

Statutory and Non-Statutory Meetings of Council Policy

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Head of Power

This policy supports Council's responsibilities for the conduct and procedures of meetings of Council under the *Local Government Act 2009 and Local Government Regulation 2012*.

Policy Objective

To support the meeting provisions of the *Local Government Act 2009 and Local Government Regulation 2012* and provide a framework to ensure that all statutory and non-statutory meetings of Council are conducted in a professional, efficient, effective, fair and transparent manner to facilitate appropriate contributions from elected members, staff and the community in a way that supports the highest standards of democratic governance.

Policy Statement

Redland City Council, through its Corporate Plan, is committed to providing services that deliver our community's shared vision and collective aspirations; *Naturally wonderful lifestyle. Connected community. Embracing opportunities*. We are a values led organisation and our organisational values encapsulate what we care about, influence how we operate and support our mission: Make a difference, make it count.

Council is committed to:

- Conducting its meetings in accordance with the principles of the *Local Government Act 2009* to ensure an accountable, effective, efficient and sustainable system of local government.
- Councillors performing their responsibilities as required under the *Local Government Act 2009*.
- Providing meeting processes that support effective contributions from elected members, staff and residents in the best interest of the community.
- Conducting its meetings in accordance with Council's Standing Orders and legislated meeting procedures.

Definitions

Nil

Statutory and Non-Statutory Meetings of Council Policy

Associated Documents

[Council Meeting Standing Orders](#)

GOV-017-002-G Councillor Briefing Sessions and Workshops Guideline

Local Government Act 2009

Local Government Regulation 2012

Document Control

Only Council can approve amendments to this document by resolution of a Council Meeting, with the exception of administrative amendments which can be approved by the relevant ELT member. Refer to *Policy Instrument Development Manual* for an explanation on administrative amendments ([A4063988](#)).

Any requests to change the content of this document must be forwarded to relevant Service Manager(s).

Approved documents must be submitted to the Corporate Meetings and Registers Team for registration.

Version Information

Version number	Date	Key Changes
1	May 2013	<ul style="list-style-type: none"> New Policy
2	June 2015	<ul style="list-style-type: none"> Review of policy to remove duplication, unnecessary provisions and all statutory references that are already covered in the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>. Changes to: <ul style="list-style-type: none"> Agenda approval and timings; removal of items from the agenda; amendment of motions; right of reply for mover of amended motion; recording of votes; simplification of procedural motions to adjourn debate; put motions; motion that a report be tabled; motion to suspend rules; mayoral minutes; disorder; attendance of Councillors at meetings; public participation; public behaviour; urgent business; and the recording of meetings.
3	May 2019	<ul style="list-style-type: none"> New meeting standing orders pages 2 to 33.
4	November 2019	<ul style="list-style-type: none"> Renamed Policy from 'Council Meeting Standing Orders' to 'Statutory Meetings of Council' Changed Heading from 'Council Meeting Standing Orders' to 'Statutory Meetings of Council'. Included 'Standing Orders' as an Appendix to this policy. Administrative changes resulting from policy framework review.
5	October 2020	<ul style="list-style-type: none"> Change of title to include non-statutory meetings New associated Guideline
6	March 2022	<ul style="list-style-type: none"> Administrative update included to reference the new Corporate Plan

Redland City Council Meeting Standing Orders

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Redland City Council Meeting Standing Orders

1 Preliminary

1.1 Purpose

- 1.1.1 These meeting standing orders provide a framework to ensure that all statutory meetings of the local government (including special meetings and the post-election meeting) are conducted in an efficient, effective, fair and transparent manner to facilitate appropriate contributions from elected members, staff and the community in a way that supports the highest standards of democratic governance.
- 1.1.2 This document should be read in conjunction with its appendices which specify particular requirements for a local government meeting.

1.2 Applicable Legislation

- 1.2.1 The State Government administers the following legislation to provide for the good governance of all Queensland local governments. It ensures local governments are accountable, effective, efficient and sustainable:
- (a) *Queensland Local Government Act 2009*;
 - (b) *Queensland Local Government Regulation 2012*;
 - (c) *Queensland Public Sector Ethics Act 1994*;
 - (d) *Queensland Local Government Electoral Act 2011*.

1.3 Principles

- 1.3.1 The *Local Government Act 2009* creates clear obligations for Councillors in carrying out their responsibilities. Section 4(2) of the *Local Government Act 2009* provides five (5) core principles:
- (a) transparent and effective processes and decision making in the public interest;
 - (b) sustainable development and management of assets and infrastructure and delivery of effective services;
 - (c) democratic representation, social inclusion and meaningful community engagement;
 - (d) good governance of, and by, local government;
 - (e) ethical and legal behaviour of Councillors, local government employees and councillor advisors.

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2 Meetings of the Local Government

2.1 Time of General Meetings

- 2.1.1 The local government may, by resolution, fix dates, times and locations for general meetings (The local government must meet at least once in each month (see section 257(1) of the *Local Government Regulation 2012*)).
- 2.1.2 If there is no resolution fixing the date and time for a general meeting, the Chief Executive Officer must fix the date and the time for the meeting.
- 2.1.3 Before the Chief Executive Officer fixes the date and time for a general meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date and time for the meeting.

