

**MEETING PROCEDURES FOR
BARCOO SHIRE COUNCIL:
STATUTORY POLICY
2024**

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| Responsible Officer: Chief Executive Officer | <p>Review: Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> 1. The related information is amended or replaced. 2. Other circumstances as determined from time to time by the Chief Executive Officer. <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p> |
| Legislation: <i>Local Government Act 2009, Local Government Regulation 2012</i> | |

Attribution: The State of Queensland, Department of State Infrastructure, Local Government and Planning best practices standing orders for local government and standing committee meetings (June 2023) has been used as a template for this policy.

Contents

| | |
|--|-----------|
| Intent | 3 |
| Meeting Principles | 3 |
| 1. Standing Orders | 3 |
| Definitions | 4 |
| Procedures for meetings | 5 |
| 2. Presiding officer | |
| 3. Order of business | 5 |
| 4. Agendas | 6 |
| 5. Quorum | 6 |
| 6. Loss of Quorum | 7 |
| 7. Petitions | 7 |
| 8. Deputations | 8 |
| 9. Public participation at meetings | 8 |
| 10. Closed Meetings | 9 |
| 11. Teleconferencing of meetings | 10 |
| Meeting Conduct | 11 |
| 12. General conduct during meetings | 11 |
| 13. Process for dealing with Unsuitable Meeting Conduct | 11 |
| 14. Process for dealing with unsuitable meeting conduct by a chairperson in a meeting | 12 |
| 15. Procedures for dealing with a suspected conduct of breach including that which has been referred to a local government by the independent assessor (OIA) | 13 |
| 16. Process for dealing with suspected inappropriate conduct which has been referred to a local government by the independent assessor (OIA) | 16 |
| 17. Disorder | 18 |
| 18. Prescribed Conflict of Interest | 18 |
| 19. Declarable Conflict of Interest | 19 |
| 20. Reporting a suspected conflict of interest | 21 |
| 21. Recording Prescribed and Declarable Conflicts of Interest | 22 |
| Motions | 23 |
| 22. Motion to be moved | 23 |
| 23. Absence of mover of motion | 23 |
| 24. Motion to be seconded | 23 |
| 25. Amendment of a motion | 23 |
| 26. Speaking to motions and amendments | 24 |
| 27. Method of taking a vote | 24 |
| 28. Withdrawing a motion | 25 |
| 29. Repealing or amending resolutions | 25 |
| 30. Procedural motions | 25 |
| 31. Questions | 27 |

Intent

This Policy incorporate procedures that deal with matters during council meetings that must be adhered to under the *Local Government Act 2009 (LGA)* and the *Local Government Regulation 2012 (LGR)*.

1. Meeting Principles

Barcoo Shire Council will adhere to the following principles:

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

1. Standing orders

- 1.1. This policy applies to meetings of the Barcoo Shire Council, including standing committee meetings, and represents the standing orders that council will observe. This policy does not apply to meetings of any advisory committee established under *Section 264 of the Local Government Regulation 2012*, however, if there is any dispute or doubt regarding a process or conduct in an advisory committee meeting these standing orders will apply.
- 1.2. A provision of this policy is that standing orders may be suspended by resolution of any meeting of the Barcoo Shire Council, except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3 Where a matter arises at any meeting of Barcoo Shire Council that is not provided for in this policy, the matters will be determined by resolution of the Council upon a motion which may be put without, notice but otherwise conforms with the standing orders.

