

# Local Government and Committee Meeting Code



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# **1. Adoption, Amendment and Application of the Code**

## **1.1 Adoption and Amendment**

- (a) This Code takes effect on the later of:
  - (i) the date it is adopted by resolution of the local government; and
  - (ii) the commencement date specified in the local government's resolution adopting the Code.
- (b) This Code may only be amended by a resolution of the Council.

## **1.2 Application of this Code**

- (a) This Code provides rules for the orderly and proper conduct of all Meetings. 'Meetings' as defined in section 16 of this Code, includes Ordinary Local Government Meetings, Special Local Government Meetings, Ordinary Standing Committee Meetings, Special Standing Committee Meetings, Special Committee Meetings and Advisory Committee Meetings. It does not include informal meetings between councillors and/or Non-Councillor Members which are not regulated by the Local Government Act or the Local Government Regulation.
- (b) If a matter arises which is not provided for in this Code, the local government may determine the matter by resolution.
- (c) To the extent of any inconsistency between this Code and the Model Procedures, the local government is taken to have adopted the Model Procedures to the extent of the inconsistency.

## **1.3 Local Government Principles**

Meetings must be conducted in a way that is consistent with the local government principles, being:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors, local government employees and councillor advisors.

## 2. Before Local Government Meetings - general and pre-meeting requirements

### 2.1 Post-election meeting - time of meeting and key requirements

- (a) The local government must hold a meeting (**Post-Election Meeting**) within 14 days after:
  - (i) the conclusion of each quadrennial election; and
  - (ii) the conclusion of a fresh election of its councillors.<sup>1</sup>
- (b) The local government must, by resolution, appoint a Deputy Mayor from its councillors (other than the Mayor):
  - (i) at the Post-Election Meeting; and
  - (ii) at the first meeting after the office of the councillor who is the Deputy Mayor becomes vacant.<sup>2</sup>
- (c) The local government:
  - (i) must consider the day and time for holding other Meetings at its Post-Election Meeting;<sup>3</sup> and
  - (ii) may fix the day and time for holding other Meetings by resolution. These times may include notification that subsequent meetings will commence 10 minutes after the conclusion or adjournment of the previous meeting.

### 2.2 Ordinary Local Government Meetings - time and frequency of meetings

- (a) The local government must meet at least once in each month:<sup>4</sup>
  - (i) on the day and time fixed by the local government in accordance with section 2.1(c)(ii) for Ordinary Local Government Meetings; or
  - (ii) if the local government does not fix a day and time for Ordinary Local Government Meetings under section 2.1(c)(ii), on the day and time fixed by the local government at a later meeting by resolution; or
  - (iii) if the local government does not fix a day and time for Ordinary Local Government Meetings under section 2.1(c)(ii)

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<sup>1</sup> Section 175(1) of the Local Government Act.

<sup>2</sup> Section 175(2) of the Local Government Act, following the local government declaring by resolution, under s.165(3) of the Local Government Act, that the office of deputy mayor is vacant.

<sup>3</sup> Section 256(1) of the Local Government Regulation.

<sup>4</sup> Section 257(1) of the Local Government Regulation.



or 2.2(a)(ii), on the days and time fixed by the chief executive officer and notified to the local government in writing.

(b) If the chief executive officer proposes to fix the day and time of an Ordinary Local Government Meeting under section 2.2(a)(iii), the chief executive officer must, if practicable, consult with the Mayor about the proposed day and time before fixing the day and time for Ordinary Local Government Meetings.

(c) Subject to:

- (i) the requirement that the local government must meet at least once in each month; and
- (ii) the requirements in relation to notice of meetings under section 2.4(b),

the local government may, at any time, amend the day and time fixed for Ordinary Local Government Meetings by resolution.

(d) The local government must comply with the requirements for public notice of the days and times for Ordinary Local Government Meetings, as set out in section 4.1.

## 2.3 **Special Local Government Meetings - calling a meeting and key requirements**

(a) The chief executive officer must call a Special Local Government Meeting if:

- (i) a Special Local Government Meeting is required by a resolution of the local government; or
- (ii) a written request for the Special Local Government Meeting (**Special Local Government Meeting Request**) is lodged with the chief executive officer under section 2.3(b) of this Code; or
- (iii) a Special Local Government Meeting is required to comply with the Local Government Regulation 2012 or some other legislation; or
- (iv) the chief executive officer determines, in consultation with the Mayor, it is in the interests of the local government that a Special Local Government Meeting be held.

(b) A Special Local Government Meeting Request must:

- (i) be signed by the Mayor or 3 or more councillors; and
- (ii) specify the business of the Special Local Government Meeting; and

- (iii) propose a day and time for the holding of the Special Local Government Meeting.
- (c) The chief executive officer must call a Special Local Government Meeting by issuing a meeting notice in accordance with section 2.4(b) of this Code. If the chief executive officer considers that the day and time for holding the meeting specified in the Special Local Government Meeting Request:
  - (i) is practicable, the chief executive officer must specify that day in the meeting notice;
  - (ii) is impracticable, the chief executive officer may, in consultation with the Mayor, nominate another day and time for the Special Local Government Meeting.
- (d) At a Special Local Government Meeting, the only business which may be conducted is the business stated in the notice of the meeting (as issued in accordance with section 2.4(b) of this Code).

## 2.4 All Local Government Meetings - place and notice requirements

### (a) Place of meetings

All Local Government Meetings must be held:

- (i) at 1 of the local government's public offices; or
- (ii) for a particular meeting - at another place fixed by the local government, by resolution, for the meeting.<sup>5</sup>

### (b) Notice of Meetings

- (i) The chief executive officer must give to each councillor or committee member a written notice of a Local Government Meeting (**meeting notice**) that states:
  - A. the day and time of the meeting;
  - B. an agenda listing the items of business to be discussed at the meeting, which must include items of business that are required by:
    - 1) the chief executive officer to be included on the agenda;
    - 2) the Local Government Act or this Code to be included on the agenda; and

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<sup>5</sup> Section 257(3) of the Local Government Regulation.



- 3) a resolution of the local government to be included on the agenda; and
    - C. for a Special Local Government Meeting, state the business to be conducted at the meeting.
  - (ii) The meeting notice for each Local Government Meeting or adjourned Local Government Meeting must:
    - A. be given to each Councillor or Committee Member at least 2 days before the day of the meeting unless it is impracticable to give the notice;<sup>6</sup> and
    - B. may be given to a Councillor or Committee member by sending the meeting notice to a councillor electronically.<sup>7</sup>
- (c) **Public availability of agendas<sup>8</sup>**
- (i) A local government must make the agenda for a local government meeting publicly available by 5p.m. on the next business day after notice of the meeting is given under the process set out in section 2.4(b).
  - (ii) A local government must also make a Related Report for a local government meeting publicly as follows:
    - A. if the Related Report is made available to councillors or committee members before or at the time notice of the meeting is given under the process set out in section 2.4(b), when the agenda is made publicly available in accordance with section 2.4(c)(i);
    - B. if the Related Report is made available to councillors or committee members during the Relevant Period for the meeting - as soon as practicable after it is made available to the councillors or committee members.

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<sup>6</sup> Section 254C(1) of the Local Government Regulation.

<sup>7</sup> Section 254C(3) of the Local Government Regulation.

<sup>8</sup> Section 254D(1)-(5) of the Local Government Regulation.

### **3. Establishing Committees and pre-Committee Meeting requirements**

#### **3.1 Establishing Committees**

- (a) The local government may, by resolution:
  - (i) appoint from its councillors, Standing Committees or Special Committees, in accordance with the procedure set out in section 3.2; and
  - (ii) appoint Advisory Committees, which may include councillor and Non-Councillor Members, in accordance with the procedure set out in section 3.2.<sup>9</sup>
- (b) Where practicable, the local government must seek to appoint its Committees at the Post-Election Meeting.
- (c) Section 3.1(b) does not fetter the local government's power to establish Committees at any other Local Government Meeting.

#### **3.2 Procedure for establishing Committees**

In resolving to appoint a Committee, the local government must, for each Committee:

- (a) adopt a terms of reference for the Committee that sets out, as a minimum:
  - (i) the name of the Committee;
  - (ii) the purpose, objectives and responsibilities of the Committee;
  - (iii) the mechanism for determining the place and frequency of meetings, which must be consistent with section 3.3;
  - (iv) the timeframes for giving notice of the meeting and distribution of the agenda, which must be consistent with section 3.4; and
  - (v) whether the committee has delegated authority, by resolution, under Section 257(1)(c) of the Local Government Act, or if it will make recommendations for consideration of the full council via a report to the Ordinary Council meeting.
- (b) determine the membership of the Committee (including any Alternate Members of the Committee);

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<sup>9</sup> Section 264(1) of the Local Government Regulation.

- (c) in the case of an Advisory Committee, determine, for section 254G of the Local Government Regulation, whether the committee should be exempted from the requirement to take minutes of its proceedings and, if so, resolve accordingly;
- (d) appoint a chairperson and a deputy chairperson and, optionally, a second deputy chairperson for the Committee; and
- (e) in the case of a Standing Committee, make resolutions in respect of any matters to be delegated to the Standing Committee.

### 3.3 Frequency and place of Committee Meetings

- (a) Each Committee must meet at the times and places decided by the Committee.<sup>10</sup>
- (b) The local government must comply with the requirements for public notice of the days and times for Ordinary Standing Committee Meetings, as set out in section 4.1.

### 3.4 Special Committee Meetings - calling a meeting and key requirements

- (a) The chief executive officer must call a Special Committee Meeting if:
  - (i) a Special Committee Meeting is required by a decision of committee; or
  - (ii) a written request for the Special Committee Meeting (**Special Committee Meeting Request**) is lodged with the chief executive officer under section 3.4(b) of this Code; or
  - (iii) the chief executive officer determines, in consultation with the chairperson of the Committee, it is in the interests of the local government that a Special Committee Meeting be held.
- (b) A Special Committee Meeting Request must:
  - (i) be signed by the chairperson of the relevant Committee or 3 or more members of the Committee; and
  - (ii) specify the business of the Special Committee Meeting; and
  - (iii) propose a day and time for the holding of the Special Committee Meeting.
- (c) The chief executive officer must call a Special Committee Meeting by issuing a meeting notice in accordance with section 3.4(b) of this Code. If the chief executive officer considers that the day and time

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<sup>10</sup> Section 268 of the Local Government Regulation.

for holding the meeting specified in the Special Committee Meeting Request:

- (i) is practicable, the chief executive officer must specify that day in the meeting notice;
  - (ii) is impracticable, the chief executive officer may, in consultation with the Mayor, nominate another day and time for the Special Committee Meeting.
- (d) At a Special Committee Meeting, the only business which may be conducted is the business stated in the notice of the meeting (as issued in accordance with section 3.4(b) of this Code).

### 3.5 Committee Meetings - place and notice requirements

- (a) The chief executive officer must give to each member of the relevant Committee a written notice of a Committee Meeting (**meeting notice**) that states:
- (i) the day and time for the Committee Meeting; and
  - (ii) an agenda listing the items of business to be discussed at the meeting, which must include items of business that are required by:
    - A. the chief executive officer to be included on the agenda;
    - B. a resolution of the local government to be included on the agenda;
    - C. a member of the Committee to be included on the agenda;
    - D. a recommendation of another Committee to be included on the agenda.
- (b) The meeting notice for each Committee Meeting:
- (i) must be given to each member of the Committee at least 2 days before the day of the meeting unless it is impracticable to give the notice; and
  - (ii) may be given to a member by sending the meeting notice to a member electronically.
- (c) A member of a Committee who wants an item of business included on the agenda of the Committee (in which they are a member) must give written notice to the chief executive officer at least 5 business days before the meeting notice is given pursuant to sections 3.5(a) and 3.5(b).

## 4. Before Local Government Meetings and Committee Meetings - common general and pre-meeting requirements

### 4.1 Public notice of meetings<sup>11</sup>

- (a) In addition to giving notice to councillors in accordance with section 2.4(b) and 3.5(b), the local government must, at least once in each year, publish a notice (**Calendar of Meetings Notice**) of the days and times when:
  - (i) its Ordinary Local Government Meetings will be held; and
  - (ii) the Ordinary Standing Committee Meetings will be held.
- (b) The Calendar of Meetings Notice must be published:
  - (i) in a newspaper circulating generally in the local government's area; and
  - (ii) on the local government's website.
- (c) The local government must display in a conspicuous place in its public office a notice of the days and times when its Meetings will be held.
- (d) The local government must make a list of the items to be discussed at a Meeting available for inspection at the time the agenda for the meeting is made available to councillors or members in accordance with section 2.4(b) (Local Government Meetings) or section 3.4 (Committee Meetings) of this Code.
- (e) The local government must immediately notify any change to the Calendar of Meetings Notice in the same way as the Calendar of Meetings Notice was previously published.

### 4.2 Pre-meeting briefing sessions

- (a) Prior to each Ordinary Local Government Meeting, the chief executive officer may arrange a pre-meeting session to brief councillors on the business set out in the agenda for the meeting, and relevant administrative arrangements and issues.
- (b) The chief executive officer may also, at the chief executive officer's discretion, arrange pre-meeting sessions prior to any Special Local Government Meeting or Committee Meeting.
- (c) In respect of pre-meeting sessions:

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<sup>11</sup> Section 254B(1) to (4) of the Local Government Regulation.