2.2 Time of Special Meetings

- 2.2.1 The Chief Executive Officer must call a special meeting of the local government if:
 - (a) the special meeting is required by a resolution of the local government; or
 - (b) a written request for the special meeting is received by the Chief Executive Officer which:
 - (i) is made by either the Mayor or three or more Councillors;
 - (ii) proposes a day and time for the holding of the special meeting; and
 - (iii) specifies the business to be conducted at the special meeting and includes a brief explanation of why this business cannot wait until the next available general meeting.
- 2.2.2 To remove any doubt, it is confirmed that a “written request” for a special meeting includes a request received electronically.

2.3 Agenda and Notice of Meetings

- 2.3.1 The agenda for a meeting must include:
 - (a) items required under these meeting standing orders to be included on the agenda;
 - (b) items that are by resolution of the local government to be included on the agenda; and
 - (c) any other items approved by the Chief Executive Officer to be included on the agenda.
- 2.3.2 The Chief Executive Officer may approve for inclusion on the agenda:
 - (a) any reports from local government employees that are approved by a member of the Executive Leadership Team;
 - (b) notices of motion from Councillors; and
 - (c) any other matter the Chief Executive Officer so decides in their discretion.

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- 2.3.3 The Chief Executive Officer may exercise discretion not to approve any report or notice of motion which if adopted would:
- (a) be unlawful;
 - (b) be outside the scope of a local government to implement; or
 - (c) unilaterally change an agreement or understanding between the local government and another party.
- 2.3.4 Notice of each Council meeting or adjourned Council meeting must be given to each Councillor or Committee member at least two (2) days before the day of the meeting, unless it is impracticable to give the notice before that time.
- 2.3.5 The notice must:
- (a) state the day and time of the Council meeting;
 - (b) for a special meeting – state the business to be conducted at the meeting; and
 - (c) include the agenda for the Council meeting.
- 2.3.6 The notice may be given to a Councillor or Committee member by sending the notice to the Councillor or member electronically.
- 2.3.7 Agendas for statutory meetings, where possible, are to be provided to all Councillors at least two (2) business days prior to the meeting.
- 2.3.8 Once the meeting agenda has been distributed to Councillors and published, it cannot be changed unless by resolution at the meeting to which it relates.
- 2.3.9 Council must make the agenda for the meeting publically available by 5pm on the next business day after the Notice of Meeting is given.
- 2.3.10 The local government may by resolution accept a late Item onto the agenda at the commencement of the meeting. This will generally occur when there is some urgency to deal with the matter rather than holding it until the next General Meeting. Any such item must be distributed to all Councillors as soon as possible prior to the meeting and be available for public inspection as soon as practicable after it is made available to Councillors or Committee members, with the exception of confidential reports.

2.4 Post-Election Meetings

- 2.4.1 The Chief Executive Officer will ensure the post-election meeting is conducted as soon as practically possible, and not more than 14 days after the declaration of the last poll.
- 2.4.2 The appointment of the Deputy Mayor and other relevant matters are to be included on the Agenda.

2.5 Committees

- 2.5.1 Committee meetings will be held at the times and places decided by the committee.
- 2.5.2 Any reports to committees must be submitted to a meeting of the local government under the approval of the Chief Executive Officer.

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- 2.5.3 Any Councillor is entitled to attend a committee meeting irrespective of their membership of that committee. Only those Councillors who are members of the committee may vote on a matter before the committee. The Chairperson may allow a non-member Councillor to address the meeting and ask questions subject to the committee's procedures.

3 Conduct of Statutory Meetings

3.1 Presiding Officer

- 3.1.1 The Mayor will preside at a meeting of the local government.
- 3.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 3.1.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting must preside at the meeting.
- 3.1.4 The local government will choose the Chairperson for a committee meeting. This Chairperson will normally preside over meetings of the committee.
- 3.1.5 If the Chairperson of a committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the committee meeting.

3.2 Quorum

- 3.2.1 A quorum must be present to conduct a meeting of the local government.
- 3.2.2 A quorum of a statutory meeting is a majority of its Councillors.
- 3.2.3 If the number of Councillors is an even number (including the Mayor) one half of the number is a quorum.

3.3 Adjournment of Meetings

- 3.3.1 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.
- 3.3.2 If a quorum is not present within 15 minutes after the time appointed for the meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by:
- (a) a majority of the Councillors present; or
 - (b) if only one Councillor is present – the Councillor; or
 - (c) if no Councillors are present – the Chief Executive Officer.

3.4 Procedure at Meetings

- 3.4.1 The procedure for dealing with business must be in accordance with these meeting standing orders or, in the absence of a standing order governing a particular matter, as decided by the Chairperson of the meeting.

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3.4.2 At a Council meeting:

- (a) A question is decided by a majority of the votes of the Councillors or Committee members present; and
- (b) Subject to conflicts of interest, 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.

3.4.3 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.

3.4.4 The local government may, by resolution:

- (a) suspend a standing order; or
- (b) overrule a decision on a procedural question made by the Chairperson.

3.5 Admission of Non-Members to Debate/Discussion

3.5.1 The local government may, at its sole discretion, allow a non-member to participate on the discussion of a particular item of business before the local government, on conditions decided by the local government.

3.5.2 The local government may, as a mark of distinction, admit a non-member to be a part of the local government chamber normally reserved for Councillors during the conduct of local government business.

4 Maintenance of Good Order

4.1 Acts of Disorder by Non-Members

4.1.1 A person who is not a member of the local government must not interrupt or obstruct the proper conduct of a meeting of the local government.

