another councillor at the meeting or deferred to the next meeting.

27 Motion to be seconded

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

28 Amendment of motion

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

29 Speaking to motions and amendments

- (1) Subject to section 27(2) of these standing orders, the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, and —
 - (a) may only speak in support of the amendment before it is seconded with the permission of the chairperson; and
 - (b) may speak in support of the amendment after it is seconded.
- (2) A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.
- (3) 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 and in favour of the motion or amendment, unless the chairperson in his or her discretion rules otherwise.
- (4) The mover of a motion has the right of reply.

(5) The mover of an amendment to a motion has no right of reply.

- (6) Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.
- (7) Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.
- (8) Where 2 or more councillors attempt to speak at the same time, the chairperson is to determine who is entitled to priority.
- (9) The minutes of a meeting must include a statement of the reasons for not adopting a recommendation or advice if a decision is made at the meeting and section 254H of the Regulation applies.

30 Method of taking vote⁹

- (1) Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer.
- (2) The chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or negative has the majority vote.
- (3) The local government or committee must vote by a show of hands or as otherwise directed by the chairperson.
- (4) If, in relation to a question/motion put to a committee meeting, the question/motion does not have the unanimous support of the committee members present, the chairperson must—
 - (a) not declare the result of the vote; and
 - (b) direct that the question/motion be referred to the next meeting of the local government.
- (5) Any councillor or committee member may call for a division or a question in relation to the taking of a vote immediately following the chairperson declaring the result of the vote.
- (6) If a division is taken, the chief executive officer must record —
 - (a) the names of the councillors or committee members voting in the affirmative; and
 - (b) the names of the councillors or committee members voting in the negative.
- (7) The chairperson must declare the result of a vote or a division as soon as it has been determined.
- (8) Councillors and committee members have the right to request that their names, and how they voted, be recorded in the minutes for voting other than by division.
- (9) A councillor or committee member present and entitled to vote at the meeting who fails or abstains from voting is taken to have voted in the negative.¹⁰
- (10) Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote has been declared.
- (11) If a report contains distinct recommendations, the decision of the local government or committee may be taken separately on each recommendation.

31 Repealing or amending resolutions

- (1) A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act or the Regulation.
 - (2) 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 3 months after the date on which the relevant motion was defeated.
 - (3) 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 3 months.
 - (4) Where a resolution (a **later resolution**) of the local government relates to a matter the subject of
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⁹ See section 254E (procedure at meetings) of the Regulation.

¹⁰ See section 254E(2)(c) of the Regulation.

a previous resolution (a **previous resolution**) passed more than 3 months previous, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

32 Procedural motions

At a meeting, a councillor or committee member may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a **procedural motion**) —

- (a) that the question/motion be now put to the vote; or
- (b) that the motion and amendment now before the meeting be adjourned; or
- (c) that the meeting proceed to the next item of business; or
- (d) that the question/motion lie on the table; or
- (e) a point of order; or
- (f) a motion of dissent against a point of order; or
- (g) that a report or document be tabled; or
- (h) to suspend the rule requiring that.....; or
- (i) for committee meetings only — that the question/motion be referred to the next meeting of the local government; or
- (j) that the meeting stand adjourned.

33 Motion that the question be put

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

34 Motion that debate be adjourned

- (1) 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.
- (2) A motion under subsection (1) above must not adjourn debate on a matter the subject of a motion for more than 2 months after the date of the procedural motion.

35 Motion to proceed to next item of business

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

36 Motion that the motion lie on the table

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

37 Points of order

(1) A councillor or committee member may ask the chairperson to decide a point of order where it is

believed that another councillor or member —

- (a) has failed to comply with proper procedures; or
 - (b) is in contravention of part 3 of the standing orders, or the Act¹¹; or
 - (c) is beyond the jurisdictional power of the local government.
- (2) A point of order cannot be used as a means of contradicting a statement made by a councillor or committee member speaking about a matter.
 - (3) Where a point of order is raised, consideration of the matter about which the councillor or committee member was speaking may be suspended subject to section 21(3) of these standing orders.
 - (4) The chairperson must determine whether the point of order is upheld.
 - (5) Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.
 - (6) Despite anything to the contrary in part 3 of the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

38 Motion of dissent

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

39 Motion that a report be tabled

A motion that a report or document be tabled may be used by a councillor or committee member to introduce a report or other document to a meeting.