- (i) councillors are encouraged, but not obliged, to attend;
- (ii) the chief executive officer or an employee authorised by the chief executive officer will preside at the pre-meeting session;
- (iii) the requirements for Local Government Meetings prescribed in this Code do not apply, including the requirements:
  - A. that the meeting is open to the public; and
  - B. relating to webcasting, other recording, or the recording of minutes;
    - (iv) the purpose of the pre-meeting sessions is limited to briefing councillors and addressing administrative arrangements and issues for the Local Government Meetings; and
    - (v) councillors must not use the pre-meeting sessions for any purpose other than the purpose set out in section 4.2(c)(iv). For clarity, councillors must not use the pre-meeting sessions:
      - A. to consider, discuss or debate any business;
      - B. to vote (or pre-vote) on any items on the agenda; or
      - C. to otherwise make any decisions on the business of the Local Government Meeting.

## 5. At the meeting

### 5.1 Chairperson for Local Government Meetings

- (a) The Mayor must preside at a Local Government Meeting.<sup>12</sup>
- (b) If the Mayor is absent or unavailable to preside, the Deputy Mayor must preside.<sup>13</sup>
- (c) If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a councillor chosen by the majority of the Councillors present at the meeting must preside.

### 5.2 Chairperson for Committees

- (a) The person appointed as chairperson of a Committee by the local government or Committee in accordance with section 3.2 of this Code must preside at the Committee Meeting.
- (b) In the absence of the chairperson, the person appointed as deputy chairperson or second deputy chairperson of a Committee by the local government or Committee in accordance with section 3.2 of this Code must preside at the Committee Meeting.
- (c) If the appointed chairperson, deputy chairperson or second deputy chairperson is not present at the Committee Meeting, the members present may appoint a chairperson for the meeting and that person must preside.

### 5.3 Attendance

- (a) **Attendance generally**
  - (i) 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,<sup>14</sup> all councillors, and all Non-Councillor Members required to attend, must seek to attend all Meetings.
  - (ii) A councillor or Non-Councillor Member attends a Meeting by:
    - A. taking part in the Meeting by attending at the place the Meeting is held; or

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<sup>12</sup> Section 12(4)(a) of the Local Government Act.

<sup>13</sup> Section 165(1) of the Local Government Act.

<sup>14</sup> Section 12(3)(c) of the Local Government Act.



B. taking part in the Meeting by audio link or audio visual link, if permitted in accordance with section 5.3(b).

(iii) If a councillor or Non-Councillor Member is unable to attend a Meeting, the councillor or Non-Councillor Member must comply with the process set out in section 5.3(c).

(b) **Attendance by audio link or audio visual link**

(i) **General attendance principle**

A. A local government or committee of a local government may allow a person to take part (including voting on any Matter) 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.<sup>15</sup>

B. As a general principle however, other than in exceptional circumstances, councillors and Non-Councillor-Members must attend Meetings in person by attending at the place the Meeting is held.

C. If there are exceptional circumstances, then a councillor or Non-Councillor member may seek approval to attend a Meeting by audio link or audio visual link in accordance with this section 5.3(b).

D. Exceptional circumstances include where:

- 1) there is a disaster or emerging disaster event that prevents the safe attendance of a councillor or Non-Councillor Member in person;
- 2) a councillor or Non-Councillor Member cannot attend in person because the councillor or non-councillor member is required to attend to official Council business in another location;
- 3) in the case of Special Meetings, the Councillor or Non-Councillor Member is in another location and it is impracticable to

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<sup>15</sup> Section 254K of the Local Government Regulations.

return to the meeting place in person in the notice timeframes.

(ii) **Advance approval for attendance by audio link or audio visual link**

- A. Councillors and Non-Councillor Members must, where practicable, seek approval to attend by audio link or audio visual link in advance through the local government or relevant Committee at least three business days prior to the Local Government Meeting.
- B. If a councillor or Non-Councillor Member seeks approval to attend a future Meeting by audio link or audio visual link under section 5.3(b)(ii)A, the local government or relevant Committee must:
  - 1) consider the circumstances for the absence; and
  - 2) if satisfied with that there is exceptional circumstances precluding attendance in person, approve the councillor's or Non-Councillor member's attendance by audio link or audio visual link at a future Meeting.

(iii) **Late approval for attendance by audio link or audio visual link**

- A. If it is not practicable for a councillor or Non-Councillor Member to seek approval for attendance by audio link or audio visual link under section 5.3(b)(ii), a councillor or Non-Councillor Member may seek late approval to attend by audio link or audio visual link from the Mayor or Chairperson of the relevant Committee in writing at any time prior to the Meeting.
- B. The Mayor or Chairperson of the relevant Committee may give late approval only if:
  - 1) the exceptional circumstances the subject of the request for late approval were not known or foreseeable at the immediately preceding Local Government Meeting or Committee Meeting (as relevant); or
  - 2) the meeting is a Special Meeting.

(c) **Absence from meeting**

- (i) Councillors and Non-Councillor Members must, where practicable, seek approval for a leave of absence in advance through the local government or relevant Committee;
- (ii) if it is not practicable for a councillor or Non-Councillor Member to seek approval for a leave of absence under section 5.3(c)(i), the other councillors or Non-Councillor Members may, by resolution or decision (as the case may be), approve the leave of absence in accordance with section (iii) below;
- (iii) At the Meeting, the local government or Committee must:
  - A. for each councillor or Non-Councillor Member who has obtained approval under section 5.3(c)(i), formally affirm the leave of absence by a resolution or decision (as the case may be) at the meeting from which the councillor or Non-Councillor Member is absent;
  - B. for each councillor or Non-Councillor Member who has not obtained approval under section 5.3(c)(i):
    - 1) the local government or relevant Committee must consider the reasons for the absence; and
    - 2) if satisfied with the reasons, approve the leave of absence at the meeting from which the councillor or Non-Councillor Member is absent.

(d) **Councillor record of attendance**

- (i) For the purposes of reporting on councillor attendance at Local Government Meetings and Committee Meetings in accordance with the annual reporting requirements under the Local Government Act:<sup>16</sup>
  - A. a councillor will be deemed to have attended a Meeting if they are in attendance at a Meeting for at least 75% of the total meeting duration;
  - B. a councillor in attendance at a Meeting for less than 75% of the total meeting duration will be deemed absent from the Meeting;

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<sup>16</sup> Section 186(1)(c) of the Local Government Regulation.

- C. it is not relevant whether a councillor has obtained approval for the absence in accordance with section 5.3(c).
- (ii) For the purpose of calculating attendance for section 5.3(d)(i):
- A. the Minute Clerk must record the time at which each councillor leaves the meeting room and returns to the meeting room (including while meeting is in Closed Session);
  - B. if a councillor is attending the meeting by audio link or audio visual link in accordance with section 5.3(b):
    - 1) the councillor must notify the Chairperson each time the councillor ceases to be simultaneously in audio and/or video contact with each other person at the meeting, and each time the councillor resumes such contact;
    - 2) the Minute Clerk must record the time at which a councillor attending by audio link or audio visual link ceases to be simultaneously in audio and/or video contact with each other person at the meeting, and resumes such contact;
  - C. if a councillor is required to leave the meeting on account of a Personal Interest in accordance with Chapter 6, Division 5A of the Local Government Act, the period of absence for that purpose will not be taken as an absence for the purpose of calculating attendance in accordance with this section 5.3(d).

## 5.4 Quorum

### (a) Quorum to conduct business

- (i) Business may be conducted at a Meeting only if a quorum is present.<sup>17</sup>
- (ii) A councillor or Non-Councillor Member will be present for the purposes of constituting a quorum if the councillor or Non-Councillor Member is permitted to attend by audio link or audio visual link under section 5.3(b).

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<sup>17</sup> Section 254E(1) of the Local Government Regulation.

(b) **Requirements for quorum**

- (i) A quorum:
  - A. for a Local Government Meeting, Standing Committee Meeting or Special Committee, is a majority of its councillors (however, if the number of councillors is an even number, one-half of the number is a quorum);<sup>18</sup>
  - B. for an Advisory Committee Meeting, is a majority of its members (however, if the number of members is an even number, one-half of the number is a quorum).<sup>19</sup>
- (ii) The local government must include councillors suspended under section 182A of the Local Government Act in the total number of councillors, for the purposes of determining if there is a quorum.

(c) **Procedure where no quorum**

If a quorum is not present at a Meeting, the Meeting may be adjourned to a later hour on the same day, or another day within 14 days after the day of adjournment by:

- (i) in the case of a Local Government Meeting, a Standing Committee Meeting or a Special Committee Meeting:
  - A. a majority of the councillors present;
  - B. if only 1 councillor is present - the councillor;
  - C. if no councillors are present (after 15 minutes after the time appointed for the meeting) - the chief executive officer, or if the chief executive officer is not present the Director of Organisational Services.<sup>20</sup>
- (ii) in the case of an Advisory Committee meeting:
  - A. a majority of the Advisory Committee members present;
  - B. if only 1 member of the Advisory Committee is present - the member; or

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<sup>18</sup> Section 259(2) of the Local Government Regulation.

<sup>19</sup> Section 269 of the Local Government Regulation.

<sup>20</sup> Section 261 of the Local Government Regulation.

- C. if no members or the Advisory Committee are present - the chief executive officer.

## 6. Order of Business

### 6.1 Order of Business for Post-Election Meeting

- (a) For each matter being considered at a Post-Election Meeting (other than an Ordinary Business Matter), the Chairperson must, prior to commencing discussion of the matter:
  - (i) call for councillors to declare any Personal Interests in the matter; and
  - (ii) adopt the processes and requirements set out in section 10 of this Code, in particular section 10.10 in the event that the majority of Councillors present at a Meeting declare a personal interest in a matter.
- (b) The local government must adopt the order of business at each Post-Election Meeting set out in the agenda, which must adopt the following form:
  - (i) appointment of the Deputy Mayor;
  - (ii) consideration of Committee appointments;
  - (iii) the day and time for holding the local government and other meetings;
  - (iv) the appointment of representatives of the local government to boards or other organisations.

### 6.2 Order of Business for Ordinary Local Government Meetings

- (a) At the commencement of each Ordinary Local Government Meeting (and before proceeding with the business of each meeting), the Chairperson must undertake:
  - (i) acknowledgement of country (or welcome to country);
  - (ii) welcome; and
  - (iii) reflection.
- (b) Subject to section 6.2(c), the order of business at each Ordinary Local Government Meeting is in accordance with the agenda, which must adopt the following form:
  - (i) **attendances and leave of absence** (including attendance by audio link or audio visual link approved in accordance with section 5.3(b), and for leave of absence, in accordance with the procedure set out at section 5.3 of this Code above);
  - (ii) **condolences**. In respect of any condolences:



- A. condolences may only be raised by a councillor with the permission of the Chairperson;
  - B. condolences do not require a formal motion;
  - C. the local government must observe a moment of silence;
- (iii) **congratulations.** In respect of any congratulations:
- A. reports presented must first obtain approval from the Mayor, and the Corporate Governance branch must be notified if the proposed attendees are required to attend the meeting;
  - B. congratulations may only be raised by a councillor with the permission of the Chairperson;
  - C. congratulations do not require a formal motion;
- (iv) **confirmation of minutes.** In respect of the confirmation of minutes:
- A. the minutes of the previous meeting are required to be included in the business papers;
  - B. a councillor may seek to amend only the accuracy of the previous meeting's minutes;
  - C. an amendment to the accuracy of the previous meeting's minutes must be formally resolved;
  - D. the previous meeting's minutes must be confirmed by councillors who were present at that meeting;
  - E. the confirmation of the minutes must be formally resolved and where an amendment has been made, confirmed as amended;
  - F. the chairperson must sign the confirmed minutes;
- (v) **declaration of conflicts of interest.** The Chairperson must call for all members of the Committee to declare any Personal Interests. A councillor may declare, in accordance with Section 10 of this Code, a prescribed or declarable conflict of interest in respect of any matter and the Chairperson must, in respect of:
- A. councillor members, adopt the processes and requirements set out in section 10 of this Code, in particular section 10.10 in the event that the majority of Councillors present at a Meeting declare a personal interest in a matter; and

- B. Non-Councillor Members, adopt the processes and requirements set out in section 11 of this Code;
- (vi) **business arising from previous meeting's minutes.** In respect of business arising from previous meeting's minutes:
- A. a councillor may, upon the approval of the Chairperson, comment upon a matter contained in the previous meeting's minutes; and
  - B. no action shall be initiated through a resolution of the local government under this agenda item without the approval of the Chairperson;
- (vii) **reports of the Committee minutes and recommendations.**
- A. In respect of Committee minutes:
    - 1) the minutes of the previous Committee meetings are required to be included in the business papers;
    - 2) a councillor may seek to amend only the accuracy of the previous meeting's minutes;
    - 3) an amendment to the accuracy of the previous meeting's minutes must be formally resolved;
    - 4) the previous meeting's minutes must be confirmed by councillors who were present at that meeting;
    - 5) the confirmation of the minutes must be formally resolved and where an amendment has been made, confirmed as amended;
    - 6) the chairperson must sign the confirmed minutes;
  - B. In respect of reports of the Committee recommendations:
    - 1) the recommendations of a Committee have no legal status until it has been formally adopted or otherwise dealt with by the local government;