4.1.2 If a person (other than a member) interrupts or obstructs the proper conduct of a meeting of the local government, the Chairperson may ask the person to withdraw from the meeting place.

4.1.3 A person asked to withdraw from a meeting place under section 4.1.2 of these meeting standing orders must immediately withdraw from the place and must remain away until the end of the meeting or for a lesser period fixed by the Chairperson.

4.1.4 If a person contravenes section 4.1.3 of these meeting standing orders an authorised person may, at the request of the Chairperson, exercise reasonable force to remove the person, and keep the person away from the meeting place.

4.1.5 Where disorder occurs at a meeting, the meeting may be adjourned by the Chairperson for a period not exceeding 30 minutes; or by resolution for a longer period. On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.

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5 Record of Meetings

5.1 Minutes of Meetings

- 5.1.1 The Chief Executive Officer must ensure minutes of each Council meeting are taken under the supervision of the person presiding at the meeting.
- 5.1.2 Minutes of each meeting must include:
- (a) the names of the Councillors or Committee members present at the meeting;
 - (b) a copy of any report adopted by the meeting;
 - (c) a copy of other documentary material necessary for a proper understanding of the proceedings of the meeting;
 - (d) if a division is called on a question, the names of all persons voting on the question and how they voted;
 - (e) each relevant report for the meeting, other than to the extent the relevant report contains information that is confidential to the Council; and
 - (f) declarations of interest being:
 - (i) a prescribed conflict of interest; and
 - (ii) a declarable conflict of interest.
- 5.1.3 At each Council meeting, the minutes of the previous meeting must be confirmed by the Councillors or Committee members present.
- 5.1.4 A copy of the minutes of each Council meeting must be made publicly available by 5pm on the tenth day after the meeting is held, unless the minutes are sooner confirmed.

5.2 Audio and Video Recording of Meetings

- 5.2.1 The local government will record, in both audio and video, its statutory meetings for the periods that they are open to the public. The recordings will be made available to the public online at the earliest opportunity after the meeting has concluded.
- 5.2.2 All participants at meetings are reminded that parliamentary privilege does not apply to local government. Individuals must take responsibility for their own words and actions. The local government may, at the discretion of the Chief Executive Officer, remove any part of a recording for publication only where there is real concern that not to do so would expose the local government to risk of an action for publishing defamatory material or releasing personal information contrary to legislation.
- 5.2.3 Any person publishing part or all of a recording of a meeting assumes full responsibility for the release of that information, including the risks associated with the publication of potentially defamatory material or personal information.
- 5.2.4 Recordings will be retained for a period no shorter than the statutory minimum for the retention of official records.

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6 Standing Orders and Procedures for Statutory Meetings

6.1 Application of Meeting Standing Orders

- 6.1.1 These meeting standing orders provide rules for conduct and shall apply to all statutory meetings including the post-election meeting of the local government.
- 6.1.2 Any provision of these meeting standing orders may be suspended, for a specified time or purpose, by resolution of a meeting of the local government and must specify the purpose of each suspension.
- 6.1.3 Where a matter arises at a meeting of the local government which is not provided for in these meeting standing orders, the matter shall be determined by the Chairperson subject to any contrary resolution of the local government.

6.2 Order of Business

- 6.2.1 The local government must proceed with its business at a meeting in the order indicated in the agenda, unless amended by resolution.
- 6.2.2 Unless otherwise altered, the general order of business shall be as follows:
 - (a) Declaration of Opening
 - (b) Record of Attendance and Leave of Absence
 - (c) Devotional Segment
 - (d) Recognition of Achievement
 - (e) Receipt and Confirmation of Minutes
 - (f) Declarations of Interest
 - (g) Matters Outstanding from Previous Council Meeting Minutes
 - (h) Mayoral Minute
 - (i) Public Participation
 - (j) Petitions and Presentations
 - (k) Motion to Alter the Order of Business
 - (l) Reports to the Local Government
 - (m) Notices of Motion to Intention or Amend Resolutions
 - (n) Notices of Motion
 - (o) Urgent Business without Notice
 - (p) Confidential Items
 - (q) Meeting Closure
- 6.2.3 Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any meeting unless permission for that purpose is given by the local government at such meeting.

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6.3 Declaration of Opening

- 6.3.1 The Chairperson opens the meeting by welcoming Councillors and members of the Public to the Meeting. The Chairperson acknowledges the traditional custodians of the land.

6.4 Record of Attendance and Leave of Absence

- 6.4.1 Each Councillor present at a meeting will be recorded in the minutes as in attendance.
- 6.4.2 A Councillor who has a valid reason for being absent from a meeting must seek the leave of the local government.
- 6.4.3 Section 162(1)(e)(ii) of the *Local Government Act 2009* provides that a Councillor's office becomes vacant if the Councillor is absent from two (2) or more consecutive ordinary meetings of the local government over a period of at least two (2) months, unless the Councillor is absent with the local government's leave.
- 6.4.4 For the purpose of these meeting standing orders where a Councillor advises the Chairperson of an impending absence from a meeting, the Chairperson advises the local government of the Councillor's absence and the local government grants the leave, section 162(1)(e)(ii) of the *Local Government Act 2009* will be satisfied.
- 6.4.5 For the purposes of section 254K(3) of the *Local Government Regulation 2012*, a Councillor taking part in a meeting by audio or visual link is taken to be present at the meeting if:
- (a) the Councillor was simultaneously in audio contact with each other person at the meeting; and
 - (b) the local government approved the teleconferencing arrangement.
- 6.4.6 A Councillor using a teleconferencing facility must be able to maintain confidentiality throughout any part of a meeting where the public is excluded.