40 Motion to suspend requirements of a rule

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

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

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

42 Motion that meeting stands adjourned¹²

¹¹ See chapter 5A (councillor conduct) and chapter 5B (councillors' conflicts of interest) of the Act.

¹² For a meeting of the local government, see section 261 (adjournment of meetings) of the Regulation.

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

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

43 Mayoral minutes

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

Division 5 – Councillor Conduct during local government meetings

44 Councillor conduct during meetings

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

division.

- (8) A councillor must not interrupt another councillor who is speaking except upon a point of order being raised either by the chairperson or by the councillor.
- (9) If the chairperson intervenes during the process of debate, any councillor then speaking or offering to speak, and each councillor present, must preserve strict silence so that the chairperson may be heard without interruption.

Division 6 – Questions

45 Questions

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

Division 7 – Maintenance of good order

46 Disorder

- (1) Where disorder arises at a meeting, and the disorder does not arise as a result of unsuitable meeting conduct or inappropriate conduct of a councillor at the meeting, the meeting may be adjourned in accordance with —
 - (a) for a meeting of the local government, section 261 (adjournment of meetings) of the Regulation; and
 - (b) for a local government meeting generally, section 42 of these standing orders.
- (2) On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (3) Where a motion under subsection (2) above is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

47 Business of objectionable nature

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

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

- (1) In order to ensure achievement of the local government principles and, in relation to councillors, discharge of their responsibility to participate in local government meetings under the *Local Government Act 2009*, all councillors must seek to attend all meetings.
- (2) A councillor attends meetings by:
 - (a) taking part in the meeting by attending at the place the meeting is held; or
 - (b) taking part in the meeting by audio link or audio visual link, if permitted in accordance with section 49.
- (3) A councillor wishing to take a leave of absence must apply for leave in writing including a reason for the requested leave of absence to the chief executive officer two (2) weeks prior to the commencement of the leave. The leave request will be submitted to Council for a decision by resolution at the next available general council meeting.

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

49 Attendance by audio link or audio visual link

- (1) General attendance principle
 - (a) A local government or committee of a local government may allow a person to take part in a meeting by audio link or audio visual link. In those circumstances, the councillor or committee member who takes part in a meeting is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.
 - (b) As a general principle however, other than in exceptional circumstances, councillors must attend meetings in person by attending at the place the meeting is held.
 - (c) If there are exceptional circumstances, then a councillor must seek approval of the chairperson to attend the meeting by audio link or audio visual link in accordance with this section 49 (2)
 - (d) Exceptional circumstances include where:
 - (i) There is a disaster or emerging disaster event that prevents the safe attendance of a councillor in person;
 - (ii) a councillor cannot attend in person because the councillor is required to attend to official council business in another location;
 - (iii) a councillor is unwell experiencing symptoms of an infectious illness
 - (iv) in the case of Special meetings, the councillor is in another location, and it is impracticable to return to the meeting place in person in the notice timeframes.
 - (e) Where the local government or a committee has approved the audio link or audio visual link arrangement, the councillor or committee member must be able to hear and be heard by each other person at the same time throughout the meeting.¹³
 - (f) In considering a request for attendance at a local government meeting by audio link or audio visual link, the chairperson must consider confidentiality and privacy as this may pose a risk to the local government due to the nature of the discussions.
 - (g) A high quality mobile device and workstation set up must be used to attend via audio link or audio-visual link to ensure clear audio and visuals.
 - (h) A councillor or committee member may participate in all aspects of an ordinary meeting of the local government, or standing committee meeting, via audio link or audio visual link (e.g. by video link, face time, landline, or computer) provided a quorum is physically present at the official notified location of the meeting, and the councillor or committee member can be heard by all persons attending the meeting, including the public present in the notified

¹³ See section 254K (3) (participating in meetings by audio link or audio visual link) of the Regulation.

location. It is the responsibility of the person the subject of the arrangement to be audio or audio visually linked in advance of the time of the meeting; audio links or audio visual links received after the meeting has begun may not be accepted at the discretion of the chairperson. Any councillor or committee member participating shall identify to the chairperson any and all persons present in the location from which the councillor or committee member is participating.