- 2) the local government may accept the recommendations of the Committee or make some other determination;
- 3) if in a report of a Committee distinct recommendations are made, the decision of the local government may be taken separately on each distinct recommendation;
- 4) any recommendation of a Committee or any part of a recommendation may be:
  - a) adopted by the local government either as submitted or the local government may frame its own recommendation;
  - b) referred back to the Committee for further consideration;
  - c) referred to any other Committee, if in the opinion of the local government the subject matter of the report or a portion thereof, deals with business with which that other Committee is charged; or
  - d) not adopted by the local government;

(viii) **Council reports.** In respect of Council reports:

- A. a Council report is a report that:
  - 1) would normally be forwarded through the committee process but is of an extraordinarily urgent nature and therefore requires immediate consideration by the local government;
  - 2) is included in the agenda for the Ordinary Local Government Meeting, as provided with the Meeting Notice;
- B. the local government must consider the Council report and may make resolutions in respect of the report notwithstanding the absence of Committee considerations and recommendations;

(ix) **late reports.** In respect of late reports:

- A. a late report is a report that:
  - 1) is of an extraordinarily urgent nature and therefore requires immediate consideration by the local government;
  - 2) may or may not have been through the committee process;
  - 3) was not available for inclusion in the agenda for the Ordinary Local Government Meeting (as provided with the Meeting Notice);
  
- B. a late report requires the approval of the chief executive officer before it is submitted to the meeting. The chief executive officer approves the submission of the report by signing the report or approving it through a Council Approved Electronic System;
  
- C. an approved late report may either be included in the business papers or alternatively distributed separately;
  
- (x) **petitions.** In respect of petitions, petitions must comply with the requirements under section 8.1 of this Code;
  
- (xi) **consideration of notified motions.** In respect of the consideration of notified motions:
  - A. the local government must consider any motion notified in accordance with section 6.2(b)(xi)B below;
  
  - B. any councillor may give notification of a motion by providing:
    - 1) notice in writing to the chief executive officer at least four days prior to the meeting at which the business is to be discussed; or
    - 2) notice at the previous meeting;
  
  - C. the rules for acceptance of a notified motion by the chief executive officer shall be the same as for general business as set out in 6.2(b)(xii) below;
  
  - D. a notified motion must be included as a report in the business papers for the respective meeting;

- E. notified motions in relation to the repeal or amendment of a resolution must be dealt with in accordance with section 7.11 of this Code;
- (xii) **general business.** In respect of general business:
- A. a councillor may have a matter considered or actioned by a resolution at a meeting, in the course of general business, provided it does not:
    - 1) initiate the immediate expenditure of the local government's funds not provided for in the budget;
    - 2) in the opinion of the Chief Executive Officer or a senior executive employee, initiate an unnecessary diversion of resources;
    - 3) involve a change of the local government's policies;
    - 4) initiate the creation of a new local government policy; or
    - 5) involve a matter which would normally be the subject of a report from a Committee or requires advice from the Chief Executive Officer or a senior executive employee;
  - B. If a matter cannot be considered by the local government in the course of general business, by virtue of this section, the councillor may request a report to be prepared for the consideration of an appropriate Committee Meeting;
  - C. Where possible, notice of a general business motion should be provided in writing to the Chief Executive Officer at least 24 hours before the Ordinary Local Government Meeting.
- (c) Subject to any requirements under the Local Government Act or Local Government Regulation, the order of business set out in section 6.2(b) may be altered:
- (i) generally, by resolution of the local government;
  - (ii) for a particular meeting, where the councillors at that meeting pass a motion to that effect.
- (d) For the purposes of section 6.2(c)(ii), a motion to alter the order of business may be moved without notice.

- (e) For the purposes of section 6.2(b)(iv):
  - (i) the minutes of a preceding meeting (whether an Ordinary Local Government or a Special Local Government Meeting) not previously confirmed must be taken into consideration at every Ordinary Local Government Meeting, so that such minutes may be confirmed; and
  - (ii) no discussion is permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

### 6.3 Order of business for Special Local Government Meetings

- (a) For each matter being considered at a Special Local Government Meeting (other than an Ordinary Business Matter), the Chairperson must, prior to commencing discussion of the matter:
  - (i) call for councillors to declare any personal interests in the matter; and
  - (ii) adopt the processes and requirements set out in section 10 of this Code, in particular section 10.10 in the event that the majority of Councillors present at a Meeting declare a personal interest in a matter.
- (b) The notice of meeting issued for a special meeting in accordance with the 2.4(b)(i)B will stipulate the agenda or purpose for the Special Local Government Meeting.
- (c) The order of business specified in the meeting for the special notice will be strictly aligned to the agenda and will not alter nor include any further matter not included on the agenda.

### 6.4 Order of Business for Committee Meetings

- (a) At the commencement of each Committee Meeting (and before proceeding with the business of each meeting), the Chairperson must undertake:
  - (i) acknowledgement of country (or welcome to country); and
  - (ii) welcome.
- (b) The order of business at each Committee Meeting shall be determined by the Chairperson, but must include the following:
  - (i) **attendances and leave of absence** (including attendance by audio link or audio visual link approved in accordance with section 5.3(b) and for leave of absence, in accordance with the procedure set out at section 5.3 of this Code above)

- (ii) **declaration of conflicts of interest.** Prior to commencing discussion of any matters, the Chairperson must call for all members of the Committee to declare any Personal Interests. A councillor may declare, in accordance with Section 10 of this Code, a prescribed or declarable conflict of interest in respect of any matter and the Chairperson must, in respect of:
  - A. councillors members, adopt the processes and requirements set out in section 10 of this Code, in particular section 10.10 in the event that the majority of Councillors present at a Meeting declare a Personal Interest in a matter; and
  - B. Non-Councillor Members, adopt the processes and requirements set out in section 11 of this Code.
- (iii) **Committee reports.** In respect of Committee reports the Committee may make the recommendations for consideration by the local government.
- (iv) **late reports.** In respect of late reports:
  - A. a late report is a report that:
    - 1) is of an urgent nature and therefore requires immediate consideration of the Committee;
    - 2) was not available for inclusion in the agenda for the Committee Meeting (as provided with the Meeting Notice); and
  - B. a late report requires the approval of the chief executive officer before it is submitted to the meeting. The chief executive officer approves the submission of the report by signing the report or approving it through a Council Approved Electronic System. The chief executive officer may only approve a late report if:
    - 1) the Committee's failure or delay in dealing with the matter at the Committee Meeting will be detrimental to or prejudice:
      - a) the legal rights of the local government or some individual; or
      - b) the ability of the local government to achieve a financial gain or avoid a financial loss; or



- c) the ability of the local government to take advantage of some favourable circumstances for the purpose of improving the wellbeing of the city's inhabitants; or
      - d) the local government's statutory responsibilities in relation to the good rule and government of the area; or
    - 2) a delay in dealing with the matter will cause some formal deadline required for the Committee's decision to be exceeded; or
    - 3) the new business is ancillary to or in amplification of matters already contained in the agenda;
  - C. an approved late report may either be included in the business papers or alternatively distributed separately;
- (v) **general business.** In respect of general business:
- A. a member may have a matter considered or actioned by a decision at a Committee Meeting, in the course of general business, provided it does not:
    - 1) initiate the immediate expenditure of the local government's funds not provided for in the budget;
    - 2) in the opinion of the Chief Executive Officer or a senior executive employee, initiate an unnecessary diversion of resources;
    - 3) involve a change of the local government's policies;
    - 4) initiate the creation of a new local government policy; or
    - 5) involve a matter which would normally be the subject of a report from a Committee or requires advice from the Chief Executive Officer or a senior executive employee.

- B. If a matter cannot be considered by the Committee in the course of general business, by virtue of this section, the member may request a report to be prepared for consideration by the relevant Committee.
- C. Where possible, notice of a general business motion should be provided in writing to the Chief Executive Officer at least 24 hours before the Committee Meeting.

## 7. Conduct of Meetings

### 7.1 Procedure at meeting

- (a) A Meeting must not start before the time provided in the notice of the meeting.
- (b) At a Local Government Meeting:
  - (i) a question is decided by a majority of the votes of the councillors or committee members present;
  - (ii) subject to Chapter 5B of the Local Government Act (relating to Councillor's conflict of interest, the requirements of which are set out in section 10 below), each councillor or committee member present has a vote on each question to be decided and, if the votes are equal, the person presiding at the meeting has a casting vote; and
  - (iii) if a councillor or committee member present and entitled to vote fails to vote, the councillor or committee member is taken to have voted in the negative.<sup>21</sup>
    - A. If a councillor or committee member fails to vote but elects to note that they 'abstained' from the vote, they may optionally provide a reason for their abstention; and
    - B. The councillor or committee member may request that the reason for their abstention be recorded in the minutes.

### 7.2 Adjournment of meetings

The majority of councillors present at a meeting of a local government may adjourn the meeting to a later hour of the same day or to a later day.<sup>22</sup>

### 7.3 Items requiring a motion

Other than in respect of Procedural Motions or as otherwise expressly stated in this Code,

- (a) each item of business requires a motion;
- (b) each motion must be put in accordance with the requirements set out in this section 7.

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<sup>21</sup> Section 254E of the Local Government Regulation.

<sup>22</sup> Section 261(1) of the Local Government Regulation.

## 7.4 Presentation of report, questions and discussion

### (a) Presentation of report

An appropriate officer will be asked by the Chairperson to present the report to the meeting.

### (b) Questions

(i) Before a motion is moved, a member may ask a question relevant to the report for reply by an officer.

(ii) A question must be asked categorically and without argument.

(iii) Council officers should not be drawn into debate or discussion on any motion.

### (c) Discussion and Vote

(i) The Chairperson will facilitate discussion of each motion by all Councillors.

(ii) Provided that a motion is moved and seconded, the Chairperson must state that the motion is to be put to a vote.

(iii) The Chairperson must then call for an indication of those members voting for or against the motion.

(iv) The Chairperson must declare the result of a vote as soon as it has been determined.

(v) The procedures under sections 7.5 to 7.10 will apply:

A. if the Chairperson considers that there is a requirement for formal debate around any motion; and

B. to the extent that they are required to give effect to the requirements set out in section 7.4.

## 7.5 Moving a motion

(a) A member wishing to move a motion must seek the acknowledgment of the Chairperson.

(b) When acknowledged by the Chairperson, the mover of a motion must:

(i) identify the motion that is to be moved and state that it is so moved; and

- (ii) where required by the Chairperson, provide the motion in writing; and
  - (iii) subject to section 7.5(c), not speak to the motion until it is seconded.
- (c) Subject to section 7.6, the Chairperson may receive the motion where no points of order are taken by a member.
  - (d) The Chairperson must determine any point of order to the receipt of the motion in accordance with section 7.7(a) and 7.7(c) (Points of order).
  - (e) Not more than one motion may be put before a Meeting at any one time.
  - (f) A member may request, through the Chairperson, further information before or after the motion is seconded.

## 7.6 **Seconding a motion**

- (a) Subject to section 7.6(c), the Chairperson must ask for the motion to be seconded.
- (b) A member wishing to second a motion must state or otherwise signify that the motion is seconded.
- (c) A motion (other than a Procedural Motion) must be seconded by a member before it is debated.
- (d) A member who moves a motion may speak with the permission of the Chairperson for the purpose of explaining the purpose of that motion before it is seconded.

## 7.7 **Speaking to motion**

- (a) **Speaking to a motion**
  - (i) Once a motion has been moved (and, if required, seconded), the Chairperson may ask the member who moves the motion (other than a Procedural Motion) to speak to the motion.
  - (ii) The order of speakers shall be:
    - A. the member moving the motion; and
    - B. members alternatively against and for the motion as available, until all Councillors who wish to speak have had the opportunity; and
    - C. the mover of the motion, who has the final right of reply if they require.

- (iii) Where a member speaks to a motion the member must speak:
  - A. only once unless the member has moved the motion and is exercising a right of reply; and
  - B. for no more than 5 minutes, unless the Chairperson rules otherwise; and
  - C. directly to the motion.

(b) **Points of Order**

- (i) A member may interrupt another member who is speaking at any time during a meeting to ask the Chairperson to decide a 'point of order', if the member believes that the other member:
  - A. has failed to comply with proper procedures, including any requirements under this Code;
  - B. is in contravention of the Local Government Act or Local Government Regulation;
  - C. is discussing matters that are irrelevant to the motion;
  - D. is proposing a motion that is beyond the jurisdiction or powers of the local government.
- (ii) A member must not use a point of order as a means of contradicting a statement made by the member speaking.
- (iii) Where a point of order is moved:
  - A. consideration of the matter to which the motion was moved shall be suspended while the Chairperson decides the point of order; and
  - B. the member against whom the point of order is raised must:
    - 1) immediately cease speaking;
    - 2) resume their seat; and
    - 3) remain silent until the Chairperson deals with the point of order, or the Chairperson requests that the member responds to a matter the subject of the point of order in accordance with section 7.7(c).