6.5 Devotional Segment

- 6.5.1 An invited person leads the local government in a brief devotional segment.
- 6.5.2 The Chairperson and the local government acknowledge the passing of "significant" members of the Redland City community.

6.6 Recognition of Achievement

- 6.6.1 Acknowledgement of members of the Redland City community who contribute to the advancement of the City.

6.7 Receipt and Confirmation of Minutes

- 6.7.1 When confirming the minutes of a meeting the Chairperson initially calls for a mover and seconder.
- 6.7.2 No discussion shall be permitted except in respect to the accuracy of the minutes as a record of the proceedings.

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- 6.7.3 A Councillor or Committee member present at a Council meeting may vote to confirm the minutes of the previous meeting if:
- (a) the Councillor or Committee member was not present at the previous meeting; or
 - (b) for a Councillor – the Councillor had a prescribed conflict of interest or declarable conflict of interest in a matter considered, discussed or voted on at the previous meeting.

6.8 Matters Outstanding from Previous Council Meeting Minutes

- 6.8.1 The Chief Executive Officer will provide an update on any matters outstanding from previous general meetings of Council.

6.9 Mayoral Minute

- 6.9.1 The Mayor, may, by a signed minute (a Mayoral Minute), introduce a matter within the jurisdiction or official cognisance of the local government which is not on the agenda.
- 6.9.2 A Mayoral Minute shall take precedence over all business before the local government, except confirmation of the minutes.
- 6.9.3 A Mayoral Minute may be moved by the Mayor from the chair without being seconded.
- 6.9.4 The Mayor may direct the attention of the local government at a meeting to a matter not on the agenda by means of a Mayoral Minute. The Mayor must deliver a copy of the Mayoral Minute to the Chief Executive Officer.
- 6.9.5 Where practical, the Mayor shall distribute the Mayoral Minute to Councillors prior to the meeting.
- 6.9.6 A Mayoral Minute may be introduced by the Mayor at any time during the meeting (although usually at the place in the agenda where specified.)
- 6.9.7 A motion proposed by the Mayoral Minute, if adopted by the local government, becomes a resolution of the local government.
- 6.9.8 Another Councillor may present a Mayoral Minute on behalf of the Mayor if the Mayor is absent from the meeting.

6.10 Public Participation

- 6.10.1 An individual or deputation wishing to attend and address a meeting of the local government shall apply in writing to the Chief Executive Officer by midday on the Monday preceding the meeting. The Chairperson of a meeting may, at their discretion, invite public participation at the meeting.
- 6.10.2 The Chief Executive Officer, on receiving an application to attend and address a meeting shall notify the Chairperson who shall determine whether the individual or deputation may be heard. The Chief Executive Officer shall inform the applicant of the determination in writing. Where it has been determined the individual or deputation will be heard, a convenient time shall be arranged for that purpose.

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- 6.10.3 For deputations comprising three or more persons, only three persons shall be at liberty to address the local government unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 6.10.4 Public participation/deputations will be for a period of 15 minutes. This period may be extended by resolution. In any event each individual shall speak for no longer than five (5) minutes.
- 6.10.5 If a member of the deputation, other than the appointed speaker/s, interjects or attempts to address the local government, the Chairperson may finalise the deputation.
- 6.10.6 Any person addressing the meeting must:
- (a) stand (unless unable to do so);
 - (b) act and speak with decorum;
 - (c) be respectful and courteous; and
 - (d) make no comments directed at any individual local government employee, Councillor or member of the public, ensuring that all comments relate to local government as a whole.
- 6.10.7 The Chairperson may terminate an address by a person at any time where:
- (a) the Chairperson is satisfied that the purpose has been sufficiently explained to the Councillors at the meeting;
 - (b) the time period allowed has expired; or
 - (c) the person uses insulting or offensive language or is derogatory towards Councillors or staff members.

6.11 Petitions/Presentations

- 6.11.1 Any petition presented to a meeting shall:
- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - (b) include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - (c) include the postcode of all petitioners; and
 - (d) have the details of the specific request/matter appear on each page of the petition.
- 6.11.2 Any petition presented to a meeting of the local government must be received by the Chief Executive Officer seven (7) days prior to the meeting at which it is to be presented.
- 6.11.3 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:
- (a) be received;
 - (b) be received and referred to the Chief Executive Officer for consideration and report to the local government;

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- (c) is of an operational nature and be received and referred to the Chief Executive Officer for consideration; or
 - (d) not be received because it is deemed invalid.
- 6.11.4 A petition may be presented to a meeting by a Councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter.
- 6.11.5 On presenting a petition to a meeting, a Councillor must:
- (a) state the nature of the petition;
 - (b) read the petition; and
 - (c) move the relevant motion.
- 6.11.6 The local government will respond to the Principal Petitioner regarding the outcome of the petition.
- 6.11.7 Presentations are provided by Councillors to inform the local government of an event or conference that they had been in attendance.