- (i) Should the chairperson attend by audio link or audio visual link, he/she shall appoint the deputy mayor as temporary chair or postpone the meeting to another date.
 - (j) A register of attendance at local government meetings by audio link or audio visual link will be recorded in the minutes of the meeting.
- (2) Advance approval for attendance by audio link or audio visual link
- (a) Councillors must seek approval to attend by audio link or audio visual link in advance through the chairperson at least two business days prior to the Local Government meeting.
 - (b) If a councillor seeks approval to attend a future meeting by audio link or audio visual link under section 49 (2) (a) the chairperson must;
 - i. Consider the circumstances for the absence; and
 - ii. If satisfied that there are exceptional circumstances precluding attendance in person, approve the councillor's attendance by audio link or audio visual link at a future meeting.
- (3) Late approval for attendance by audio link or visual link
- (a) If it is not practicable for a councillor to seek approval for attendance by audio link or audio visual link under section 49 (2) (a), a councillor may seek a late approval to attend by audio link or audio visual link from the chairperson in writing at any time prior to the meeting.
 - (b) The chairperson may give late approval only if:
 - i. the exceptional circumstance the subject of the request for late approval were not known or foreseeable two business days prior to the meeting or;
 - ii. the meeting is a special meeting.

50 Attendance of public and media at local government meetings

- (1) An area must be made available at the place where a local government meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- (2) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (3) After a local government meeting has commenced, members of the public and media representatives must switch all electronic/communication devices to silent.
- (4) If a person fails to comply with subsection (3) above, the mayor or chairperson may direct that person immediately leave the meeting room.
- (5) Failure to comply with a direction under subsection (4) above may be considered an act of disorder.

51 Public participation at meetings of the local government

- (1) The chairperson may invite a member of the public to take part in the proceedings of a meeting of the local government. If invited, a member of the public including a person talking to a petition will have a time limit of 3 minutes to address the meeting.
- (2) Except when invited to do so by the chairperson pursuant to subsection (1) above, a member of the public must not take or attempt to take part in the proceedings of a meeting of the local government.
- (3) During debate on a motion, the chairperson of a meeting of the local government may invite submissions, comments, or questions from members of the public.

- (4) If any submission or comment 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.
- (5) For any matter arising from a submission or comment from a member of the public, the local government may —
 - (a) refer the matter to a committee; or
 - (b) deal with the matter immediately; or
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- (6) Any person invited to address a meeting of the local government must —
 - (a) stand, act, and speak with decorum; and
 - (b) frame any remarks in respectful and courteous language.
- (7) If a person is considered by the local government, mayor, or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

52 Council officers' participation at meetings of the local government

- (1) In addition to the chief executive officer and minutes secretary, meetings of the local government are attended by -
 - (a) the Executive Leadership Team members of -
 - (i) General Manager Commercial and Corporate Services;
 - (ii) General Manager Communities;
 - (iii) General Manager Infrastructure and Utilities;
 - (iv) Chief Finance Officer and
 - (b) Department managers speaking to reports.
- (2) If the local government resolves that a meeting be closed to the public, the above officers may remain in the meeting unless determined otherwise by the chairperson. Any other officers shall be required to leave the meeting unless determined otherwise by the chairperson.
- (3) After a meeting has commenced, all attending local government staff must switch any electronic devices to silent whilst in the meeting room.
- (4) If a person fails to comply with subsection (3) above, the mayor or chairperson may direct that the person immediately leave the meeting room.

Division 9 – Miscellaneous committee matters

53 Reports by committees

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

54 Councillors' attendance at committee meetings

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

55 Public participation at standing committee meetings

- (1) At a standing committee meeting, a person who is not a councillor or a committee member must not take part in the meeting.