DEFINITIONS

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| Agenda | Compilation of reports to be discussed at a meeting. The agenda for any meeting must indicate: (a) Business to be conducted at the meeting; (b) Business arising from previous meetings; and (c) Any business for which due notice has been given (Notice of Motion, Questions on Notice). An agenda will not include any matter that is unlawful |
| Alternative/ Foreshadowed Motion | A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply |
| Amendment | In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion. Amendment to a motion must be proposed before the debate has been concluded before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion. |
| Behavioural Standard | The standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act. |
| CEO | Chief Executive Officer. A person who holds an appointment under section 194 of the Act. This includes a person acting in this position. |
| Chairperson | Person presiding at a meeting. |
| Committee | A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee |
| Council | Barcoo Shire Council |
| Councillor(s) | A Councillor Or Councillors of Barcoo Shire Council |
| Day | A business day unless specified |
| Delegated Committee | A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council, excluding matters that require a resolution of a Council meeting. |
| Deputation | A presentation from a member of the public (which could be on behalf of an organisation or individual) to a meeting. |
| Employee | Local government employee: (a) The CEO; or (b) A person holding an appointment under <i>section 196 of the Act</i> |
| Mayor | The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in <i>section 12(4) of the Act</i> . |
| Meeting | Council meeting or committee meeting |
| Motion | A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council. |
| Non-Delegated Committee | A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next Council meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions. |
| OIA | Office of the Independent Assessor |
| Petition | A request for action on a matter over which Council has the power to act. The “terms” of a petition consist of the reasons for petitioning Council and a request for action by Council. |
| Procedural Motion | A set of motions that can be employed in specific ways to control the conduct of meetings. |
| Record | A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings. |
| Report | Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council’s obligations under the <i>Information Privacy Act 2009</i> |
| Resolution | A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the “Council decision”, the word “resolution” also indicates the process by which the decision was made. |
| Special Meeting | As defined in the Regulation, a meeting of a local government at which the only business that may be conducted is the business stated in the notice of the meeting. |
| Unsuitable Meeting Conduct | As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard. |

Procedures for meetings

2. Presiding officer

- 2.1. The Mayor will preside at a meeting of Barcoo Shire Council.
- 2.2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 2.2. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor, chosen by the Councillors present at the meeting will preside at the meeting.
- 2.3. The Council will choose the Chairperson for a committee meeting. This Chairperson will preside over meetings of the committee.
- 2.4. If the Chairperson of a committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the committee meeting.
- 2.5. Before proceeding with the business of the meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3. Order of business

- 3.1. The order of business will be determined by resolution of the Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.

- 3.2. Unless otherwise altered, the order of business at an ordinary meeting of Council will be as follows:

- **Opening**
- **Apologies**
- **Special Mentions**
- **Notice of motion**
- **Petitions**
- **Deputations**
- **Public Participation**
- **Disclosure of interest**
- **Minutes of previous meeting(s)**
- **Business arising**
- **Correspondence**
- **Mayor's report**
- **Chief Executive Officer's report**
- **Finance Report**
- **Matters for Council Consideration**
- **Functional Area Information Reports**
- **Late items**
- **Closed Matters**
- **Councillor Questions on Notice and business arising from the meeting**
- **Conclusion**

Note: *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously*

confirmed will be taken into consideration at every ordinary meeting of the Barcoo Shire Council, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed.

4. Agendas

4.1. The agenda may contain:

- Notice of meeting.
- Minutes of the previous meetings.
- Business arising out of previous meetings.
- Business which the Mayor wishes to have considered at that meeting without notice.
- Matters of which notice has been given.
- Committees' reports referred to the meeting by the CEO.
- Officers' reports referred to the meeting by the CEO.
- Deputations and delegations from the community, approved to attend.
- Any other business the Council determines by resolution be included in the agenda.

4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given at the meeting. Business must be in accordance with the adopted terms of reference for each committee or advisory committee. Questions on Notice from a Councillor are published in the agenda of the appropriate meeting providing that such questions are received by the CEO in time for publishing the agenda.

4.3. Notice of the meeting and the agenda must be given to each Councillor at least 2 days before the meeting. The agenda must be made publicly available by 5pm on the business day after notice of meeting is given to the Councillors. Any related reports for the meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to Councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the Councillors or committee members.

4.4. Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under *section 254J LGR* will be clearly identified on the agenda including the reasons why the session will be closed.