6.12 Motion to Alter the Order of Business

- 6.12.1 The Chairperson will request any motions to alter the order of business.

6.13 Declarations of Interest

Prescribed Conflict of Interest

- 6.13.1 Councillors are ultimately responsible for informing of a prescribed conflict of interest on matters to be discussed at a local government or committee meeting. When dealing with a prescribed interest, Councillors must abide by the following procedures:
- (a) Where practicable, all interests are to be declared to the Chief Executive Officer prior to the Council Meeting by completing the appropriate declaration of interest form for statutory meetings. Councillors are still required to declare these interests at the Council Meeting.
 - (b) A Councillor with a prescribed conflict of interest must immediately inform the meeting of the local government of their prescribed interest and set out the nature of the interest, including:
 - (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 (iii) above; and
 - (v) details of the Councillor's and any other entity's interest in the matter.
 - (c) The Councillor must then leave the place at which the meeting is held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

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- (d) Once the Councillor has left the area where the meeting is being conducted, the local government can continue discussing and deciding on the matter at hand.
- 6.13.2 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a prescribed conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (a) The Chairperson then should ask the Councillor with the suspected prescribed conflict of interest whether they do in fact have an interest. If that is the case, the Councillor must follow the above procedures from section 6.13.1(b) of these meeting standing orders.
- 6.13.3 In the event the majority of Councillors inform a meeting of a prescribed conflict of interest regarding a matter, the local government must:
- (a) resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*; and
- (b) if the matter cannot be delegated under section 257 of the *Local Government Act 2009*, resolve to defer the matter to a later meeting and 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.
- 6.13.4 Where a Councillor informs a meeting of a prescribed conflict of interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the local government's website) record:
- (a) the name of the Councillor who has a prescribed conflict of interest in the matter;
- (b) the prescribed conflict of interest, including the particulars mentioned by the Councillor regarding the prescribed conflict of interest;
- (c) whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

Declarable Conflict of Interest

- 6.13.5 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government or committee meetings (other than ordinary business matters). When dealing with a declarable interest, Councillors must abide by the following procedures:
- (a) Where practicable, all interests are to be declared to the Chief Executive Officer prior to the Council Meeting by completing the appropriate declaration of interest form for statutory meetings. Councillors are still required to declare these interests at the Council Meeting.
- (b) A Councillor with a declarable conflict of interest must inform the meeting of the local government of their interest and set out the nature of the interest, including:
- (i) the nature of the declarable conflict of interest;
- (ii) if the Councillor's interest arises because of the Councillor's relationship with a related party:

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- 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.
- (c) If the Councillor's or related party's interests arise because of the receipt of a gift or loan from another person:
- (i) the name of the other person;
 - (ii) the nature of the relationship of the other person to the Councillor or related party;
 - (iii) the nature of the other person's interests in the matter; and
 - (iv) the value of the gift or loan, and the date the gift was given or loan was made.
- (d) If a Councillor first becomes aware the Councillor has the declarable conflict of interest at a local government meeting, the Councillor:
- (i) must stop participating, and must not further participate, in a decision relating to the matter; and
 - (ii) must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in 6.13.5(b) of these standing orders.
- (e) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to their declarable interest in the matter. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the declarable interest.
- (f) If the subject Councillor decides to remain in the meeting, Councillors entitled to vote must then decide, by resolution whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (g) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
- (i) the size or significance of the benefit the subject Councillor stands to receive or benefit;
 - (ii) the benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
 - (iii) the closeness of any relationship the subject Councillor may have with a given person or group.
- (h) In making the decision under section 6.13.5(f) of these meeting standing orders, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

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6.13.6 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a declarable conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

- (a) The Chairperson then should ask the Councillor with the suspected declarable conflict of interest whether they do in fact have an interest. If the subject Councillor advises they do have a declarable conflict of interest in the matter, the Councillor must follow the above procedures from section 6.13.5(b) of these meeting standing orders.
- (b) If the Councillor with the suspected declarable conflict of interest advises they do not believe they have a declarable conflict of interest in the matter, then the other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a declarable conflict of interest in the matter due to their suspected personal interest.
- (c) If the other Councillors decide the subject Councillor does not have a declarable conflict of interest in the matter, the subject Councillor may remain in the meeting and the meeting may continue.
- (d) If the other Councillors decide the subject Councillor does have a declarable conflict of interest in the matter, Councillors entitled to vote must then decide by resolution whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the subject Councillor must leave the place of the meeting they must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (e) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
 - (i) the size or significance of the benefit the subject Councillor stands to receive or benefit;
 - (ii) the benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
 - (iii) the closeness of any relationship the subject Councillor may have with a given person or group.
- (f) In making the decision under section 6.13.6(d) of these meeting standing orders, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

6.13.7 In the event the majority of Councillors inform a meeting of a declarable conflict of interest regarding a matter, the local government must:

- (a) resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*; and
- (b) if the matter cannot be delegated under section 257 of the *Local Government Act 2009*, resolve to defer the matter to a later meeting and seek Ministerial approval

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for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

- 6.13.8 Where a Councillor informs a meeting of a declarable interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the local government's website) record:
- (a) the name of the Councillor who has declared the conflict of interest;
 - (b) the nature of the personal interest, as described by the Councillor;
 - (c) the decision made under section 6.13.5(f),
 - (d) the decisions and reasons under sections 6.13.6(b), 6.13.6(c) and 6.13.6(d) of these meeting standing orders;
 - (e) whether the Councillor participated in the meeting under an approval by the Minister;
 - (f) if the Councillor voted on the matter, how they voted; and
 - (g) how the majority of Councillors voted on the matter.