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

Division 10 – Procedure not provided for

56 Procedure not provided for

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

Part 4 Meeting procedures

Division 1 Preliminary

57 Purpose of the meeting procedures

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

58 Background

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

- (1) the process for how a chairperson of a local government meeting may deal with instances of unsuitable meeting conduct by councillors; and
- (2) the process for how suspected inappropriate conduct of a councillor referred to the local government by the assessor is to be dealt with at a local government meeting.
- (3) the process for dealing with conflicts of interests and recording them;
- (4) the process for dealing with a loss of quorum;
- (5) procedures for closed meetings, and
- (6) the process for taking part in meetings by audio or audio visual link. (Refer to Part 3, Division 8, section 49)

59 Application

- (1) Council must either adopt the model procedures or prepare and adopt other procedures for the

conduct of its council meeting, standing and advisory committee meetings that are consistent with

the model procedures.

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

Division 2 Processes

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

- (1) The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behavioural standard of the code of conduct for councillors. When dealing with an instance of unsuitable meeting conduct by a councillor in a meeting, the following procedures must be followed—
 - (a) The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at the meeting.
 - (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to section 60(1)(g) of these meeting procedures for the steps to be taken.
 - (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as—
 - (i) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (ii) apologising for their conduct;
 - (iii) withdrawing their comments.
 - (d) If the councillor complies with the chairperson's request for remedial action, no further action is required.
 - (e) If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request may result in an order being issued.
 - (f) If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
 - (g) If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under section 60(1)(b) of these meeting procedures, the chairperson may make one or more of the orders below—
 - (i) an order reprimanding the councillor for the conduct;
 - (ii) an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting¹⁴.
 - (h) If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.¹⁵ The meeting must be adjourned whilst the councillor is being removed.
 - (i) Following the completion of the meeting, the chairperson must ensure -

¹⁴ Section 1501(2)(a) and (b) of the Act.

¹⁵ Section 1501(2)(c) of the Act.

- (i) details of any order made about unsuitable meeting conduct is recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by the Regulation;¹⁶.
 - (ii) if -
 - (1) it is the 3rd or more order within a 12-month period made against the councillor; or
 - (2) the councillor has refused to leave and stay away from the place at which the meeting is being held in contravention of an order of the chairperson, these matters are to be dealt with at the next meeting of the local government and treated as inappropriate conduct;¹⁷
 - (iii) the chief executive officer is advised to ensure details of any order made about unsuitable meeting conduct are updated in the councillor conduct register.¹⁸
- (2) Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for section 60(1)(a), (g) and (h) above.
- (3) Note: Chairpersons of a meeting are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. Following the meeting the breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

61 Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government

- (1) The circumstances under section 60(1)(i)(ii) may give rise to a referral from the assessor for the local government to deal with the conduct as inappropriate conduct, or to investigate suspected inappropriate conduct.
- (2) Pursuant to section 150AF of the Act, after receiving a referral by the assessor about suspected inappropriate conduct, the local government must complete an investigation into the alleged conduct.
- (3) In either case, the local government must complete an investigation into the suspected conduct—
 - (a) consistent with any recommendations from the assessor; and
 - (b) consistent with the local government's investigation policy; or
 - (c) in another way decided by resolution of the local government.
- (4) After completion of the investigation, the local government must decide whether the councillor has engaged in inappropriate conduct in a local government meeting, unless it has delegated responsibility for this decision under section 257 of the Act.
- (5) When dealing with an instance of suspected inappropriate conduct which has been referred to the local government by the assessor—
 - (a) The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the local government. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the local government may resolve to go into closed session under section 254J of the Regulation.
 - (b) The accused councillor has a declarable conflict of interest in the matter and is permitted by the local government to remain in the meeting during the debate about whether the councillor

¹⁶ Section 150I(3) of the Act. Section 186(1)(d)(i) and (e) of the Regulation prescribes that Council's annual report for a financial year must contain particulars of the total number of orders made under section 150I(2) of the Act, and the name of each councillor for whom an order was made, a description of the unsuitable meeting conduct and a summary of the order made for each councillor.

¹⁷ Section 150J, 150K(2) and 150AG of the Act.

