Croydon Shire Council

Best practice example standing orders for local government and standing committee meetings

Document Control

Responsible Officer: **Chief Executive Officer**

CEO Signature:

Date: **13 December 2024**

Category (tick):

- ☑ **Policy** *Council resolution required*
- ☐ **Procedure** *CEO approval required*
- ☐ **Guideline** *CEO approval required*

Approval date	Head Policy #	Reference Number	Reason/Comment	Next review
Nov 2022	NA	POL STAT 02	Initial Document	
11/04/2024	NA	POL STAT 02	Review and new template in line with legislation change	April 2026
13/12/2024	POL STAT 01	POL STAT 02	Update in line with changes made by Department Housing, Local Government, Planning and Public works to align with LGA	November 2026

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July 2024

Last updated:

Date	Version number	Officer's Name	Approved
10 November 2022	004	P Cameron	Director G&C
30 November 2023	005	P Cameron	Director G&C
22 January 2024	006	P Cameron	Director G&C
12 February 2024	007	P Cameron	Director G&C
14 March 2024	008	P Cameron	Director G&C
26 July 2024	009	P Cameron	

Queensland Government

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Intent

To assist local governments, the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the meeting procedures that deal with matters during local government meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the DHLGPPW model meeting procedures and the meeting provisions in the Local Government Regulation 2012 (LGR). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing orders

1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.

1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.

1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matter will be determined by resolution of the local government upon a motion which may be put without notice, but otherwise conforming with these standing orders.

Procedures for meetings of local government

2. Procedure for the Chairperson

This section applies to local government meetings, and local government standing committee meetings. This section does not apply to Brisbane City Council where the Chair of Council, elected by councillors, presides over each BCC meeting. Under section 12(4) of the LGA the mayor is the chairperson, leading and managing local government meetings. The mayor may delegate another councillor to act as chairperson when the mayor is absent or temporarily incapacitated. Alternatively, if the mayor has not delegated a councillor to undertake responsibilities as chairperson, under the provisions of section 165 of the LGA, the deputy mayor acts for the mayor during the absence or temporary incapacity or when the office of mayor is vacant.

2.1. The mayor will be the chairperson at a local government meeting at which the mayor is present.

2.2. If the mayor is unavailable to chair a local government meeting, the meeting will be chaired by the councillor to whom the mayor has delegated their responsibility to chair the meeting.

2.3. If the mayor is absent or has a temporary incapacity and is unable to chair a local government meeting, and has not delegated another councillor to do so, the deputy mayor will be the chairperson.

2.4. If the office of mayor becomes vacant the deputy mayor acts as mayor and chairperson of the local government meetings

2.5. If the mayor and the deputy mayor are both prevented from chairing the meeting because of absence or temporary incapacitation, and no other councillor has been delegated the responsibility, the local government may by resolution appoint one of the councillors present at the meeting to act as chairperson for the duration of the meeting.

2.6. The local government may appoint the chairperson for a standing committee. This chairperson will preside over meetings of the committee. The mayor is a member of each standing committee but not necessarily the chairperson.

2.7. If the chairperson of a committee is absent or unavailable to chair, another councillor who is chosen by the councillors present, will be chairperson of the committee meeting.

2.8. Before proceeding with the business of the local government meeting, the chairperson at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

Note: *Section 12 of the LGA does not prescribe that other councillors have the responsibility of chairing local government meetings. Other councillors cannot assume the chairperson role except when they are delegated by the mayor to perform the extra responsibilities of a chairperson or a resolution has been passed by the councillors present to select a councillor to act as chairperson of a particular meeting, because the mayor, a delegated councillor and the deputy mayor are unavailable. The provision for the mayor to delegate the responsibility to be chairperson to another councillor caters for the possibility that the mayor will not be the chairperson of a particular local government meeting because the mayor has, for example, a conflict of interest in a matter, or will be absent or incapacitated for that meeting. Upon the mayor's return to the meeting the mayor or deputy mayor (whichever is relevant) can resume their role as chairperson.*

3. Order of business

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

3.2. Unless otherwise altered, the order of business will be as follows:

- attendance
- apologies and granting of leaves of absence
- confirmation of previous minutes
- business arising out of previous meeting reports, conduct breach investigation reports, financial statements reports
- officers' reports.