6.14 Reports to Council

- 6.14.1 Reports are presented by the Chief Executive Officer and General Managers for consideration by the local government.

6.15 Notice of Intention to Repeal or Amend Resolutions

- 6.15.1 Section 262 of the *Local Government Regulation 2012* provides that “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”. Motions to repeal or amend a resolution are to be made by a Notice of Intention signed by a Councillor and lodged with the Chief Executive Officer at least eight (8) days before the meeting (no later than 5pm on the Monday of the week preceding the General Meeting on a Wednesday).
- 6.15.2 A Notice of Intention may also be submitted by local government officers by preparing a report to a meeting that repeals or amends a previous motion. Legislative notification provisions apply.
- 6.15.3 Where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least three (3) months after the date on which the relevant motion was defeated.
- 6.15.4 To remove any doubt, where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion that would have the effect of repealing particular aspects or parts of the previous resolution must not be moved until at least three (3) months after the date on which the relevant motion was defeated.
- 6.15.5 To facilitate the lodgement of a Notice of Intention by a Councillor under section 6.15.1 of these meeting standing orders, the Chief Executive Officer shall not implement a resolution of the local government for at least one (1) business day following the making of the resolution unless:

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- (a) the resolution specifically directs the Chief Executive Officer to implement the resolution immediately; or
- (b) the Chief Executive Officer is of the view that the public interest requires the resolution to be implemented immediately.

6.16 Notices of Motion

- 6.16.1 Reports and notices of motion to be included on the agenda for general meetings must be submitted to the Chief Executive Officer no later than eight (8) business days prior to the meeting date (no later than 5pm on the Thursday two weeks preceding the General Meeting on a Wednesday. Public holidays are not included in this timeline and additionally need to be taken into consideration where applicable). This section does not relate to section 6.14 of these meeting standing orders.
- 6.16.2 A Notice of Motion with the same information and intent as a previous Notice of Motion, cannot be submitted until at least three (3) months following the previous Notice of Motion.

6.17 Urgent Business Without Notice

- 6.17.1 A Councillor may seek to propose a motion as an urgent item of business at a meeting. The Councillor must explain the nature of the urgency and answer questions about the urgency, after which the Chairperson will seek a resolution to allow the matter to proceed.
- 6.17.2 If that motion is lost, the matter will not proceed at that meeting. If the motion is carried, the Councillor proposing the motion will require another Councillor to second it before it is presented and debated.
- 6.17.3 Wherever possible, a Councillor must provide a copy of a proposed motion under urgent business to all other Councillors as soon as practical before the meeting.

6.18 Confidential Items/Closed Meetings

- 6.18.1 Local government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:
- (a) the appointment, discipline or dismissal the Chief Executive Officer;
 - (b) industrial matters affecting employees;
 - (c) the local government's budget;
 - (d) rating concessions;
 - (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
 - (f) matters that may directly affect the health and safety of an individual or a group of individuals;
 - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

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- (h) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*; and
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

6.18.2 A resolution that a local government meeting be closed must:

- (a) state the matter mentioned in 6.18.1 above, that is to be discussed; and
- (b) include an overview of what is to be discussed while the meeting is closed.

6.18.3 The Council or a committee of the Council must not make a resolution (other than a procedural resolution) in a Council meeting, or a part of a Council meeting that is closed.

6.18.4 If a closed session includes attendance by teleconference the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

6.18.5 To take an issue into a closed session, the local government must first pass a resolution to do so.

6.18.6 In the interests of accountability and transparency, the local government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.

6.18.7 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.

6.18.8 The minutes of a local government meeting must detail the matter discussed and reasoning for discussing the matter in closed session. The local government must also ensure that it complies with the statutory obligations associated with recording of resolutions.

6.19 Meeting Closure

6.19.1 The Chairperson will close the meeting after all items of business have been completed. The time of closure is to be recorded in the minutes.

7 Motions and Process

7.1 Motions to be Moved

7.1.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion. Refer to Process of Motions in Appendix 3.

7.1.2 When a motion has been moved and seconded, it shall become subject to the control of the local government and shall not be withdrawn without the consent of the local government.

7.1.3 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.

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- 7.1.4 A motion brought before a meeting of the local government in accordance with the *Local Government Act 2009* or these meeting standing orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 7.1.5 The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

7.2 Absence of Mover of Motion

- 7.2.1 Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be moved by another Councillor at the meeting or deferred to the next meeting.

7.3 Motion to be Seconded

- 7.3.1 A motion or an amendment to a motion must not be debated at a meeting of the local government until the motion or the amendment is seconded, with the exception of a procedural motion.
- 7.3.2 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- 7.3.3 Notwithstanding sections 7.3.1 and 7.3.2 of these meeting standing orders, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.

7.4 Amendment of Motion

- 7.4.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and does not contradict the motion.
- 7.4.2 Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put. The amended motion, with the proposer's approval, may have some minor changes to words to ensure that its intent is better understood without changing the meaning of the amended motion.
- 7.4.3 Where a motion (the original motion) is amended by another motion (the other motion), the original motion must not be put as a subsequent motion to amend the other motion.
- 7.4.4 A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

7.5 Speaking to Motions and Amendments

- 7.5.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded, unless approval is provided by the Chairperson.