¹⁸ See sections 150DX and 150DY of the Act.

engaged in the inappropriate conduct and answer questions put to the accused councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the accused councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

- (c) Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 63 of these meeting procedures. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 63. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.
- (d) The local government must debate the issue and decide whether the accused councillor engaged in inappropriate conduct. If the local government has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the Act or deferred to another date when a quorum will be present.
- (e) If the local government decides that the accused councillor has engaged in inappropriate conduct, the local government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject councillor—
 - (i) an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - (ii) an order reprimanding the councillor for the conduct;
 - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - (iv) an order that the councillor be excluded from a stated local government meeting.
 - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, for example, the councillor is ordered to resign from an appointment representing the local government on a State board or committee;
 - (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.
- (f) In deciding what penalty to impose on a councillor under subsection (e) above, the local government may consider any previous inappropriate conduct of the councillor, and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.
- (g) The local government may not make an order under subsection (e)(iii), (iv), (v) or (vi) above in relation to a person who is no longer a councillor.
- (h) The accused 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.
- (i) The local government must ensure the meeting minutes reflect the resolution made.

62 Prescribed conflict of interest

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

- (a) A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a meeting must also give notice during the meeting.
- (b) A councillor who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided —
 - (i) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - (ii) if it arises because of an application or submission, the subject of the application or submission;
 - (iii) the name of any entity, other than the councillor, that has an interest in the matter;
 - (iv) the nature of the councillor's relationship with the entity that has an interest in a matter;
 - (v) details of the councillor's and any other entity's interest in the matter.
- (3) The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.
- (4) Once the councillor has left the area where the meeting is being conducted, the local government or committee can continue discussing and deciding on the matter at hand.

63 Declarable conflict of interest

- (1) Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at meetings of the local government, or standing or advisory committee meetings, that might lead to a decision that is contrary to the public (other than ordinary business matters).
- (2) A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor may disclose their suspicion and the processes under section 150EW of the Act applies.
- (3) When dealing with a declarable conflict of interest, councillors must abide by the following procedures—
 - (a) A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a meeting must also give notice during the meeting.
 - (b) A councillor who first becomes aware of a declarable conflict of interest in a matter during a meeting must inform the meeting of the conflict of interest.
 - (c) When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided —
 - (i) the nature of the declarable conflict of interest;
 - (ii) if it arises because of the councillor's relationship with a related party —
 - (1) the name of the related party to the councillor;
 - (2) the nature of the relationship of the related party to the councillor;
 - (3) the nature of the related party's interest in the matter;
 - (iii) if it arises because of a gift or loan from another person to the councillor or a related party —
 - (1) the name of the other person;
 - (2) the nature of the relationship of the other person to the councillor or related party;

(3) the nature of the other person's interest in the matter;

- (4) the value of the gift or loan and the date the gift or loan was made.
- (d) After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
 - (e) 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.
 - (f) The other councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the non-conflicted councillors.
 - (g) In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Act.
 - (h) The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
 - (i) When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to —
 - (i) how does the inclusion of the councillor in the deliberation affect the public trust;
 - (ii) how close or remote is the councillor's relationship to the related party;
 - (iii) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
 - (iv) will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them;
 - (v) how does the benefit or detriment the subject councillor stands to receive compare to others in the community;
 - (vi) how does this compare with similar matters that Council has decided and have other councillors with the same or similar interests decided to leave the meeting;
 - (vii) whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
 - (j) If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.
 - (k) A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a meeting

about the same matter e.g. briefing sessions or workshops.

- (l) In making the decision under subsections (f) and (i) above, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- (m) A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister.

64 Reporting a suspected conflict of interest

- (1) If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- (2) The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures in section 62 or 63 of these meeting procedures.
- (3) If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- (4) The non-conflicted councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures in section 62 or 63 of these meeting procedures.
- (5) If the councillors cannot reach a majority decision, then they are taken to have determined that the councillor has a declarable conflict of interest. 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. The decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

65 Loss of quorum

- (1) In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the local government must resolve to —
 - (a) delegate the consideration and decision on the matter, pursuant to section 257 of the Act;
or
 - (b) defer the matter to a later meeting; or
 - (c) not to decide the matter and take no further action in relation to the matter.
- (2) All councillors, including the conflicted councillors, may participate in deciding to delegate or defer a matter under section 65(1) of these meeting procedures.
- (3) 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.
- (4) If the matter cannot be delegated under the Act, the local government should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