5. Quorum

5.1. A quorum at Barcoo Shire Council meeting is a majority of its Councillors. If the number of Councillors is even, then one half of the number is a quorum.

5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that

councillor, or if no Councillors are present then the Chief Executive Officer. (refer to *section 11 Teleconferencing of Meetings*)

6. Loss of quorum

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

- Delegate the consideration and decision on the matter, pursuant to *section 257 of the LGA* or unless the matter cannot be delegated.
- Defer the matter to a later meeting.
- Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the Local Government must make a decision.

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

6.3. The Local Government must not delegate a power that an Act says must be decided by resolution of the Council under *section 257(3) of the LGA*.

6.4. Barcoo Shire Council may by resolution delegate a power under *section 257 of the LGA* to:

- The Mayor or Chief Executive Officer, or
- A standing committee, or joint committee of the local government, or
- The chairperson of a standing committee or joint standing committee of Barcoo Shire Council.
- Another local government for a joint government activity.

6.5. The Local Government may only delegate a power to make a decision about a councillors conduct under *section 150AG of the LGA* pursuant to *section 257(2) of the LGA*, to:

- The Mayor or
- A standing committee.

6.6. The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

7. Petitions

7.1. Any petition presented to a meeting of Barcoo Shire Council will:

- Be in legible writing or typewritten and contain a minimum of ten (10) signatures.
- Include the name and contact details of the principal petitioner (i.e., the key contact).
- Include the postcode of all petitioners, and
- Have the details of the specific request/matter appear on each page of the petition.

7.2. Where a Councillor presents a petition to a meeting of Barcoo Shire Council, no debate in relation to it will be allowed, and the only motion which may be moved is:

- That the petition be received.
- That the petition be received and referred to a committee or the CEO for consideration and a report to the council, or
- Not be received because it is deemed invalid.

7.3. Barcoo Shire Council will respond to the principal petitioner in relation to all petitions deemed valid.

8. Deputations

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

8.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and a maximum of 15 minutes will be allowed.

8.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation, consistent with the provisions of 8.2.

8.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council meeting, the chairperson may terminate the deputation.

8.5. The Chairperson may terminate an address by a person in a deputation at any time where:

- The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting.
- The time period allowed for a deputation has expired, or
- The person uses insulting or offensive language or is derogatory towards councillors or others.

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

9. Public participation at meetings

9.1. An area shall be made available at the place where a meeting of Barcoo Shire Council is to take place for members of the public and representatives of the media to attend the meeting as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.

9.2. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.

9.3. Time may be required to permit members of the public to address the Barcoo Shire Council on matters of public interest to the Barcoo Shire. A maximum time of 15 minutes will be allowed, and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the council during this period shall be at the absolute discretion of the meeting chairperson.

- 9.4. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 9.5. For any matter arising from such an address, Barcoo Shire Council may take the following actions:
- Place the matter on notice for discussion at a future meeting.
 - Deal with the matter immediately by resolution.
 - Refer the matter to a committee.
 - Note the matter and take no further action.
- 9.6. Any person addressing Barcoo Shire Council meeting shall stand (unless prevented from doing so), act, and speak with decorum and frame any remarks in respectful and courteous language.
- 9.7. Any person who is considered by the Chairperson to be inappropriately presenting may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

10. Closed Meetings

10.1. A Barcoo Shire Council meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to *section 254J(3) of the LGR*:

- Appointment, dismissal, or discipline of the CEO.
 - Industrial matters affecting employees.
 - The Local Government's budget, which does not include the monthly financial statements.
 - Rating concessions.
 - Legal advice obtained by the local government or legal proceedings involving the Local Government, including for example, legal proceedings that may be taken by or against the Local Government.
 - Matters that may directly affect the health and safety of an individual or a group of individuals.
 - Negotiations relating to a commercial matter involving the Local Government for which a public discussion would be likely to prejudice the interests of the Local Government.
 - Negotiations relating to the taking of land by Barcoo Shire Council under the *Acquisition of Land Act 1967*.
 - A matter that the Local Government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
 - A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the Local Government under the *LGA chapter 5A, part 3, division 5*.
- 10.2. A Barcoo Shire Council meeting, standing and advisory committee meetings cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.
- 10.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting, and the Barcoo Shire Council must resolve to:

- Delegate the consideration and decision on the matter, pursuant to *section 257 of the LGA* unless the matter cannot be delegated:
- Defer the matter to a later meeting when a quorum may be available
- Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the Local Government must decide the matter.

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

10.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of *section 171(3) of the LGA*).

10.6. To take a matter into a closed session Barcoo Shire Council must abide by the following:

- Pass a resolution to close all or part of the meeting
- The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see section 10.1)
- If it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated.
- Not make a resolution while in a closed meeting (other than a procedural resolution).

10.7. When a Local Government is sitting in closed session, the public and representatives of the media will be excluded from the meeting

11. Teleconferencing of meetings

11.1. If a Councillor or council officer wishes to be absent from a Barcoo Shire Council meeting place during a meeting, the Councillor or council officer must apply to the Chairperson to participate by teleconference, prior to the meeting or as soon as practicable once the Councillor or council officer becomes aware of their intended absence. This includes instances where travel in the Barcoo Shire is restricted due to weather events or other unforeseen circumstances. The Chairperson may allow Councillor or council officer to participate in a Council or committee meeting by teleconference.

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

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

11.3. The Councillor or council officer taking part by teleconference should have any video link activated where possible when attending a meeting of Council or a committee meeting.

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

Meeting Conduct

12. General conduct during meetings

- 12.1. After a meeting of Barcoo Shire Council has been formally constituted and the business commenced, a Councillor will not enter or leave the meeting without first notifying the Chairperson.
- 12.2. Councillors will speak to each other or about each other during a Barcoo Shire Council meeting by their respective titles ('Mayor' or 'Councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 12.3. No Councillor who is speaking will be interrupted except upon a point of order being raised either by the Chairperson or by another Councillor.
- 12.4. When the Chairperson speaks during the process of a debate, the Councillor speaking or offering to speak will immediately cease speaking, and each Councillor present will observe strict silence so that the Chairperson may be heard without interruption.

13. Process for dealing with Unsuitable Meeting Conduct

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Barcoo Shire Council 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:

- 13.1. The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 13.2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has been issued with any previous warnings for unsuitable meeting conduct. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, the Chairperson can make an order in relation to the conduct under section 13.7 below.
- 13.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
- 13.4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 13.5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.
- 13.6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

- 13.7. If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 13.2 the Chairperson may make one or more of the orders below:
- An order reprimanding the Councillor for the conduct
 - An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 13.8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
- 13.9. Any Councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 13.2, 13.3, 13.7 and 13.8 above.
- 13.10. Following the completion of the meeting, the Chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note below)

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

14. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

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

14.8. Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

14.9. The chairperson then resumes the role of chairperson, and the meeting continues.

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

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

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

15. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor (OIA)

Under *chapter 5A, part 3, division 3A of the LGA*, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the OIA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances under paragraph 13.9. of this document.

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

Note: The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation.

15.2. The local government must decide in a local government meeting whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a) of the LGA, or to a standing committee *section 257(2)(b) of the LGA*.

15.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the OIA:

- The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under *LGR section 254J*.
- No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting *LGR section 254H*.
- The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.
- The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 19. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 19. 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.
- After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the local government if they were complainants, or any councillor who declared a COI in the matter.

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

- Delegate deciding the matter under *section 257 of the LGA* to the mayor or a standing committee to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
- Decide, by resolution, to defer the matter to a later meeting or

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

Note: Local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted councillors may apply to the Minister for permission to participate in the decision.