(c) **Chairperson to deal with Points of Order**

- (i) A point of order must be dealt with immediately by the Chairperson.
- (ii) When recognised by the Chairperson, the member raising the point of order must state the matter complained of and the grounds constituting the point of order.
- (iii) A member the subject of the point of order may be allowed by the Chairperson to respond.
- (iv) The Chairperson may rule on the point of order by either:
  - A. upholding the point of order, in which case the action the subject of the point of order is to cease; or
  - B. dismissing the point of order, in which case the member may continue.
- (v) If the Chairperson upholds the point of order the member the subject of the point of order may move "a motion of dissent" in relation to the ruling, in which case:
  - A. further consideration of the matter shall be suspended until after the decision is made;
  - B. the motion of dissent shall be put to the meeting without the need to be seconded and without debate; and
  - C. if the motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall continue as though the ruling had not been made. Where as a result of that ruling the matter was declared as out of order, it shall be restored to the business paper and be dealt with in the normal course of the Meeting.

(d) **Questions**

- (i) Whilst a motion is before a meeting, a member may ask a question relevant to the motion for reply by the mover, another member or an officer (provided that the officer is not drawn into any debate in relation to the motion).
- (ii) A question must be asked categorically and without argument.
- (iii) A member who asks a question in the course of debate will be deemed not to have spoken to the debate of the motion to which the question relates.

(e) **Personal explanations**

- (i) A member, with the leave of the Chairperson, may make a personal explanation.

## **7.8 Amendment of Motion**

- (a) A motion to amend a motion may only be moved by a member who is speaking to the motion.
- (b) A motion to amend a motion is to be:
  - (i) moved in the manner prescribed by section 7.4 of this Code; and
  - (ii) seconded in the manner prescribed by section 7.6 of this Code; and
  - (iii) spoken to in the manner prescribed by section 7.7 of this Code except that the mover of the amendment motion shall not have a final right of reply; and
  - (iv) voted on in the manner prescribed by section 7.10 of this Code.
- (c) A motion to amend a motion must not substantially change the intent of the original motion.
- (d) Once carried, the amended motion becomes the motion before Council for further debate.
- (e) A member who has spoken to the motion before its amendment may speak again to the amended motion.

## **7.9 Withdrawal of Motion**

- (a) A member who has moved a motion or their seconding may elect to withdraw the motion before an amendment to the motion is moved and seconded.
- (b) An amendment to a motion may be accepted by the members who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

## **7.10 Voting on a Motion**

- (a) The Chairperson must state that the motion is to be put to a vote, once the member who has moved the motion has extinguished the right of reply or a Procedural Motion that the motion be put is carried.
- (b) The Chairperson must then call for an indication of those members voting for or against the motion.



- (c) The Chairperson must declare the result of a vote as soon as it has been determined.
- (d) The Chairperson must, in taking the vote on a motion, 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 a majority vote.
- (e) The Minute Clerk must, for each motion (other than a Procedural Motion), record in the minutes how each member votes on the motion, and the names of each member who did not vote on the motion.

## 7.11 Repealing or amending resolutions

- (a) A resolution of a local government may be repealed or amended only if notice of intention to propose the repeal or amendment is given to each councillor at least 5 days before the Meeting at which the proposal is to be made.<sup>23</sup>
- (b) If a resolution has been acted upon, the subsequent repeal or amendment of it does not affect the validity of those actions.
- (c) The power to amend or repeal a resolution is exercisable in the same way, and subject to the same conditions, as the power to make the resolution.<sup>24</sup>
- (d) To satisfy the statutory timeframes, a councillor seeking to repeal or amend a resolution must, not later than 6 days prior to the next Local Government Meeting, lodge with the chief executive officer:
  - (i) a notice of repeal or amendment (Notice of Repeal or Amendment); and
  - (ii) if the councillor considers that the chief executive officer's implementation of the resolution the subject of the notice of repeal or amendment should be placed in abeyance pending consideration of the notice of repeal or amendment, a notice requesting the abeyance (Abeyance Notice), signed by the majority of Eligible Councillors.
- (e) Upon receipt of:
  - (i) a notice of repeal or amendment, the chief executive officer must give the notice to each councillor at least 5 days before the meeting at which the proposal is to be made; and
  - (ii) an Abeyance Notice, the chief executive officer must:

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<sup>23</sup> Section 262 of the Local Government Regulation.

<sup>24</sup> Section 24AA of the Acts Interpretation Act.

- A. consult with the Mayor about whether placing the matter in abeyance is in the best interests of the local government; and
  - B. if the Mayor considers that placing the matter in abeyance is in the best interest of the local government, stay implementation of the resolution.
- (f) Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three (3) months.

## 7.12 Procedural Motions

### (a) Types of Procedural Motions

A Procedural Motion is a motion that:

- (i) the motion be put to the vote;
- (ii) the meeting proceed to the next item of business on the agenda;
- (iii) a closed session of the meeting be re-opened;
- (iv) the motion be deferred to later in the Meeting;
- (v) the ruling of the Chairperson on a point of order is overruled;
- (vi) a document be tabled;
- (vii) a provision of this Code (other than a provision that is a requirement under the Local Government Act or Local Government Regulation) be suspended for a specified period;
- (viii) the speaker be no longer heard; or
- (ix) a decision of the Chairperson on a question of procedure be overruled.

### (b) Moving a Procedural Motion

- (i) A Procedural Motion:
  - A. is moved in accordance with section 7.4 of this Code;
  - B. does not need to be seconded in accordance with section 7.6 of this Code;
  - C. must not be debated in accordance with section 7.7 of this Code; and

- D. must be immediately put to the vote by the Chairperson in accordance with section 7.10 of this Code.

(c) **Requirements for specific Procedural Motions**

- (i) A Procedural Motion to defer a motion (section 7.12(a)(iv)) must specify either that the motion is deferred to:
  - A. later in the same Meeting;
  - B. the relevant Meeting; or
  - C. a specified time or day, which must not be more than 2 months after the date of the Procedural Motion.
- (ii) If a Procedural Motion pursuant to section 7.12(a)(ii) (to proceed to the next item of business on the agenda) is passed, debate on the matter the subject of the motion must cease and the motion is deemed to have lapsed.
- (iii) If a Procedural Motion pursuant to section 7.12(a)(vi) (that a document be tabled), the document forms part of the minutes of the Local Government Meeting, unless otherwise resolved by the local government.
- (iv) If a Procedural Motion pursuant to section 7.12(a)(viii) (that a speaker no longer be heard) is passed, the member against whom the motion was moved must cease speaking and be seated.

(d) **If a Procedural Motion is lost**

If a Procedural Motion is lost, the Chairperson must not accept a similar motion unless in the opinion of the Chairperson the circumstances have changed materially.

## 7.13 Minutes of meetings<sup>25</sup>

The chief executive officer must ensure minutes of each Local Government Meeting are taken under the supervision of the person presiding at the meeting.<sup>26</sup>

- (a) Minutes of each meeting must include:
  - (i) the names of councillors or committee members present at the meeting;

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<sup>25</sup> Section 254F of the Local Government Regulation.

<sup>26</sup> Section 254F of the Local Government Regulation.

- (ii) if a division is called on a question—the names of all persons voting on the question and how they voted;
  - (iii) each Relevant Report for the meeting, other than to the extent the Relevant Report contained information that is confidential to the local government.<sup>27</sup> Relevant Reports do not need to be included in the minutes of a Local Government Meeting if they have been made publicly available in accordance with the procedure set out in section 2.4(c) above.<sup>28</sup>
- (b) If a decision made at a meeting is a Section 254H Decision, the chief executive officer must ensure that the minutes of the meeting include a statement of reasons for not adopting the recommendation or advice.
  - (c) At each meeting, the minutes of the previous meeting must be confirmed by the councillors or committee members present.
  - (d) A councillor or committee member present at a Local Government Meeting may vote to confirm the minutes of the previous meeting even if:
    - (i) the councillor or committee member was not present at the previous meeting; or
    - (ii) for a councillor - the councillor had a Prescribed Conflict of Interest or Declarable Conflict of Interest (see section 10 below) in a matter considered, discussed or voted on at previous meeting.
  - (e) A copy of the minutes of each meeting must be made publicly available by 5p.m. on the tenth day after the meeting is held, unless the minutes are sooner confirmed. When the minutes of a local government meeting have been confirmed, a copy of the confirmed minutes must be made publicly available, and available for purchase at the local government’s public office, as soon as practicable after the meeting at which the minutes are confirmed is held.
  - (f) The price for purchasing a copy of the minutes of a Local Government Meeting must not be more than:
    - (i) the cost to the local government of having the copy printed and made available for purchase; and
    - (ii) if the copy is supplied to a purchaser by post—the cost of postage.

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<sup>27</sup> Section 254F(2) of the Local Government Regulation.

<sup>28</sup> Section 254F(3) of the Local Government Regulation.

- (g) A local government may, by resolution, exempt an Advisory Committee from the requirements to take minutes of its proceedings. Instead, the Advisory Committee must give the local government a written report of its deliberations and its advice or recommendations.<sup>29</sup>

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<sup>29</sup> Section 254G of the Local Government Regulation.

## 8. Petitions and Deputations

### 8.1 Petitions

- (a) Any petition presented to a meeting of the local government shall:
- (i) contain a minimum of ten (10) signatures;
  - (ii) include the name and contact details of the **Principal Petitioner** (i.e., one person who is the organiser and who will act as the key contact for the issue);
  - (iii) include the postcode of all petitioners;
  - (iv) clearly identify the request/matter;
  - (v) have the details of the specific request/matter appear on each page of the petition;
  - (vi) be in relation to a specific local government matter within the City of Logan (i.e. not a state or federal issue);
  - (vii) be respectful and not contain any offensive language;
  - (viii) be created using a Council-provided form;
  - (ix) be in legible writing or typewritten;
  - (x) be accessed by employees, contractors and Councillors; and
  - (xi) state that the petition may be placed on the public record available on Council's Website.
- (b) Where a councillor presents a petition to a meeting of the local government no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be:
- (i) received; or
  - (ii) received and referred to a committee or officer for consideration and a report to the local government; or
  - (iii) not be received because it is deemed invalid.
- (c) The local government will respond to the Principal Petitioner in relation to all petitions deemed valid.

## 8.2 Deputations

- (a) A deputation wishing to attend and address a meeting must apply in writing to the chief executive officer not less than seven (7) business days before the meeting (**Deputation Request**).
- (b) The Deputation Request must specify:
  - (i) the names (and titles, where appropriate) of:
    - A. all proposed members of the deputation; and
    - B. the members of the deputation proposed to speak to the local government at the deputation;
  - (ii) the proposed time limit for the deputation to speak at the meeting (which must not exceed 30 minutes);
  - (iii) the details of the matter for which the deputation proposes to speak on.
- (c) The chief executive officer, on receiving an application for a deputation must determine whether the deputation may be heard.
- (d) If the chief executive officer determines that the deputation will be heard, the chief executive officer must inform the deputation of the determination in writing (**Deputation Notice**).
- (e) The Deputation Notice must state:
  - (i) the date, time and location for hearing the deputation;
  - (ii) the time limit for the deputation:
    - A. which must not exceed 30 minutes; and
    - B. which must provide an adequate opportunity to explain the purpose of the deputation; and
  - (iii) the names of the members of the deputation permitted to speak to the local government at the deputation (appointed speakers).
- (f) The chief executive officer must provide a copy of the Deputation Notice to the local government prior to the meeting.
- (g) If the deputation relates to a non-confidential report of the local government, then, prior to the meeting, the chief executive officer:
  - (i) may provide a copy of the non-confidential report to the depute; and

- (ii) must ensure that the officer responsible for preparing the report prepares the depute about the meeting's expectations about their presentation.
- (h) At the meeting:
  - (i) for deputations comprising three or more persons, only the appointed speakers are permitted to address the meeting, unless the councillors at the meeting determine otherwise by resolution;
  - (ii) if a member of the deputation other than the appointed speakers interjects or attempts to address the meeting, the Chairperson may finalise the deputation.
- (i) The Chairperson may terminate an address by a person in a deputation at any time where:
  - (i) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the meeting;
  - (ii) the time period allowed for a deputation has expired; or
  - (iii) the person uses insulting or offensive language or is derogatory towards councillors or officers.
- (j) The chief executive officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.