66 Recording prescribed and declarable conflicts of interest

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being —

- (1) the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest;
- (2) the particulars of the prescribed or declarable conflict of interest provided by the councillor;

- (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;

- (4) any decision then made by the eligible councillors;
- (5) whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (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;
- (7) the name of each councillor who voted on the matter and how each voted;
- (8) if a councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of the councillor's personal interest by someone other than the councillor —
 - (a) the name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest; and
 - (b) how each of the councillors voted;
- (9) where a decision has been made under section 63(3)(f) of these meeting procedures, the minutes must include —
 - (a) the decision and reasons for the decision; and
 - (b) the name of each eligible councillor who voted; and
 - (c) how each eligible councillor voted.

67 Closed meetings

- (1) To take an issue into a closed session, the local government or committee must first pass a resolution to do so.
- (2) In accordance with section 254J of the Regulation —
 - (a) the local government may resolve that all or part of a meeting of the local government be closed to the public; and
 - (b) a standing or advisory committee may resolve that all or part of a standing or advisory committee meeting be closed to the public,
 if its councillors consider it necessary to discuss one or more of the following matters—
 - (c) appointment, dismissal or discipline of the CEO;
 - (d) industrial matters affecting employees;
 - (e) the local government's budget;
 - (f) rating concessions;
 - (g) 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;
 - (h) matters that may directly affect the health and safety of an individual or a group of individuals;
 - (i) 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;
 - (j) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*;
 - (k) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.
- (3) The local government, or a standing or advisory committee, must not resolve that part of a local government meeting at which a decision mentioned in the following sections will be considered, discussed, voted on or made be closed —
 - (a) section 150ER(2) (procedure if meeting informed of councillor's personal interests) of the Act;

(b) section 150ES(3) (procedure if councillor has declarable conflict of interest) of the Act;

- (c) section 150EU(2) (procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest) of the Act.
- (4) Also, the local government cannot resolve under section 254J of the Regulation that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.¹⁹
- (5) In the interests of accountability and transparency, the resolution that a local government meeting be closed must —
 - (a) state the matter mentioned in subsection (2) above that is to be discussed; and
 - (b) include an overview of what is to be discussed while the meeting is closed; and
 - (c) state the reasoning of the councillors for going into closed session.
- (6) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and state an explanation of why it is deemed necessary to take the issue into closed session.
- (7) The minutes of the meeting must include the resolution to close the meeting and detail the matters required under subsection (5) above. The local government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.
- (8) The local government or a committee must not make a resolution (other than procedural resolution) in a closed session meeting.
- (9) If a closed session meeting includes attendance by audio link or audio visual link, the councillor or member attending by audio link or audio visual link must maintain confidentiality by ensuring no other person can hear their conversation and state this is the case audibly in the open meeting prior to moving into closed session.

Schedule 1 Definitions

Section 3

Act means the *Local Government Act 2009* (as amended).

assessor see section 150C of the Act.

chairperson—

- (a) of a meeting of the local government, means the person presiding at the meeting of the local government;
- (b) of a meeting of a committee, means the person presiding at the meeting of the committee.

chief executive officer or **CEO** means the chief executive officer of the local government.

code of conduct—

- (a) see sections 150D and 150E of the Act;
- (b) as at the effective date of these standing orders and meeting procedures, the code of conduct set out in schedule 2.

committee means a committee of the local government appointed under section 264 of the Regulation.

Council means Central Highlands Regional Council.

councillor see schedule 4 of the Act.

councillor conduct register see section 150DX(1) of division 1, part 6, chapter 5A, of the Act.

inappropriate conduct see section 150K of the Act.

later resolution see section 31(4) of the standing orders.

local government means Central Highlands Regional Council.

¹⁹ See section 252 (Meetings about expenses reimbursement policy) of the Regulation.

local government meeting means the general council meeting

mayoral minute see section 43(1) of the standing orders.

meeting procedures see part 1 and part 4 of this document.

misconduct see section 150L of the Act.

model procedures see section 150F of the Act.

original motion see section 28(4) of the standing orders.

other motion see section 28(4) of the standing orders.

post-election meeting see section 175 of the Act.

previous minutes see section 22(6) of the standing orders.

previous resolution see section 31(4) of the standing orders.

procedural motion see section 32 of the standing orders.

quorum, of a committee meeting see section 269 of the Regulation.

quorum, of a meeting of the local government see section 259 of the Regulation.