15.5. If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in Section 2, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

15.6. The local government may order that no action be taken against the councillor or make one or more of the following:

- An order that the councillor make a public apology, in the way decided by the local government,
- An order reprimanding the councillor for the conduct breach
- An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- An order that the councillor be excluded from a stated local government meeting
- An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)
- An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
- A local government may not make an order in relation to a person who has vacated their office as a councillor.

15.7 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.

15.8. The minutes of the meeting must reflect the decision and any orders made. Notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.

16. Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government by the Independent Assessor (OIA)

Under *chapter 5A, part 3, division 3A of the LGA*, the OIA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the OIA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances under paragraph 1.9 of this document.

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

Note: The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation.

16.2 The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA.

16.3 When dealing with an instance of a suspected conduct breach which has been referred to a local government by the OIA:

- The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the *LGR section 254J*.
- No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under *LGR section 254H*.
- The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation

report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.

- The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 19. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 19. 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.
- After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the local government if they were complainants, or any councillor who declared a COI in the matter.

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

- Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
- Decide, by resolution, to defer the matter to a later meeting or
- Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter.

Note: Local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted councillors may apply to the Minister for permission to participate in the decision.

16.5 If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in Section 2, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

16.6 The local government may order that no action be taken against the councillor or make one or more of the following:

- An order that the councillor make a public apology, in the way decided by the local government,
- An order reprimanding the councillor for the conduct breach

- An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- An order that the councillor be excluded from a stated local government meeting
- An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)
- An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
- A local government may not make an order in relation to a person who has vacated their office as a councillor.

16.7 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.

16.8 The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the OIA as soon as practicable about the decision and the reasons for the decision and if an order is made under *section 150AH* the details of the order.

17. Disorder

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

17.2 On resumption of the meeting, the Chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

18. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Local Government or committee meeting (other than ordinary business matters as prescribed under *section 150EF of the LGA*). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

18.1 A Councillor who has notified CEO in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at or before the time when the matter is to be dealt with.

18.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest and the particulars.

18.3 When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum be provided:

- For a gift, loan or contract—the value of the gift, loan or contract,
- For an application for which a submission has been made—the matters the subject of the application and submission,
- The name of the entity, other than the Councillor, that has an interest in the matter,
- The nature of the Councillor’s relationship with the entity,
- Details of the Councillor’s, and any other entity’s, interest in the matter.

18.4 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice of approval from the Minister to participate in the matter.

18.5 Once the Councillor has left the area where the meeting is being conducted, local government can continue discussing and deciding on the matter at hand.

19. Declarable conflict of interest

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

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

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

- A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.
- A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must inform the meeting of the conflict of interest.

19.3 When notifying the meeting of a declarable conflict of interest, a councillor should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:

- The nature of the declarable conflict of interest
- If it arises because of the councillor’s relationship with a related party
 - the name of the related party and
 - the nature of the relationship of the related party to the councillor and
 - the nature of the related party’s interest in the matter.
- If it arises because of a gift or loan from another person to the councillor or a related party:
 - the name of the other person and

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

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

19.5 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.

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

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

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

19.9 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

19.10 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

19.11 When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:

- How does the inclusion of the councillor in the deliberation affect the public trust

- How close or remote is the councillor's relationship to the related party
- If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
- How does the benefit or detriment the subject councillor stands to receive compare to others in the community
- How does this compare with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting
- Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

19.12 If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.

19.13 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g., workshops.

19.14 In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

19.15 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA.

20. Reporting a suspected conflict of interest

If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that Councillor is participating in a decision on that matter, the informing Councillor who believes that a conflict of interest exists must immediately inform the Chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion.

20.1 The Chairperson should then ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the relevant Councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.

20.2 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.

20.3 The eligible Councillors must then decide whether the relevant Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have any conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the

relevant meeting procedures above. If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillors participation.