## 9. Maintenance of good order at meetings

### 9.1 General conduct requirements

A member of the local government or a Committee:

- (a) should:
  - (i) after a Meeting has been formally constituted and the business commenced, not enter or leave the meeting for an extended period of time without first notifying the Chairperson by previously advising them or respectfully interjecting into the order of speakers;
  - (ii) seek the acknowledgement of the Chairperson when:
    - A. moving or seconding a motion;
    - B. taking part in any discussion;
    - C. placing or replying to any question in the meeting;  
or
    - D. addressing the Meeting for any other purpose;
  - (iii) speak of each other during the Meeting by their respective titles, being "Mayor" or "councillor" (or, for Non-Councillor Members of an Advisory Committee, "Miss", "Ms", "Mrs", "Mr" or their relevant title);
  - (iv) introduce any officer by designating them by their respective official or departmental position name, followed by their personal title and full name ("Miss", "Ms", "Mrs", "Mr" or their relevant title), and thereafter address the officer respectfully for the remainder of the meeting;
  - (v) confine any remarks to the matter under consideration;
  - (vi) speak clearly and unambiguously at all times during the meeting;
  - (vii) if the Chairperson speaks during the process of a debate, cease speaking and preserve strict silence so that the Chairperson may be heard without interruption;
  - (viii) ensure that their mobile phone is turned to silent for the duration of the meeting;

- (b) must not:
  - (i) (other than the Chairperson or on a point of order in accordance with section 7.7(b)) interrupt any other member speaking;
  - (ii) obstruct or interrupt the proper conduct of the Meeting;
  - (iii) use indecent or offensive language; or
  - (iv) make a statement or ask a question reflecting adversely on the reputation of the local government or the Committee;
- (c) must comply with:
  - (i) a direction given by the Chairperson of the meeting;
  - (ii) this Code; or
  - (iii) the Councillor Code of Conduct or the Code of Conduct for Staff (as applicable), including the standards of behaviour prescribed by those codes.

## 9.2 Non-compliance with conduct requirements

If:

- (a) a councillor fails to comply with the conduct requirements prescribed in section 9.1, the Chairperson must deal with the conduct in accordance with the provisions relating to Unsuitable Meeting Conduct, as set out in sections 9.4 to 9.7 of this Code.
- (b) a member who is not a councillor fails to comply with the conduct requirements prescribed in section 9.1, the Chairperson may:
  - (i) direct the member to make a retraction or apologise;
  - (ii) if the member fails to comply with a direction under section 9.2(b)(i), move a motion that the member be suspended for the remainder of the meeting or a lesser time fixed by the Chairperson; or
  - (iii) deal with the failure as disorder in accordance with section 9.3;
- (c) the Chairperson moves a motion to suspend a member in accordance with section 9.2(b)(ii):
  - (i) the motion must be put to vote immediately without discussion;

- (ii) if the motion is passed, the member must immediately leave the meeting place and must remain away for the period of the suspension.

### **9.3 Dealing with disorder**

- (a) The Chairperson may adjourn a meeting if disorder arises at a meeting other than by a councillor.
- (b) On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (c) If the motion is lost, the Chairperson must declare the meeting closed, and any outstanding matters referred to a future meeting.

### **9.4 Dealing with Unsuitable Meeting Conduct**

- (a) The Chairperson must reasonably believe that the conduct of a councillor is Unsuitable Meeting Conduct.
- (b) The Chairperson must only decide that a councillor's conduct is Unsuitable Meeting Conduct if the Chairperson reasonably believes the conduct of the councillor in the meeting is Unsuitable Meeting Conduct.<sup>30</sup>
- (c) If the Chairperson decides the conduct of a councillor is Unsuitable Meeting Conduct, and:
  - (i) the conduct of Minor Unsuitable Meeting Conduct, the Chairperson must deal with the conduct in accordance with clause 9.5; or
  - (ii) the conduct of Serious Unsuitable Meeting Conduct or another warning is unwarranted, the Chairperson must deal with the conduct in accordance with clause 9.6.
- (d) A councillor's conduct will be Minor Unsuitable Meeting Conduct if, for example (and without limitation):
  - (i) the conduct is limited to a procedural failure, such as a failure to address the another member by their correct title; or
  - (ii) the conduct is a failure to confine remarks to the matter under consideration.
- (e) A councillor's conduct will be Serious Unsuitable Meeting Conduct if, for example (and without limitation):

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<sup>30</sup> Section 150I(1) of the Local Government Act.

- (i) the effect of the conduct is to obstruct the proper conduct of the meeting; or
  - (ii) it reflects adversely on the reputation of the local government, Standing Committee or Advisory Committee.
- (f) In deciding whether a councillor's conduct is Minor Unsuitable Meeting Conduct or Serious Unsuitable Meeting Conduct, the Chairperson may consider whether the councillor has had any previous warnings for Unsuitable Meeting Conduct issued.
- (g) Where a chairperson behaves inappropriately in a meeting, this should be referred to the Office of the Independent Assessor to be dealt with.

## 9.5 Dealing with Minor Unsuitable Meeting Conduct of a Councillor

- (a) If the Chairperson decides that a councillor's conduct is Minor Unsuitable Meeting Conduct, the Chairperson may request that the councillor take remedial actions (**Remedial Actions Request**), such as
- (i) ceasing the Minor Unsuitable Meeting Conduct;
  - (ii) apologising for the conduct;
  - (iii) withdrawing the comments the subject of the Minor Unsuitable Meeting Conduct.
- (b) If the councillor complies with the Chairperson's Remedial Actions Request, the Chairperson is not required to take any further action to deal with the Minor Unsuitable Meeting Conduct.
- (c) If the councillor fails to comply with a Remedial Actions Request, the Chairperson may warn the councillor that failing to comply may result in the issue of an order under section 9.6.
- (d) If the councillor fails to comply with a warning given under clause 9.5(c), the Chairperson may deal with the Minor Unsuitable Meeting Conduct as if the conduct were Serious Unsuitable Meeting Conduct.

## 9.6 Dealing with Serious Unsuitable Meeting Conduct of a Councillor

If the Chairperson decides that a councillor's conduct is Serious Unsuitable Meeting Conduct or the Chairperson decided a warning was not appropriate under section 9.5(c), the Chairperson may make one or more of the following orders:

- (a) an order reprimanding the councillor for the conduct;<sup>31</sup>
- (b) an order requiring the councillor to leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place for the rest of the meeting.<sup>32</sup>

## 9.7 Failure to comply with an order to leave

- (a) If:
  - (i) the Chairperson makes an order requiring a councillor to leave and stay away from the meeting under section 9.6(b); and
  - (ii) the councillor fails to comply with the order,the Chairperson may issue an order that the councillor be removed from the meeting.<sup>33</sup>
- (b) The Chairperson may adjourn the meeting while the councillor is being removed.

## 9.8 Motion of dissent

Either a:

- (a) councillor aggrieved by:
  - (i) the Chairperson's decision under section 9.2(a); or
  - (ii) an order made by the Chairperson under sections 9.6 or 9.7; or
- (b) member of an Advisory Committee (other than a councillor) who is aggrieved by the Chairperson's decision under section 9.2(b) or 9.2(c),

may move a motion of dissent in accordance with the process set out in 7.7(c)(v).

## 9.9 Recording orders

If the Chairperson makes an order under sections 9.6 or 9.7:

- (a) the Chairperson must ensure details of the order are recorded in the minutes of the meeting;<sup>34</sup> and

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<sup>31</sup> Section 150I(2)(a) of the Local Government Act.

<sup>32</sup> Section 150I(2)(b) of the Local Government Act.

<sup>33</sup> Section 150I(2)(c) of the Local Government Act.

<sup>34</sup> Section 150I(3) of the Local Government Act.

- (b) the chief executive officer is advised to ensure details of any order made is updated in the Councillor Conduct Register in accordance with the Local Government Act requirements.<sup>35</sup>

## 9.10 Repeated Unsuitable Meeting Conduct

- (a) If, at a meeting:
  - (i) a councillor fails to comply with an order issued to leave and stay away from the meeting given under section 9.6(b); or
  - (ii) the Chairperson issues an order against a particular councillor for Unsuitable Meeting Conduct under clause 9.6 for the third (or subsequent) time within a 1 year period,

the councillor's conduct will be "inappropriate conduct" for the purposes of s. 150K of the Local Government Act,<sup>36</sup> and the conduct must be dealt with at the next meeting of the local government.
- (b) In dealing with inappropriate conduct described in section 9.10(a), the local government:
  - (i) is not required to notify the assessor about the conduct; and
  - (ii) may deal with the conduct under s. 150AG of the Local Government Act.<sup>37</sup>
- (c) The process for dealing with conduct under s. 150AG of the Local Government Act is set out in section 14.2 of this Code.

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<sup>35</sup> Refer to sections 150DX and 150DY of the Local Government Act.

<sup>36</sup> Section 150K(2) of the Local Government Act.

<sup>37</sup> Section 150J of the Local Government Act.

## 10. Councillors' Conflicts of Interest

### 10.1 Purpose and Application

This section 10:

- (a) operates to ensure that, if a Councillor has a personal interest in a matter, the local government deals with the matter in an accountable and transparent way that meets community expectations;<sup>38</sup>
- (b) regulates the way that a Councillor or other person may participate in a decision, which includes, but is not limited to:
  - (i) if the Councillor or other person is wholly or partly responsible for making the decision - considering or discussing the matter to which the decision relates before the decision is made;
  - (ii) considering, discussing or voting on the decision in a Local Government Meeting; and
  - (iii) considering or making the decision under an Act, a delegation or another authority;<sup>39</sup>
- (c) does not apply in relation to a conflict of interest in a matter that is an Ordinary Business Matter, unless a Councillor decides to voluntarily comply with this section 10.<sup>40</sup>

### 10.2 General Principles

- (a) Councillors are ultimately responsible for informing a Meeting that the Councillor has a personal interest in respect of a matter, in accordance with the processes and procedures set out in this section 10;
- (b) In the event there is no quorum to decide a matter because of personal interests in the matter, the local government must follow the procedure set out in section 10.10;
- (c) Other than in respect of a matter for which the Minister has provided a signed approval notice under s.150EV of the Local Government Act:

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<sup>38</sup> Section 150ED of the Local Government Act.

<sup>39</sup> Section 150EE of the Local Government Act.

<sup>40</sup> Section 150EF of the Local Government Act.

- (i) a Councillor who has a Prescribed Conflict of Interest in a matter must not participate in a decision relating to the matter;<sup>41</sup>
  - (ii) a Councillor who has a Declarable Conflict of Interest in a matter may only participate in a decision relating to the matter if the Eligible Councillors make a decision in accordance with the procedure under section 10.7, that the Councillor may stay and participate in the matter, including by voting;<sup>42</sup>
- (d) If a Councillor reasonably believes or reasonably suspects another Councillor who has a Prescribed Conflict of Interest or a Declarable Conflict of Interest in a matter is participating in a decision other than as permitted under this section 10, the Councillor has a duty to:
- (i) if the belief or suspicion arises in a Local Government Meeting, immediately inform the Chairperson about the belief or suspicion, including the facts and circumstances forming the basis of the belief or suspicion;
  - (ii) otherwise, as soon as practicable, inform the Chief Executive Officer of the belief or suspicion, including the facts and circumstances forming the basis of the belief or suspicion;<sup>43</sup>
- (e) If a Councillor informs the Chairperson of a belief or suspicion under section 10.2(d)(i), the local government must adopt the process set out in section 10.8;<sup>44</sup>
- (f) If a Meeting is informed that a Councillor has a Personal Conflict of Interest in a matter by a person other than the Councillor, the Eligible Councillors must decide whether the Councillor has a Declarable Conflict of Interest as set out in section 10.9.<sup>45</sup>
- (g) If a Councillor complies with their duty to report a reasonable belief or suspicion of another Councillor's Prescribed Conflict of Interest or a Declarable Conflict of Interest, the Councillor must not take Retaliatory Action against the informing Councillor;<sup>46</sup>

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<sup>41</sup> Section 150EK of the Local Government Act. Note that contravention of this section is misconduct under the Local Government Act, see section 150L(1)(c)(iv). This section is also a relevant integrity provision for the offence against section 201D of the Local Government Act.

<sup>42</sup> Sections 150EQ and 150ES of the Local Government Act. Note that contravention of section 150EQ is misconduct under the Local Government Act, see section 150L(1)(c)(iv). This section is also a relevant integrity provision for the offence against section 201D of the Local Government Act.

<sup>43</sup> Section 150EW of the Local Government Act. Note that contravention of this section is misconduct under the Local Government Act, see section 150L(1)(c)(iv).

<sup>44</sup> Section 150EX of the Local Government Act.

<sup>45</sup> Section 150ER of the Local Government Act.

<sup>46</sup> Section 150EY of the Local Government Act. Note that this is an offence provision with a maximum penalty of 2 years imprisonment.



- (h) A Councillor with a Prescribed Conflict of Interest or a Declarable Conflict of Interest must not direct, influence, attempt to influence, or discuss the matter with, another person who is participating in a decision of the local government relating to the matter;<sup>47</sup>
- (i) The local government must record in the minutes of each meeting the information described in section 10.11 of this Code.<sup>48</sup>

### 10.3 Prescribed Conflicts of Interest - prior to Meeting

If, prior to a Meeting, a Councillor becomes aware that they have Prescribed Conflict of Interest in a matter, the Councillor must:

- (a) as soon as practicable, give the Chief Executive Officer written notice of the Prescribed Conflict of Interest (**PCOI Notice**).<sup>49</sup> The PCOI Notice must include the following particulars:
  - (i) for a Gift, Loan or contract—the value of the Gift, Loan or contract;
  - (ii) for an application for which a submission has been made—the matters the subject of the application and 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 mentioned in section 10.3(a)(iii); and
  - (v) details of the Councillor's, and any other entity's, interest in the matter;<sup>50</sup>
- (b) at the next Meeting at which the matter is to be discussed, comply with the requirements set out in section 10.4.