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

4. Agendas

4.1. The agenda may contain:

- notice of meeting
- amendments correcting the minutes of the previous meeting
- adoption of the minutes of the previous meeting
- business which the mayor wishes to have considered at that meeting without notice
- matters of which notice has been given
- committees' reports referred to the meeting by the chief executive officer (CEO)
- officers' reports referred to the meeting by the CEO
- councillor conduct breach investigation reports provided by the investigator
- deputations and delegations from the community that are approved to attend
- any other business the local government determines by resolution be included in the agenda.

4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any local government meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

4.3. The notice of the meeting and the agenda must be given to each councillor at least two days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting, unless it is impracticable to give the notice before that time.

4.4. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports, including any summary investigation report for a conduct breach matter, for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given

and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.

4.5. Matters on the agenda that may require the meeting to be in a closed session consistent with the provisions under section 254J LGR, can be identified on the agenda as 'may be closed by resolution of the meeting for the matter to be debated'.

5. Quorum

5.1. A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum.

5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the CEO.

6. Petitions

6.1. Any petition presented to a meeting of the local government will:

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

6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:

- that the petition be received
- received and referred to a committee or officer for consideration and a report to the local government, or
- not be received because it is deemed invalid.

6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

7.1. A deputation wishing to attend and address a meeting of the local government shall apply in writing to the CEO not less than seven business days before the meeting.

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

7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the local government meeting unless the councillors at the meeting determine otherwise by

resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

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

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

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

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

8. Public participation at meetings

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

8.2. In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate time period will be allowed (e.g. 15 minutes) and no more than three speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government meeting chairperson.

8.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.

8.4. For any matter arising from such an address, the local government may take the following actions:

- refer the matter to a committee
- deal with the matter immediately
- place the matter on notice for discussion at a future meeting
- note the matter and take no further action.

8.5. Any person addressing the local government shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language.

8.6. Any person who is considered by the local government or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

9. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government or committee meeting (other than ordinary business matters as prescribed under section 150EF of the LGA or section 177C of the *City of Brisbane Act 2019* (COBA)). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

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

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

9.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:

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

9.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister for Local Government (the Minister) to participate in deciding the matter in a meeting including participating in the discussion and the vote.

Note: *Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a prescribed conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.*

9.5. Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the local government can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each councillor individually. If the councillor with the suspected prescribed conflict of interest considers there is no conflict of interest, then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA or section 177U(2) of the COBA applies.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government or committee meetings that might lead to a decision that is contrary

to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA or section 177L of the COBA and ordinary business matters prescribed under section 150EF of the LGA or section 177C of the COBA).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA or section 177O of the COBA, will apply. If more than one councillor is reported by another councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each councillor individually. The eligible councillors must then make a decision under section 150EX(2) of the LGA or section 177U(2) of the COBA.

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

10.1. A councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be dealt with.

10.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.

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

- the nature of the declarable conflict of interest
- if it arises because of the councillor's relationship with a related party:
    - the name of the related party to the councillor; and
    - the nature of the relationship of the related party to the councillor; and
    - the nature of the related party's interest in the matter
- if it arises because of a gift or loan from another person to the councillor or a related party:
    - the name of the other person; and
    - the nature of the relationship of the other person to the councillor or related party and
    - the nature of the other person's interest in the matter; and
    - the value of the gift or loan and the date the gift or loan was made.

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

10.5. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only eligible councillors (those who do not have a prescribed or declarable conflict of interest in the matter) can participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority, or does not form a quorum for the meeting, or is a single eligible councillor, consistent with section 150ET of the LGA section 177Q of the COBA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

Note: *The ability to make a resolution without a seconder applies when making a resolution under section 150ES of the LGA or section 177P of the COBA.*

10.6. The eligible councillor/s at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor to either participate or leave the meeting e.g. they may stay for the debate but must leave for the vote. The councillor must comply with any decision and any condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the Minister for Local Government under section 150EV.

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

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

- how does the inclusion of the councillor in the deliberation affect the public trust
- how close or remote is the councillor's relationship to the related party
- if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- will the benefit or detriment the subject councillor or their related party stands to receive from the decision have a major or minor impact on them
- how the benefit or detriment the subject councillor stands to receive compares to others in the community

- how this compares with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting
- whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

10.9. If the eligible councillors cannot decide about the councillor's participation in the meeting with a declarable conflict of interest, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.

10.10. A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g. workshops.

10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

10.12. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

11. Reporting a suspected conflict of interest

If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists must immediately inform the chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion. If more than one councillor is reported by another councillor to have a suspected personal interest in a matter, the meeting must deal with each councillor individually.