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

21. Recording Prescribed and Declarable Conflicts of interest

21.1 When a Councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with being (*See section 150AF of the LGA*)

- The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
- The particulars of the prescribed or declarable conflict of interest provided by the councillor
- 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
- Any decision made by the eligible councillors
- Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- The council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision

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

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

21.3 Where a decision has been made under section 4 above – the minutes must include:

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

Motions

22. Motion to be moved

- 22.1 Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the Council and cannot be withdrawn without the consent of the council meeting.
- 22.2 Other Councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
- A motion brought before a meeting of the local government in accordance with the *LGA* or these meeting procedures will be received and put to the meeting by the Chairperson.
 - The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
 - The Chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 22.3 The Chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the Chairperson may put the motion to the vote without discussion and the vote can occur.
- 22.4 No more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.

23. Absence of mover of motion

- 23.1 Where a Councillor who has given notice of a motion is absent from the meeting of Barcoo Shire Council 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.

24. Motion to be seconded

- 24.1. A motion or an amendment to a motion shall not be debated at a meeting of Barcoo Shire Council unless or until the motion or the amendment is seconded.
- 24.2. Procedural motions are an exception to this rule and do not need to be seconded.

25. Amendment of motion

- 25.1. An amendment to a motion should maintain or further clarify the intent of the original motion and does not contradict the motion.
- 25.2. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 25.3. Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

26. Speaking to motions and amendments

- 26.1. The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.

- 26.2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 26.3. A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 26.4. The mover of a motion or amendment has the right to reply. Each Councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 26.5. Each speaker will be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 26.6. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson will determine who is entitled to priority.
- 26.7. In accordance with the conditions of *section 254H of the LGR*, if a decision made at the council meeting is inconsistent with a recommendation or advice given to the Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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

27. Method of taking vote

- 27.1. A resolution is determined by a vote on a motion. A resolution is the formal adoption by Council of a position or an action.
- 27.2. The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection.
- 27.3. Unless otherwise directed by the Chairperson, voting shall be by a show of hands.
- 27.4. If a Councillor or committee member entitled to vote fails to vote, the Councillor or committee member is taken to have voted in the negative in accordance with *Section 254E (2) (c) of the LGR*.
- 27.5. If votes on a matter are equal, the Chairperson has a 'casting vote' to break the deadlock and bring resolution on the matter before council in accordance with *Section 254E (2) (b) of the LGR*.
- 27.6. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson will declare the result of a vote or a division as soon as it has been determined.
- 27.7. Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

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

28 Withdrawing a motion

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

29 Repealing or amending resolutions

29.1 A resolution of the Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.

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

30 Procedural motions

30.1 A Councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:

- That the question/motion be now put before the meeting;
- That the motion or amendment now before the meeting be adjourned;
- That the meeting proceeds to the next item of business,
- That the question lay on the table;
- A point of order;
- A motion of dissent against the Chairperson's decision;
- That this report/document be tabled;
- To suspend the rule requiring that (insert requirement);
- That the meeting stands adjourned.

30.2 A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the Chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.

30.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified: A further motion may be moved to specify a time or date; or

- The matter about which the debate is to be adjourned will be included in the business paper for the next meeting.

30.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by council on the giving of notice in accordance with these standing orders.

30.5 A procedural motion that the question lay on the table will only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

30.6. Any Councillor may ask the Chairperson to decide on a point of order where it is believed that another Councillor:

- Has failed to comply with proper procedures;
- Is in contravention of the legislation; or
- Is beyond the jurisdiction power of the council meeting.

Note: Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The Chairperson will determine whether the point of order is upheld.

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

30.8. A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example:

Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

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

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

30.11 A procedural motion that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the Council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

31. Questions

- 31.1. At a Council meeting, a Councillor may ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting.
- 31.2. Questions will be asked categorically and without argument and no discussion will be permitted at the Council meeting in relation to a reply or a refusal to reply to the question.
- 31.3. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 31.4. A Councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 31.5. The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the Chairperson will allow the question.