### 10.4 Prescribed Conflicts of Interest - at the Meeting

If, at a Meeting, a Councillor is aware that they have a Prescribed Conflict of Interest in a matter at a Meeting, the Councillor must:

- (a) if the Councillor:
  - (i) has already provided a PCOI Notice in accordance with section 10.3, give notice of the Prescribed Conflict of

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<sup>47</sup> Section 150EZ of the Local Government Act.

<sup>48</sup> Section 150FA of the Local Government Act.

<sup>49</sup> Section 150EL(3)(a) of the Local Government Act. Note that contravention of section 150EL(2) or (3) is misconduct under the Local Government Act, see section 150L(1)(c)(iv). This section is also a relevant integrity provision for the offence against section 201D.

<sup>50</sup> Section 150EL(4) of the Local Government Act.

Interest, including the particulars stated in the PCOI Notice;<sup>51</sup>  
or

(ii) first becomes aware the Councillor has the Prescribed Conflict of Interest in the matter at the Meeting, immediately inform the Meeting of the Prescribed Conflict of Interest, including the particulars stated in section 10.3(a) above;<sup>52</sup> and

(b) unless the Councillor has a signed approval notice issued by the Minister under s. 150EV, leave the place at which the Meeting is being held, including any area set aside for the public, and stay away from the place while the matter is being discussed and voted on.<sup>53</sup>

## 10.5 Declarable Conflicts of Interest - prior to Meeting

If, prior to a Meeting, a Councillor becomes aware that they have a Declarable Conflict of Interest in a matter, the Councillor must:

(a) stop participating, and not further participate, in a decision relating to the matter;<sup>54</sup>

(b) as soon as practicable, give the Chief Executive Officer written notice of the Declarable Conflict of Interest (**DCOI Notice**).<sup>55</sup> The DCOI Notice must include the following particulars about the Councillor's Declarable Conflict of Interest:

(i) the nature of the Declarable Conflict of Interest;

(ii) if the Declarable Conflict of Interest arises because of the Councillor's relationship with a Related Party:

A. the name of the Related Party;

B. the nature of the relationship of the Related Party to the Councillor; and

C. the nature of the Related Party's interests in the matter;

(iii) if the Councillor's or Related Party's personal interests arise because of the receipt of a Gift or Loan from another person:

A. the name of the other person;

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<sup>51</sup> Section 150EL(3)(b) of the Local Government Act.

<sup>52</sup> Section 150EL(2) of the Local Government Act.

<sup>53</sup> Section 150EM(2) of the Local Government Act. Note that this is an offence provision with a maximum penalty of 2 years imprisonment.

<sup>54</sup> Section 150EQ(3)(a) of the Local Government Act.

<sup>55</sup> Section 150EQ(3)(b) of the Local Government Act.

- B. the nature of the relationship of the other person to the Councillor or Related Party;
  - C. the nature of the other person's interests in the matter; and
  - D. the value of the Gift or Loan, and the date the Gift was given or Loan was made;<sup>56</sup>
- (c) at the next Meeting at which the matter is to be discussed, comply with the requirements set out in sections 10.6 and 10.7.

## 10.6 Declarable Conflicts of Interest - at the Meeting

If, at a Meeting, a Councillor is aware that they may have a Declarable Conflict of Interest in a matter at a Meeting, the Councillor must:

- (a) if the Councillor:
- (i) has already provided a DCOI Notice in accordance with section 10.5, give notice of the Declarable Conflict of Interest including the particulars stated in the DCOI Notice;<sup>57</sup> or
  - (ii) first becomes aware the Councillor has the Declarable Conflict of Interest at the Meeting;
    - A. stop participating, and not further participate, in a decision relating to the matter; and
    - B. immediately inform the Meeting of the Declarable Conflict of Interest, including the particulars stated in section 10.5(b) above;<sup>58</sup> and
- comply with the procedure identified in section 10.7 in respect of the Conflict of Interest.

## 10.7 Conflicts of Interest - procedure to be followed if Councillor has a Declarable Conflict of Interest

- (a) If:
- (i) a Councillor has a Declarable Conflict of Interest in a matter as notified at a Meeting in accordance with section 10.6 above or as decided by Eligible Councillors at a Meeting under section 10.8 below;<sup>59</sup> and

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<sup>56</sup> Section 150EQ(4) of the Local Government Act.

<sup>57</sup> Section 150EQ(3)(c) of the Local Government Act.

<sup>58</sup> Section 150EQ(2) of the Local Government Act.

<sup>59</sup> Section 150ES(1) of the Local Government Act.

- (ii) the Councillor has not voluntarily decided to not participate in the decision,<sup>60</sup>

the Councillor with a Declarable Conflict of Interest in the matter may advise the Eligible Councillors of their reasons for seeking permission to participate in making the decision. The Eligible Councillors must, by resolution, decide:

- (iii) for a matter that would, other than for the Councillor's Declarable Conflict of Interest, have been decided by the Councillor under an Act, delegation or other authority, whether the Councillor:
  - A. may participate in the decision despite the Councillor's Declarable Conflict of Interest; or
  - B. must not participate in the decision, and must leave the place at which the Meeting is being held, including any area set aside for the public, and stay away from the place while the Eligible Councillors discuss and vote on the matter; or<sup>61</sup>
- (iv) for another matter, whether the Councillor:
  - A. may participate in a decision about the matter at the Meeting, including by voting on the matter; or
  - B. must leave the place at which the Meeting is being held, including any area set aside for the public, and stay away from the place while the Eligible Councillors discuss and vote on the matter.<sup>62</sup>
- (b) If the Eligible Councillors decide under section 10.7(a) that the Councillor may participate in the decision, they may impose conditions on the Councillor.<sup>63</sup>
- (c) A decision by Eligible Councillors under section 10.7(a) may be made even if:
  - (i) the number of Eligible Councillors is less than a majority; or
  - (ii) the Eligible Councillors do not form a quorum for the Meeting.<sup>64</sup>
- (d) The Councillor may remain in the Meeting while any decisions under this section 10.7 are being made, but cannot vote or otherwise

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<sup>60</sup> Section 150ES(2) of the Local Government Act.

<sup>61</sup> Section 150ES(3)(a) of the Local Government Act.

<sup>62</sup> Section 150ES(3)(b) of the Local Government Act.

<sup>63</sup> Section 150ES(4). For example, the Eligible Councillors may decide that the Councillor may participate in a decision about the matter by discussing it at the Meeting, but may impose the condition that the Councillor must leave the place at which the Meeting is being held while the matter is voted on.

<sup>64</sup> Section 150ET(1) of the Local Government Act.

participate in the making of the decision, other than by answering a question put to the Councillor necessary to assist the Eligible Councillors to make the decision.<sup>65</sup>

- (e) In deciding whether the Councillor may participate in the decision making on a matter in which they have a Declarable Conflict of Interest, the Eligible Councillors must consider the circumstances of the matter including, where applicable, the following:
  - (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 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 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 Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (f) If the Eligible Councillors cannot make a decision under section 10.7(a), the Eligible Councillors are taken to have decided under section 10.7(a)(iii)B or section 10.7(a)(iv)B 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.<sup>66</sup>
- (g) A decision about a Councillor under this section 10.7 for a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the matter,<sup>67</sup> unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed.
- (h) It is an offence for a Councillor to fail to comply with a decision made under section 10.7(a)(iii)B or 10.7(a)(iv)B), however, the Councillor does not contravene this section by participating in a decision or

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<sup>65</sup> Section 150ET(2) of the Local Government Act.

<sup>66</sup> Section 150ET(3) of the Local Government Act.

<sup>67</sup> Section 150ET(4) of the Local Government Act.

being present under an approval given under section 150EV of the Local Government Act.<sup>68</sup>

## 10.8 Duty to report another Councillor's Prescribed Conflict of Interest or Declarable Conflict of Interest

- (a) If a Councillor (**informing Councillor**) informs the Chairperson at a Meeting of a belief or suspicion that another Councillor (**relevant Councillor**) has a Prescribed Conflict of Interest or a Declarable Conflict of Interest in a matter and is participating in a decision in contravention of this section 10, the Chairperson must ask the relevant Councillor whether they do in fact have a Prescribed Conflict of Interest or Declarable Conflict of Interest.<sup>69</sup>
- (b) The relevant Councillor must then do one of the following:
  - (i) if the relevant Councillor has a Prescribed Conflict of Interest, they must follow the procedure in section 10.4 above;<sup>70</sup>
  - (ii) if the relevant Councillor has a Declarable Conflict of Interest, they must follow the procedure in section 10.6 above;<sup>71</sup>
  - (iii) if the relevant Councillor considers there is no Prescribed Conflict of Interest or Declarable Conflict of Interest, the relevant Councillor must inform the Meeting of the relevant Councillor's belief, including reasons for the belief.<sup>72</sup>
- (c) If the relevant Councillor takes the action under section 10.8(b)(iii):
  - (i) the informing Councillor must inform the Meeting about the particulars of the informing Councillor's belief or suspicion;<sup>73</sup>
  - (ii) the Eligible Councillors at the Meeting must decide whether the relevant Councillor:
    - A. has a Prescribed Conflict of Interest or a Declarable Conflict of Interest in the matter;<sup>74</sup> or
    - B. has no Prescribed or Declarable Conflict of Interest and
  - (iii) if:

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<sup>68</sup> Section 150ES(5) of the Local Government Act.

<sup>69</sup> Sections 150EW and 150EX of the Local Government Act.

<sup>70</sup> Section 150EX(1)(a) of the Local Government Act.

<sup>71</sup> Section 150EX(1)(b) of the Local Government Act.

<sup>72</sup> Section 150EX(1)(c) of the Local Government Act.

<sup>73</sup> Section 150EX(2)(a) of the Local Government Act.

<sup>74</sup> Section 150EX(2)(b) of the Local Government Act.

- A. the Eligible Councillors at the Meeting decide the relevant Councillor has a Prescribed Conflict of Interest in the matter, the relevant Councillor must comply with section 10.4(b) above;<sup>75</sup>
  - B. the Eligible Councillors at the Meeting decide the relevant Councillor has a Declarable Conflict of Interest in the matter, the relevant Councillor must comply with the requirements set out in sections 10.6 and 10.7 above;<sup>76</sup>
  - C. the Eligible Councillors at the Meeting decide the relevant Councillor has neither a Prescribed or a Declarable Conflict of Interest in the matter, the relevant Councillor may participate in a decision about the matter at the Meeting, including by voting on the matter.
- (iv) if the Eligible Councillors at the Meeting cannot reach a majority decision, then they are taken to have determined that the relevant Councillor has a Declarable Conflict of Interest and the relevant Councillor must comply with the requirements set out in sections 10.6 and 10.7 above.<sup>77</sup>

## 10.9 Personal Interests

- (a) If a Meeting is informed that a Councillor has a Personal Interest in a matter by a person other than the Councillor, the Eligible Councillors at the Meeting must decide whether the Councillor has a Declarable Conflict of Interest in the matter.<sup>78</sup>
- (b) A decision by Eligible Councillors under section 10.9(a) may be made even if:
  - (i) the number of Eligible Councillors is less than a majority; or
  - (ii) the Eligible Councillors do not form a quorum for the Meeting.<sup>79</sup>
- (c) The Councillor may remain in the Meeting while the decision under section 10.9(a) is being made, but cannot vote or otherwise participate in the making of the decision, other than by answering a question put to the Councillor necessary to assist the Eligible Councillors to make the decision.<sup>80</sup>

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<sup>75</sup> Section 150EX(3) of the Local Government Act.

<sup>76</sup> Section 150EX(4) of the Local Government Act.

<sup>77</sup> Section 150EX(4) of the Local Government Act.

<sup>78</sup> Section 150ER of the Local Government Act.

<sup>79</sup> Section 150ET(1) of the Local Government Act.

<sup>80</sup> Section 150ET(2) of the Local Government Act.

- (d) If the Eligible Councillors cannot make a decision under section 10.9(a), the Eligible Councillors are taken to have decided under section 10.7(a)(iii)B or section 10.7(a)(iv)B 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.<sup>81</sup>
- (e) A decision about a Councillor under this section 10.9 for a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the matter.<sup>82</sup>

## **10.10 Procedure if no quorum for deciding matter because of Prescribed Conflicts of Interest or Declarable Conflicts of Interest**

- (a) If:
  - (i) a matter in which 1 or more Councillors have a Prescribed Conflict of Interest or Declarable Conflict of Interest is to be decided at the Meeting; and
  - (ii) there is less than a quorum remaining at the meeting after any of the above Councillors leave, and stay away from, the place where the Meeting is being held,

the local government must do 1 of the following:

  - (iii) delegate deciding the matter under section 257 of the Local Government Act, unless the matter cannot be delegated under that section;
  - (iv) decide, by resolution, to defer the matter to a later meeting; or
  - (v) decide, by resolution, not to decide the matter and take no further action in relation to the matter.<sup>83</sup>
- (b) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a Prescribed Conflict of Interest or a Declarable Conflict of Interest in the matter.<sup>84</sup>
- (c) If the matter cannot be delegated under section 257 of the Local Government 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.

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<sup>81</sup> Section 150ET(3) of the Local Government Act.