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- 7.5.2 The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 7.5.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 7.5.4 A motion or amendment may be withdrawn by the mover thereof with the consent of the local government, which shall be withdrawn without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by the local government for its withdrawal.
- 7.5.5 The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 7.5.6 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 7.5.7 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 7.5.8 In accordance with section 254H of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to the local government by an advisor of the local government, the Chief Executive Officer must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice where either or both of the following apply to the decision:
- (a) the decision is about entering into a contract the total value of which is more than the greater of the following:
 - (i) \$200,000 exclusive of GST;
 - (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report;
 - (b) the decision is inconsistent with:
 - (i) the policy or approach ordinarily followed by the local government for the type of decision; or
 - (ii) a policy previously adopted by the local government by resolution, whether or not as required by the *Local Government Act 2009*, and still in force.

7.6 Procedural Motions

- 7.6.1 A Councillor at a meeting of the local government may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
- (a) that the question/motion be now put
 - (b) that the motion or amendment now before the meeting be adjourned

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- (c) that the meeting proceed to the next item of business
 - (d) that the question/motion lie on the table
 - (e) a point of order
 - (f) a motion of dissent against the Chairperson's decision
 - (g) that this report/document be tabled
 - (h) to suspend the rule requiring that (insert requirement)
 - (i) that the meeting stand adjourned
- 7.6.2 A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- 7.6.3 A procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:
- (a) a further motion may be moved to specify such a time or date; or
 - (b) the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 7.6.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by the local government on the giving of notice in accordance with these meeting standing orders.
- 7.6.5 A procedural motion, that the question lie on the table, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is carried, the local government shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 7.6.6 Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that another Councillor:
- (a) has failed to comply with proper procedures;
 - (b) is in contravention of a legislative requirement; or
 - (c) is beyond the jurisdiction power of the local government.
- 7.6.7 Examples of what is deemed a point of order:
- (a) not speaking to a motion
 - (b) contravening these meeting standing orders
 - (c) repeating the same points already made
 - (d) contravening local laws
 - (e) time limit has expired

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- (f) language and tone is offensive
- (g) no quorum
- 7.6.8 Examples of what is not deemed a point of order:
 - (a) Disagreeing with what is being discussed/point of view.
- 7.6.9 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended. The Councillor raising the point of order may speak to it prior to the Chairperson making the ruling. The Chairperson shall determine whether the point of order is upheld.
- 7.6.10 A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order, or any other matter, except a decision made by the Chairperson in relation to inappropriate conduct under section 150K *Local Government Act 2009*. The mover of the motion may speak to it and the Chairperson may respond prior to taking a vote. If the vote overturns the Chairperson's decision, the meeting will proceed as if the Chairperson's decision had not been made.
- 7.6.11 Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these meeting standing orders to the contrary, all questions or points of order at any time arising shall, until decided, suspend the consideration and decision of every other question.
- 7.6.12 A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- 7.6.13 A procedural motion, to seek to table a report or document, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 7.6.14 A procedural motion to suspend one or more rules may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 7.6.15 A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the local government shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

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7.7 Method of Taking Vote

- 7.7.1 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the mover.
- 7.7.2 The Chairperson will call for all Councillors in favour to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection.
- 7.7.3 The local government must vote by a show of hands or as otherwise directed by the Chairperson.
- 7.7.4 The Chairperson shall, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- 7.7.5 The Chief Executive Officer records the number and names of Councillors voting in the affirmative and in the negative.
- 7.7.6 The Chairperson must declare the result of a vote or a division as soon as it has been determined.

8 Conduct During Meetings

8.1 Councillor Conduct During Meetings

- 8.1.1 Councillors will conduct themselves during meetings in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct for Councillors in Queensland. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct and follow the adopted Unsuitable Meeting Conduct Process to manage the conduct (see Appendix 1).
- 8.1.2 After a meeting of the local government has been formally constituted and the business commenced, a Councillor must not enter or leave the meeting without first notifying the Chairperson.
- 8.1.3 After a meeting of the local government has been formally constituted and the business has commenced, a Councillor must turn their mobile to silent mode and must leave the meeting to take or make any calls.
- 8.1.4 Councillors must address the Chairperson when:
 - (a) moving any motion or amendment;
 - (b) seconding a motion;
 - (c) taking part in debate or discussion;
 - (d) asking or responding to questions; or
 - (e) addressing the local government for any other purpose.
- 8.1.5 Councillors must address each other and local government officers respectfully at all times. Councillors shall speak of each other during the local government meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.

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- 8.1.6 Only one Councillor should speak at a time, as directed or invited by the Chairperson. A Councillor must not interrupt another Councillor who is speaking except upon a point of order.
- 8.1.7 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.
- 8.1.8 A Councillor must not make personal reflections on or impute improper motives to another Councillor or local government employee.

8.2 Questions

- 8.2.1 A Councillor may at a local government meeting, through the Chairperson, ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of the local government in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting. Councillors should not ask questions, the answers for which have already been provided to the Councillor.
- 8.2.2 A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 8.2.3 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

8.3 Attendance of Public and Media at Meetings

- 8.3.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- 8.3.2 When the local government is sitting in closed session, the public and representatives of the media must be excluded.
- 8.3.3 The resolution that the local government proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with section 254J of the *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. The local government must not make a resolution (other than a procedural resolution) in a closed session. The local government must resolve to move out of closed session so that a resolution can be passed on the matters considered in closed session.