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

11.2. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

11.3. The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of

interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.

11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section 177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g. workshops.

11.5. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details.

Note: *The minutes must include details of how the conflict of interest was dealt with, being (section 150FA of the LGA or section 177X of the COBA):*

- *the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest*
- *the particulars of the prescribed or declarable conflict of interest provided by the councillor*
- *the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest*
- *any decision then made by the eligible councillors*
- *whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval*
- *the local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision.*

11.6. The minutes of the meeting must record the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

Note: *The eligible councillors include a councillor who has either been granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g. the eligible councillors in this subsection means all councillors who were entitled to vote on the matter).*

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

11.7. Where a decision has been made under section 150ES of the LGA or section 177P of the COBA, the minutes must include the:

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

12. Loss of quorum

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

- delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection three of both sections, because an Act says it must be decided by resolution of the local government
- decide by resolution to defer the matter to a later meeting
- decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

12.2. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

- the mayor or CEO
- a standing committee, or joint committee of the local government
- the chairperson of a standing committee or joint standing committee of the local government (does not apply to Brisbane City Council)
- another local government for a joint government activity
- the Establishment and Coordination Committee (only applies to Brisbane City Council).

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

12.4. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:

- the mayor
- a standing committee

12.5. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

- the mayor
- the Establishment and Coordination Committee, Brisbane City Council
- a standing committee of the local government.

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

Motions

13. Motion to be moved

13.1. A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the local government and cannot be withdrawn without the consent of the local government meeting.

13.2 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:

- a motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
- the chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- the chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

13.3 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.

13.4 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

14. Absence of mover of motion

14.1. Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:

- moved by another councillor at the meeting
- deferred to the next meeting.

15. Motion to be seconded

15.1. A motion or an amendment to a motion will not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.

15.2. Procedural motions are an exception to this rule and do not need to be seconded.

16. Amendment of motion

16.1. An amendment to a motion should maintain or further clarify the intent of the original motion and not contradict the motion.

16.2. Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.

16.3. Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

17. Speaking to motions and amendments

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

17.2. The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.

17.3. A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.

17.4. The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.

17.5. Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.

17.6. Where two or more councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.

17.7. In accordance with section 254H of the LGR or section 242H(2) of the City of Brisbane Regulation 2012(COBR), if a decision made at the local government meeting is inconsistent with a recommendation or advice given to the local government by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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

18. Method of taking vote

18.1. The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection.

18.2. A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors

voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.

18.3. Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

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

19. Withdrawing a motion

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

20. Repealing or amending resolutions

20.1. A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation (five business days).

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

21. Procedural motions

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

- that the question/motion be now put before the meeting
- that the motion or amendment now before the meeting be adjourned
- that the meeting proceeds to the next item of business
- that the question lie on the table
- a point of order
- a motion of dissent against the chairperson's decision
- that this report/document be tabled
- to suspend the rule requiring that [insert requirement]
- that the meeting stands adjourned.

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

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

- a further motion may be moved to specify a time or date; or

- the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.

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

21.5. A procedural motion that 'the question lie on the table' will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the local government will proceed with the next matter on the agenda.

21.6. A motion that 'the matter be taken from the table', may be moved at the meeting at which the procedural motion was carried or at any later meeting.

21.7. Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:

- has failed to comply with proper procedures
- is in contravention of the legislation; or
- is beyond the jurisdiction of the local government meeting.

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

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

21.9. A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example, where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

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

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

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

22.Questions

22.1. At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.

22.2. Questions will be asked categorically and without argument and no discussion will be permitted at the local government meeting in relation to a reply or a refusal to reply to the question.

22.3. A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

22.4. A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

22.5. The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

23.Process for dealing with Unsuitable Meeting Conduct

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

23.1. The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting. The chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.

23.2. If the chairperson decides unsuitable meeting conduct has occurred, but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:

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

23.3. If the councillor complies with the chairperson's request for remedial action, no further action is required.

23.4. If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order of unsuitable meeting conduct being issued.

23.5. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.

23.6. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decides a warning was not appropriate under 23.2, the chairperson may make one or more of the orders below:

- an order reprimanding the councillor for the conduct
- an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

23.7. If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.

23.8. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note below).