<sup>82</sup> Section 150ET(4) of the Local Government Act.

<sup>83</sup> Section 150EU(1) and (2) of the Local Government Act.

<sup>84</sup> Section 150EU(3) of the Local Government Act.



- (d) A Councillor who informs a Meeting of a Prescribed Conflict of Interest or Declarable Conflict of Interest regarding a matter may participate in a decision, or be present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under section 10.10(a) above.<sup>85</sup>

## **10.11 Records about Prescribed Conflicts of Interest and Declarable Conflicts of Interest**

If a Councillor gives notice to, or informs, a Meeting that the Councillor, or another Councillor, has a Prescribed Conflict of Interest or Declarable Conflict of Interest in accordance with this section 10, the local government must ensure certain information is recorded in the minutes of the meeting or, if minutes are not required for the Meeting, in another way prescribed by regulation.<sup>86</sup>

The minutes must record:

- (a) the name of the Councillor and any other Councillor who may have a Prescribed Conflict of Interest or Declarable Conflict of Interest;
- (b) the particulars of the Prescribed Conflict of Interest or Declarable Conflict of Interest;
- (c) if an informing Councillor informed the Chairperson of a belief or suspicion about another Councillor under section 10.8(a):
  - (i) the action the Councillor takes under section 10.8(b); and
  - (ii) any decision made by the Eligible Councillors under section 10.8(c)(iii);
- (d) whether the Councillor participated in deciding the matter, or was present for deciding the matter, under approval issued by the Minister under s.150EV of the Local Government Act;
- (e) for a matter to which the Prescribed Conflict of Interest or Declarable Conflict of Interest relates:
  - (i) the name of each Eligible Councillor who voted on the matter; and
  - (ii) how each Eligible Councillor voted,

and further, in respect of a Declarable Conflict of Interest the minutes must also record:

- (f) for a decision under section 10.8(c)(iii):

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<sup>85</sup> Section 150EU(4) of the Local Government Act.

<sup>86</sup> Section 150FA of the Local Government Act.

- (i) the name of each Eligible Councillor who voted in relation to whether the Councillor has a declarable interest; and
  - (ii) how each Eligible Councillor voted;
- (g) for a decision under section 10.7:
  - (i) the decision and reasons for the decision; and
  - (ii) the name of each Eligible Councillor who voted on the decision, and how each Eligible Councillor voted.

## **11. Non-councillor member - personal interests**

This section applies to Non-Councillor Members of Advisory Committees.

This section also applies to the Audit and Risk Committee.

### **11.1 Purpose and application**

This section 11:

- (a) operates to ensure that, if a Non-Councillor Member has a personal interest in a matter, the Advisory Committee deals with the matter in an accountable and transparent way that meets community expectations;
- (b) regulates the way that a Non-Councillor Member may participate in a matter by discussing or voting on the matter in a Meeting;
- (c) does not apply in relation to a Non-Councillor Member's personal interests in a matter that is an Ordinary Business Matter.

### **11.2 Substituted application of councillor personal interest requirements**

Each Non-Councillor Member must comply with the requirements for disclosure and dealing with Prescribed Conflicts of Interest and Declarable Conflicts of Interests as set out in section 10 of this Code:

- (a) as if the Non-Councillor Member was a Councillor;
- (b) except that:
  - (i) the references to "Eligible Councillors" should be taken as references to "other Members";
  - (ii) an "other Member", for a matter at an Advisory Committee Meeting means a member of the Advisory Committee Meeting who does not have a Prescribed Conflict of Interest or Declarable Conflict of Interest in the matter.

## **12. Public attendance and participation**

### **12.1 Application**

This section 12 does not apply while a meeting is in closed session. Refer to section 13 of this Code in relation to the requirements and arrangements for Closed Meetings.

### **12.2 Meetings generally open**

- (a) A Local Government meeting is open to the public unless the local government or committee has resolved that the meeting is to be closed under section 254J of the Local Government Act, as described in section 13.<sup>87</sup>
- (b) The public is not entitled to take an active part in the proceedings of the meeting but may passively observe from the designated public gallery area.

### **12.3 Webcasting of meetings**

- (a) Subject to section 12.3(b),
  - (i) in respect of Local Government Meetings:
    - A. if webcasting facilities are available, publicly webcast all Local Government Meetings (for example on the local government's website);
    - B. if webcasting facilities are not available, make a video or audio recording of the Local Government Meeting; and
  - (ii) in respect of Committee Meetings, make a video or audio recording of the Committee Meeting.
- (b) If the local government makes a video or audio recording of a Local Government Meeting or Committee Meeting, the local government must as soon as practicable after the meeting, make the recording publicly available (for example on the local government's website).
- (c) In respect of Closed Sessions of Local Government or Committee Meetings:
  - (i) the requirement to webcast a Local Government Meeting does not apply while a meeting is in Closed Session; and

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<sup>87</sup> Section 254H of the Local Government Regulation.

- (ii) all Closed Sessions be audio recorded unless otherwise agreed to by resolution and stored for the purposes of Council's internal confidential use only.
- (d) At the commencement of each Meeting, the Chairperson must inform the attendees at the meeting that it is being webcast or recorded.
- (e) Following the meeting, the local government must:
  - (i) make a recording of the webcast or recording publicly available (for example on the local government's website) for 12 months;
  - (ii) only dispose of the recording in accordance with the requirements under the Public Records Act 2002.

## **12.4 Conduct requirements for members of the public**

Members of the public must:

- (a) either switch off mobile phones or place them on silent, and ensure that mobile phones remain switched off or silent, while in the public gallery;
- (b) not record the proceedings of the meeting (either sound or video) without local government approval;
- (c) not interrupt, interject or obstruct the proceedings of the meeting;
- (d) not remove any copies of the agenda provided to the public gallery from the public gallery.

## **12.5 Regulating conduct of members of the public**

- (a) If a member of the public fails to comply with the requirements under section 12.4, the Chairperson may seek to rely on a relevant local law to compel compliance or otherwise respond to the conduct.
- (b) Relevant local laws include, but are not limited to:
  - (i) Subordinate Local Law No. 12.2 (Administration Centres) 2003 (including section 7 in relation to regulated conduct);
  - (ii) Local Law No. 12 (Council Property and Other Public Places) 2003 (including section 9 in relation to regulation of council property); and
  - (iii) Local Law No. 2 (Administration) 2010 (including section 30 in relation to directions to leave and not re-enter a public place, and section 31 in relation to exclusion from a public place).

## 13. Closed Meetings

### 13.1 Circumstances for Closed Meeting

- (a) The local government may resolve that all or part of a meeting of the local government or a committee of a local government be closed to the public if its councillors or members consider it is necessary to close the meeting to discuss:
- (i) the appointment, dismissal or discipline of the chief executive officer; or
  - (ii) industrial matters affecting employees; or
  - (iii) the local government's budget; or
  - (iv) rating concessions; or
  - (v) 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; or
  - (vi) matters that may directly affect the health and safety of an individual or a group of individuals;
  - (vii) 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; or
  - (viii) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967; or
  - (ix) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.<sup>88</sup>
- (b) However, a local government or a committee of a local government must not resolve that a part of a Local Government Meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Local Government Act be considered, discussed, voted on or made be closed (refer to section 10 above).<sup>89</sup>
- (c) A Local Government Meeting must not be a Closed if a quorum is lost due to the number of councillors with conflicts who leave the meeting (refer to section 10 above) and the local government or committee of a local government must:

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<sup>88</sup> Section 254J(1) of the Local Government Act.

<sup>89</sup> Section 254J(4) of the Local Government Regulation.

- (i) delegate deciding the matter under section 257 of the Local Government Act, unless the matter cannot be delegated under that section;
- (ii) decide, by resolution, to defer the matter to a later meeting; or
- (iii) decide, by resolution, not to decide the matter and take no further action in relation to the matter.<sup>90</sup>

## 13.2 Process to close meeting

- (a) If the local government or committee of a local government considers that it is necessary to close a Local Government Meeting to the public to discuss one of the matters set out in clause 13.1, the local government or committee of a local government must pass a resolution or make a decision to close the Local Government Meeting.
- (b) In the interests of accountability and transparency, the resolution or decision to close the meeting must specify:
  - (i) the nature of the matter to be discussed, including an overview of what is to be discussed while the meeting is closed;<sup>91</sup> and
  - (ii) the reason for discussing the matter in Closed Session, including by specifying which of the circumstances listed in section 13.1 apply.

This resolution, including the details required regarding the nature of the matter to be discussed and an overview of what is to be discussed while the meeting is closed, must be included in the minutes of the Meeting.

- (c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in Closed Session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into Closed Session.
- (d) A local government or committee of a local government must not make a resolution (other than a procedural resolution) in a Local Government Meeting, or a part of the Local Government Meeting, that is closed.<sup>92</sup>

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<sup>90</sup> Section 150EU(1) and (2) of the Local Government Act.

<sup>91</sup> Section 254J(5) of the Local Government Regulation.

<sup>92</sup> Section 254J(6) of the Local Government Regulation.

### 13.3 Permitted Attendees

- (a) If the local government or Committee resolves to close a Meeting to the public:
- (i) all persons other than:
    - A. in the case of a Local Government Meeting, the councillors and the Chief Executive Officer;
    - B. in the case of a Committee Meeting, the members of the committee and a senior executive employee;
    - C. the Minute Clerk;
    - D. subject to section 13.3(b), any local government officers whose presence is necessary to inform the discussion or who may be required to action items resulting from discussion;
    - E. any person invited by the Chairperson to remain (but excluding the general public and the media),  
must leave the Meeting;
  - (ii) the Chairperson may direct any persons improperly present to withdraw immediately; and
  - (iii) any persons that are permitted to remain that are attending by audio link or audio visual link must maintain confidentiality by ensuring no other person can hear the discussion.
- (b) The Chairperson may require a local government officer present for the purposes of section 13.3(a)(i)D to leave the Meeting if the Chairperson forms the reasonable view that the local government officer's presence is not necessary to inform the discussion or to action items resulting from discussion.

### 13.4 Permitted Business for Closed Meetings

During Closed Session:

- (a) the local government or Committee must not make a resolution or decision (other than a Procedural Motion);<sup>93</sup>
- (b) the local government or Committee must not discuss any matter other than the matters described in the resolution to close the meeting;
- (c) the minutes taken should be limited to recording when a councillor or member leaves the Meeting or returns to the meeting.

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<sup>93</sup> Section 254(J)(6) of the Local Government Regulations.



### **13.5 Process to re-open meeting**

- (a) The local government or Committee must resolve to move out of Closed Session so that a resolution can be passed on the matters considered in Closed Session.
- (b) The resolution to re-open the Meeting is a Procedural Motion only.

## 14. Dealing with suspected inappropriate conduct

### 14.1 Referral from Independent Assessor - obligation to investigate

- (a) If the assessor gives the local government a referral notice to deal with a councillor's suspected inappropriate conduct under s. 150AC of the Local Government Act, the local government must investigate the councillor's conduct.
- (b) Subject to section 14.1(c), the local government must conduct the investigation in a way that is consistent with:
  - (i) the Local Government Principle of transparent and accountable decision making; and
  - (ii) any recommendation of the assessor in the referral notice;<sup>94</sup>
  - (iii) to the extent that the Investigation Policy is not inconsistent with a recommendation of the assessor - the Investigation Policy.<sup>95</sup>
- (c) The local government may conduct the investigation in another way (to the way described in section 14.1(b)) if the other way is consistent with the Local Government Principle of transparent and accountable decision making and:
  - (i) it decides, by resolution, to conduct the investigation in another way; and
  - (ii) the resolution states the decision and the reasons for the decision.<sup>96</sup>

### 14.2 Deliberation of Council meeting

- (a) This section 14.2 applies if the local government is considering a matter related to the suspected inappropriate conduct of a councillor at a meeting.
- (b) If the health and safety of the complainant may be directly affected due to the nature of the complaint, the local government may resolve to go into Closed Session under s. 254J of the Local Government Regulation, in accordance with section 13 of this Code;
- (c) When deliberating on the issue:
  - (i) the subject councillor will have a declarable conflict of interest in the matter. In this instance, the subject councillor will be permitted by the local government to remain in the

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<sup>94</sup> Division 5A, Division 5 of the Local Government Act.

<sup>95</sup> Section 150AF(2)(a)(ii) of the Local Government Act.

<sup>96</sup> Section 150AF(2)(b) of the Local Government Act.

meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to them by the Chairperson to assist the other councillors in making a decision;

- (ii) the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct;
- (iii) if the complainant is a councillor, that councillor may have a declarable conflict of interest and must follow the conflict of interest procedures in section 10 of this Code;
- (iv) the local government must debate the issue. 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 Local Government Act or deferred to another date when a quorum will be present.