8.4 Public Conduct During Meetings

- 8.4.1 All members of the public present at a meeting must:
 - (a) not, without the prior approval of the Chairperson, make any audio or video recording, or take any photographs;

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- (b) remain quiet and not disrupt the meeting in any way;
- (c) not bring into the meeting any signs, placards or items that may cause a hazard, or interfere with any person present;
- (d) be suitably dressed; and
- (e) turn all mobile devices to silent mode and leave the meeting to take any calls.

8.4.2 The Chairperson may warn a member of the public present at a meeting who is not complying with a of requirement in section 8.4.1 of these meeting standing orders and may, with or without such warning, require the person to leave the meeting and not return for such period as the Chairperson decides. This period may include future meetings.

8.5 Procedure Not Provided For

8.5.1 If an appropriate or adequate method of dealing with a matter is not provided for in these meeting standing orders, the method of dealing with the matter may be determined by resolution of the local government upon a motion which may be put without notice in conformity with the standing orders.

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Appendix 1: Unsuitable Meeting Conduct Process

1. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:
 - (a) The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
 - (b) If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to paragraph 1(g) below for the steps to be taken.
 - (c) If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - (i) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (ii) apologising for their conduct; and
 - (iii) withdrawing their comments.
 - (d) If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
 - (e) If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
 - (f) If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
 - (g) If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions or the conduct is of a serious nature as identified in paragraph 1(b) above, the Chairperson may make one or more of the orders below:
 - (i) an order reprimanding the Councillor for the conduct; and
 - (ii) an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
 - (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
 - (i) Following the completion of the meeting, the Chairperson must ensure:
 - (i) details of any order issued are recorded in the minutes of the meeting;

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- (ii) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the local government and treated as inappropriate conduct pursuant to the *Local Government Act 2009*.
 - (iii) the local government's Chief Executive Officer is advised to ensure details of any order made must be updated in the local government's Councillor Conduct Register pursuant to the *Local Government Act 2009*.
- 2. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for paragraphs 1(a), (g) or (h) above.
- 3. The Chairperson of the meeting is carrying out a statutory responsibility under the *Local Government Act 2009* to manage and lead the meeting. As such, if the Chairperson is suspected of demonstrating unsuitable meeting conduct this may be the subject of a complaint to the Independent Assessor. The Independent Assessor will be responsible for assessing and investigating any instances of suspected unsuitable meeting conduct.

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Appendix 2: Referred Suspected Inappropriate Conduct

1. Pursuant to section 150AF of the *Local Government Act 2009*, after receiving a referral by the Independent Assessor or under Appendix 1 paragraph 1(i)(ii) of these meeting standing orders of an instance of suspected inappropriate conduct, the local government must complete an investigation into the alleged conduct.
2. After the completion of the investigation, the local government must decide whether the Councillor has engaged in inappropriate conduct in a local government meeting, unless it has delegated responsibility for this decision under section 257 of the *Local Government Act 2009*.
3. When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the Independent Assessor, the local government must:
 - (a) Be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the local government. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the local government may resolve to go into closed session under section 254J of the *Local Government Regulation 2012*.
 - (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in section 6.13.1 of these meeting standing orders.
 - (c) The local government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
 - (d) If the local government decides that the subject Councillor has engaged in inappropriate conduct, the local government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - (i) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - (ii) an order reprimanding the Councillor for the conduct;
 - (iii) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - (iv) an order that the Councillor be excluded from a stated local government meeting;
 - (v) an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the local government on a State board or committee;
 - (vi) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;

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- (vii) an order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the local government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the local government is reasonably satisfied is true.
- (f) The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- (g) The local government must ensure the meeting minutes reflect the resolution made.

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Appendix 3: Process of Motions

Moving Motions for Reports

The following process is to be followed to move a motion:

1. The Chairperson calls for a motion to be moved.
2. A Mover may move a motion that:
 - a. is the same as the Officer's Recommendation; or
 - b. includes the Officer's Recommendation with amendments/additions; or
 - c. is different from the Officer's Recommendation.
3. If a motion in paragraphs 2(b) or (c) above is not seconded or is lost, the Chairperson may call for a motion to move the Officer's Recommendation or call for any other motions.
4. If a motion in paragraph 2(a) above is not seconded or is lost, the Chairperson calls for any other motions.
5. If a motion is not moved and seconded, the Officer's Recommendation is deemed to have lapsed and the Chairperson moves on to the next item of business.

Amendment Motions

Amendment motions can only be made once there is a motion open for debate.

The following process is to be followed when a motion is moved, seconded and open for debate:

1. The Chairperson calls for a motion to be moved.
2. If the motion is moved and seconded, the Chairperson opens up debate on the motion.
3. Once debate is opened, amendment motions can be raised.
4. The motion or amendment motion is put and voted on.
5. If a vote on an amendment motion is lost, the original motion stands and is put to the vote.
6. If the original motion is lost, the Chairperson calls for any counter motion (i.e. a motion opposite to the original motion or a motion that otherwise more drastically alters the original motion than is permitted by amendment).
7. If a counter motion is not moved and seconded, the Chairperson moves to the next item of business.