Note: *Details of any order issued must be recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next local government meeting as a suspected conduct breach. The local government is not required to notify the independent assessor (IA) about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register.*

23.9. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

24. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

24.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor may raise the matter in the meeting by point of order.

24.2. The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). The councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

24.3. The chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and leave the place where the meeting is being held, including any area set aside for

the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out above for declarable conflict of interest.

24.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

24.5. If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the acting chairperson from the eligible councillors.

24.6. The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).

24.7. If it is decided that the chairperson has engaged in unsuitable meeting conduct, the councillors can decide to make an order reprimanding the chairperson for the conduct.

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

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

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

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

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

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

Under chapter 5A, part 3, division 3A of the LGA, the Assessor must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply – see section 150SD of the LGA. If the Assessor finds that a matter is a suspected conduct breach it must refer the matter to the local government to be dealt with. The Assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: *A conduct breach is conduct that:*

- *contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure, or resolution of the local government; or*
- *the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or*
- *an instance of a suspected conduct breach that may arise from circumstances of three instances of unsuitable meeting conduct orders within a 12-month period.*

25.1. In relation to matters referred by the Assessor to the local government, the local government may decide not to start or discontinue an investigation if:

- the complainant withdraws the complaint
- the complainant consents to the investigation not starting or discontinuing
- the complainant does not provide extra information when requested
- there is insufficient information to investigate the complaint
- the councillor vacates or has vacated their office as a councillor.

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

25.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach, unless the decision has been delegated to the mayor under section 257(2)(a) of the LGA, or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA. Under the LGA and COBA, decisions about a conduct breach can only be delegated to the mayor or a standing committee and under COBA to the Establishment and Coordination Committee.

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

- the local government must be act in a manner consistent with the local government principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under section 254J of the LGR or section 242J of the City of Brisbane Regulation (CBR).

- no resolution for a decision can be made in the closed session including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.
- where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under section 254H of the LGR and section 242H of the CBR.
- the subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless the eligible councillors decide otherwise) during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission about the conduct breach provided by the councillor to the local government.
- the subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- if the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the eligible councillors (who do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant councillor can be required to leave the meeting place, or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied under section 150AH of the LGA.

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

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

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

- decide, by resolution, to defer the matter to a later meeting, or
- decide, by resolution, not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

Note: *A local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be delegated to the mayor or a standing committee, or the matter can be deferred to a later meeting when a quorum can be maintained.*
If the conduct breach referral notice is about the suspected conduct breach by the mayor, then the matter will need to be delegated to a standing committee for a decision.
The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters. The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest. The standing committee will decide about the mayor's conduct. While section 12(4)(f) of the LGA provides that the mayor has the extra responsibility of being a member of each standing committee, the mayor could not be a decision-making member of a standing committee dealing with decisions about the mayor's conduct because of a conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

25.5. If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 150AH of the LGA, if any, to impose on the councillor. In deciding what penalty to impose, the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

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

- an order that the councillor make a public apology, in the way decided by the local government, for the conduct
- an order reprimanding the councillor for the conduct
- an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- an order that the councillor be excluded from a stated local government meeting
- an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor
- an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct

- an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

25.7. A local government may not make an order in relation to a person who has vacated their office as a councillor.

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

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

26. General conduct during meetings

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

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

26.3. No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.

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

27. Disorder

27.1. The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor.

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

Attendance and non-attendance

28. Attendance of public and the media at a local government meeting

28.1. 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 will be permitted to attend the meeting.

28.2. When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

29.Closed session

29.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section 242J(3) of the COBR:

- appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees
- industrial matters affecting employees
- the local government's budget (which does not include the monthly financial statements)
- rating concessions
- legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government
- negotiations relating to the taking of land by the local government under *the Acquisition of Land Act 1967*
- a matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
- a matter relating to the consideration of an investigation report for a conduct breach matter given to the local government by the Assessor under the LGA chapter 5A, part 3, division 5.

29.2. A local government or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.

29.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting. The local government must instead:

- delegate consideration and decision on the matter, under section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated
- decide by resolution to defer the matter to a later meeting when a quorum may be available

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

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

29.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).

29.6. To take a matter into a closed session the local government must abide by the following process:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated
- no resolution can be made while in a closed meeting (other than a procedural resolution).

30. Teleconferencing of meetings

30.1. If a councillor wishes to be absent from a local government meeting place during a meeting, the councillor must apply to the local government to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a local government or committee meeting by teleconference.

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

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

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