Regulation means the *Local Government Regulation 2012* (as amended).

relevant motion see section 31(2) of the standing orders.

special meeting means a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

standing committee means a standing committee of the local government appointed under section 264(1)(a) of the Regulation.

standing orders see parts 1 to 3 inclusive of this document.

unsuitable meeting conduct see section 150H of the Act.

Code of Conduct for Councillors in Queensland

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Purpose of the Code of Conduct

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

Background

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

Before assuming public office, Councillors must understand and commit to complying with the local government principles and obligations of Councillors in accordance with section 169 of the LGA and 169 of the *City of Brisbane Act 2010* (CoBA), as well as the standards of behaviour set out in this Code of Conduct.

All Councillors are required to make a declaration of office under the applicable legislation. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

The local government principles and values

The legislation is founded on five local government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

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

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

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

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

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

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

Standards of behaviour

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

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

1. **RESPONSIBILITIES**
2. **RESPECT**
3. **REPUTATION.**

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

1. Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community

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

- 1.1 Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council
- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the local government or other entity
- 1.7 Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland.

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

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

- 2.1 Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness
- 2.2 Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public
- 2.3 Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

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

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

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

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this code of conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the legislation.

A complaint about the conduct of a Councillor must be submitted to the Office of the Independent Assessor (OIA), who will assess the complaint and determine the category of the allegation. In order of least to most serious, the categories of complaint are **unsuitable meeting conduct**, **inappropriate conduct**, **misconduct**, and then **corrupt conduct**.

Unsuitable meeting conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council (including standing committee meetings), is dealt with as **unsuitable meeting conduct**.

Unsuitable meeting conduct by a Councillor is dealt with by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

NOTE

Chairpersons of meetings are carrying out a statutory responsibility under the legislation to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see right).

Inappropriate conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as **inappropriate conduct**.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting or is a series of conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year. The local government is not required to notify the OIA and may deal with the conduct under section 150AG of the LGA (including Brisbane City Council).

The OIA is responsible for assessing allegations of suspected inappropriate conduct other than those arising from unsuitable meeting conduct. If the OIA chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

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

The OIA is responsible for assessing and investigating instances of suspected misconduct. The OIA may make an application to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of the Councillor's powers, or
- is, or involves:
 - a breach of trust placed in the Councillor, either knowingly or recklessly
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer, or for Brisbane City Council, the Lord Mayor giving direction to the Chief Executive Officer and senior contract officers)
 - a release of confidential information outside of the Council
 - failure to declare a conflict of interest or appropriately deal with a conflict of interest in a meeting
 - attempting to influence a decision maker about a matter in which the Councillor has a conflict of interest
 - failure by a Councillor to report a suspected prescribed conflict of interest of another Councillor
 - failure to submit, update or review your registers of interests, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or the Councillor Conduct Tribunal
 - any acceptable request guidelines of the Council made under the legislation
 - the reimbursement of expenses policy of the Council.

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a

period of one year or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.

The conduct of a Councillor may also be misconduct if a Councillor purports to direct the Chief Executive Officer in relation to disciplinary action regarding the conduct of a Councillor Advisor.

Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001*¹ and must be referred to the Crime and Corruption Commission (CCC). For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillor's responsibilities, and
- involves the performance of the Councillor's responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

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

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

Further information about the CCC's jurisdiction and other topics in relation to local government is available at <https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf> (Chapter 4).

¹Section 15, Crime and Corruption Act 2001

²Section 40, Crime and Corruption Act 2001

More information

The Department of Local Government, Racing and Multicultural Affairs website at www.dlgrma.qld.gov.au provides further information and resources for Councillors.

The Department also provides and facilitates training for Councillors and Council employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities.

For more information, please contact your regional office within the Local Government Division of the Department of Local Government, Racing and Multicultural Affairs on:

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