### **14.3 Delegating decisions about inappropriate conduct and disciplinary action**

- (a) The local government may, by resolution under s. 257 of the Local Government Act, delegate to the Mayor or a Standing Committee of the local government, the decision about inappropriate conduct and/or disciplinary action under sections 14.4 and 14.5 of this Code.
- (b) The local government must not delegate a decision about inappropriate conduct or disciplinary action under 14.3(a) to any person other than the Mayor or a Standing Committee of the local government.<sup>97</sup>

### **14.4 Decision about inappropriate conduct**

After conducting the investigation and, if relevant, deliberating on the matter in accordance with section 14.2 of this Code, the local government or delegate must decide whether or not the councillor has engaged in inappropriate conduct.<sup>98</sup>

### **14.5 Decision about disciplinary action**

- (a) Subject to paragraph 14.5(b), if the local government decides under section 14.4 that the councillor the subject of the investigation has engaged in inappropriate conduct, the local government or delegate

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<sup>97</sup> Section 257(2) of the Local Government Act.

<sup>98</sup> Section 150AG(1)(a) of the Local Government Act.

must decide which of the following actions the local government will take to discipline the councillor:<sup>99</sup>

- (i) an order that no action be taken against the councillor; or
- (ii) 1 or more of the following orders:
  - A. an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
  - B. an order reprimanding the councillor for the conduct;
  - C. an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
  - D. an order that the councillor be excluded from a stated Local Government Meeting;
  - E. an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor (e.g. the councillor is ordered to resign from an appointment representing the local government on a State board or committee);
  - F. an order that if the councillor engaged in the same type of conduct again, it will be treated as misconduct;
  - G. an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.<sup>100</sup>
- (b) The local government or delegate must not make an order mentioned in subparagraphs 14.5(a)(ii)C, D, E or F in relation to a person who is no longer a councillor.<sup>101</sup>
- (c) In deciding what action to take, the local government or delegate may consider:
  - (i) any previous inappropriate conduct of the councillor; and
  - (ii) any allegation made in the investigation that:
    - A. was admitted or not challenged; and

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<sup>99</sup> Section 150AG(1)(b) of the Local Government Act.

<sup>100</sup> Section 150AH(1) of the Local Government Act.

<sup>101</sup> Section 150AH(2) of the Local Government Act.

- B. the local government or delegate is reasonably satisfied is true.<sup>102</sup>

## 14.6 Action following decisions

- (a) If decisions under sections 14.4 and 14.5 are made by the local government:
- (i) immediately after the local government makes the decisions, the local government must invite the subject councillor (and, where relevant, the complainant councillor) back into the place where the meeting is being held; and
  - (ii) the local government must ensure the meeting minutes reflect the resolution made by the local government.
- (b) If decisions under sections 14.4 and 14.5 are made by the local government's delegate, the delegate must:
- (i) submit a report to the local government setting out the decisions; and
  - (ii) the local government must note the report and decisions.
- (c) Following the meeting or delegate's decision, the chief executive officer must update the Councillor Conduct Register in accordance with the Local Government Act requirements.<sup>103</sup>

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<sup>102</sup> Section 150AG(2) of the Local Government Act.

<sup>103</sup> Refer to sections 150DX and 150DY of the Local Government Act.

## **15. Caretaker Period**

### **15.1 Major Policy Decision**

In accordance with section 90B of the Local Government Act, the local government must not make a Major Policy Decision during Caretaker Period, other than where:

- (a) the local government has applied to the Minister for approval to make the decision in accordance with section 90B of the Local Government Act; and
- (b) the Minister has given the approval in accordance with section 90C of the Local Government Act.

### **15.2 Local Government Meetings during Caretaker Period**

The local government must continue to meet in accordance with the requirements set out in section 2 of this Code during Caretaker Period.

## 16. Definitions

Advisory Committee	means a Committee that:  (a) is not a Standing Committee or a Special Committee; and  (b) is appointed by the local government in accordance with section 3 of this Code.
Advisory Committee Meeting	means a meeting of the Advisory Committee.
Alternate Member	has the meaning given in section 266(2) of the Local Government Regulation, being, for a Committee, a person who attends meetings of a Committee and acts as a member of the Committee only if another member of the Committee is absent from the meeting of the Committee.
Audio link or audio visual link	has the meaning given in section 254K of the Local Government Regulation.
Behavioural Standard	means a standard of behaviour for councillors set out in the Councillor Code of Conduct.
Caretaker Period	has the meaning given in section 90A(1) of the Local Government Act, being the period during an election for the local government that:  (a) starts on the day when public notice of the holding of the election is given under the Local Government Electoral Act, section 25(1); and  (b) ends at the conclusion of the election.
Chairperson	means:  (a) for a Local Government Meeting, the individual identified by the process in section 5.1 of this Code; and  (b) for a Committee Meeting, the individual identified by the process in sections 3.2 and 5.2 of this Code.
Closed Meeting	means a meeting that is closed to the public in accordance with section 254J of the Local

	Government Regulation and section 13 of this Code.
Closed Session	means that part of a meeting that is closed to the public in accordance with section 2 of the Local Government Regulation and section 13 of this Code.
Code of Conduct for Staff	means Logan City Council's 'Code of Conduct for Staff'.
Committee	means:  (a) a Standing Committee;  (b) a Special Committee; or  (c) an Advisory Committee.
Committee Meeting	means a meeting of:  (a) a Standing Committee;  (b) a Special Committee; or  (c) an Advisory Committee.
Conflict of Interest	means, in relation to a councillor:  <ul style="list-style-type: none"> <li>• a Prescribed Conflict of Interest; or</li> <li>• a Declarable Conflict of Interest.</li> </ul>
Council Approved Electronic System	means eScribe or any other electronic signing software approved by Council for use in accordance with this Code from time to time.
Councillor Code of Conduct	means the code of conduct approved on 4 August 2020 under s. 150E of the Local Government Act
Councillor's Conduct Register	means the conduct register kept by the local government in accordance with s. 150DX of the Local Government Act.
Council's Website	means Logan City Council's website ( <a href="https://www.logan.qld.gov.au/">https://www.logan.qld.gov.au/</a> )
DCOI Notice	means a Declarable Conflict of Interest Notice as described in section 10.5(b) of this Code.



Declarable Conflict of Interest	has the meaning given in ss. 150EN and 150EO of the Local Government Act which is to be dealt with in accordance with section 10 of this Code.
Eligible Councillor	means, for a matter at a Meeting, a Councillor at the Meeting who does not have a Prescribed Conflict of Interest or Declarable Conflict of Interest in the matter.
Gift	includes:  (a) a gift under the Local Government Electoral Act, section 107; and  (b) a gift that is required, under a regulation, to be recorded in a register of interests.
Investigation Policy	means the "Councillor Conduct Complaints Investigation" policy adopted by the local government in accordance with clause 150AE of the Local Government Act.
Interest	means a financial or other interest.
Loan	Includes:  (a) a loan under the Local Government Electoral Act, section 106; and  (b) a loan that is required, under a regulation, to be recorded in a register of interests.
Local Government Act	means the Local Government Act 2009 (Qld).
Local Government Meeting	means a meeting of:  (a) the local government; or  (b) a committee of a local government.  and does not include a Committee Meeting.
Local Government Principles	means the principles identified at section 1.3 of this Code.
Local Government Regulation	means the Local Government Regulation 2012 (Qld).
Major Policy Decision	has the meaning given in Schedule 4 of the Local Government Act, being a decision:

	<ul style="list-style-type: none"> <li>(a) about the appointment of a chief executive officer of the local government; or</li> <li>(b) about the remuneration of the chief executive officer of the local government; or</li> <li>(c) to terminate the employment of the chief executive officer of the local government; or</li> <li>(d) to enter into a contract the total value of which is more than the greater of the following: <ul style="list-style-type: none"> <li>(i) \$200,000;</li> <li>(ii) 1% of the local government's net rate and utility charges as stated into the local government's audited financial statements included in the local government's most recently adopted annual report; or</li> </ul> </li> <li>(e) relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation make under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or</li> <li>(f) to make, amend or repeal a local law; or</li> <li>(g) to make, amend or repeal a local planning instrument under the Planning Act; or</li> <li>(h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act; or</li> <li>(i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change of application under that Act that is a change to a variation approval under that Act.</li> </ul>
Meeting	<p>means a Local Government Meeting or Committee Meeting as defined in this Code. It includes Ordinary Local Government Meetings, Ordinary Standing Committee Meetings, Special Local Government Meetings and Special Standing Committee Meetings. It does not include informal meetings between councillors and/or Non-Councillor Members which are not</p>

	regulated by the Local Government Act or the Local Government Regulation
Minute Clerk	means the individual with responsibility for recording meeting minutes.
Model Procedures	means the Model Meeting Procedures published by the Department of Local Government, Racing and Multicultural Affairs.
Non-Councillor Member	means a member of an Advisory Committee other than a Councillor.
Ordinary Local Government Meeting	means a periodic meeting of the local government which is required to be held under section 257 of the Local Government Regulation, as fixed in accordance with section 2.2 of this Code.
Ordinary Standing Committee Meeting	means a periodic meeting of the Standing Committee held at the times and places decided by the Standing Committee pursuant to section 268 of the Local Government Regulation.
Ordinary Business Matter	means a matter excluded from the application of Chapter 5B of the Local Government Act, as set out in section 150EF of the Local Government Act.
PCOI Notice	means a Prescribed Conflict of Interest Notice as described in section 10.3(a) of this Code.
Personal Interest	means a personal interest in a matter which may constitute a Prescribed Conflict of Interest or a Declarable Conflict of Interest and which is to be dealt with in accordance with section 10 of this Code.
Prescribed Conflict of Interest	has the meaning given in ss. 150EG, 150EH or 150EI of the Local Government Act which is to be dealt with in accordance with section 10 of this Code.
Point of order	means an objection to an action which: <ul style="list-style-type: none"> <li>(a) is in contravention of the Local Government Act, the Local Government Regulation, or this Code;</li> </ul>

	<p>(b) is irrelevant;</p> <p>(c) was the matter the subject of discussion at a Closed Meeting; or</p> <p>(d) otherwise prejudices the interests of the local government.</p>
Post-Election Meeting	has the meaning given in section 2.1(a) of this Code, as required in accordance with section 175 of the Local Government Act.
Procedural Motion	has the meaning given in section 7.12(a).
Related Party	has the meaning given in section 150EP of the Local Government Act.
Related Report	means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of a Meeting.
Relevant period	<p>means the period:</p> <ul style="list-style-type: none"> <li>• starting immediately after notice of a Local Government Meeting is given pursuant to the process set out in section 2.4(b); and</li> <li>• ending immediately before the Local Government Meeting is held.</li> </ul>
Retaliatory Action	means the actions described in section 150EY of the Local Government Act.
Section 254H Decision	<p>means a decision made at a meeting to which section 254H of the Local Government Regulation applies, being a decision that is inconsistent with a recommendation or advice given to the local government by an advisor of the local government and either or both of the following apply to the decision:</p> <p>(a) the decision is about entering into a contract the total value of which is more than the greater of the following:</p> <ul style="list-style-type: none"> <li>(i) \$200,000;</li> <li>(ii) 1% of the local government's net rate and utility charges as stated into the local government's audited financial statements included in the local</li> </ul>

	<p>government's most recently adopted annual report;</p> <p>(b) the decision is inconsistent with:</p> <p>(i) the policy or approach ordinarily followed by the local government for the type of decision; or</p> <p>(ii) a policy previously adopted by the local government by resolution, whether or not as required by the Act, and still in force.</p>
Special Committee	means a committee of councillors that is not a Standing Committee, established in accordance with section 3 of this Code.
Special Committee Meeting	means a meeting of a Special Committee.
Special Local Government Meeting	has the meaning given in section 254C(4) of the Local Government Regulation, being a meeting of the Local Government at which the only business that may be conducted is the business stated in the notice of meeting.
Special Meeting	means a Special Local Government Meeting or a Special Standing Committee Meeting as defined in this Code.
Special Standing Committee Meeting	means a meeting of the Standing Committee at which the only business that may be conducted is the business stated in the notice of the meeting.
Standing Committee	has the meaning given in the Local Government Act, being a committee of councillors that meets to discuss the topic decided by the local government when establishing the committee, as established in accordance with section 3 of this Code.
Standing Committee Meeting	means a meeting of a Standing Committee being: <p>(a) an Ordinary Standing Committee Meeting; or</p> <p>(b) a Special Standing Committee Meeting,</p>
Subject Councillor	means a Councillor who has a Personal Interest in relation to a matter, or who is reasonably

	believed or suspected by another Councillor as having a Personal Interest in a matter.
Unsuitable Meeting Conduct	<p>The conduct of a councillor is unsuitable meeting conduct if the conduct-</p> <ul style="list-style-type: none"> <li>(a) happens during a Local Government Meeting; and</li> <li>(b) contravenes a Behavioural Standard.</li> </ul>

## 17. Version Control

### Document Details

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### Amendment History

Version	Description of Change	Author / Branch	Adoption Date
1.0	Creation	Corporate Governance	Adopted at the Ordinary Council meeting held on 4 December 2019 (Minute Number 187/2019)
2.0	Review 2020	Corporate Governance	Adopted at the Ordinary Council meeting held on 21 October 2020 (Minute Number 136/2020)
3.0	Review 2021	Corporate Governance	Adopted at the Ordinary Council meeting held on 28 January 2022 (Minute Number 6/2022)
4.0	Review 2022	Corporate Governance	Adopted at the Ordinary Council meeting held on 21 September 2022 (Minute Number 87/2022)