

1. Standing Orders

- 1.1 These Standing Orders apply to all meetings of Burdekin Shire Council and any of its standing Committees. These standing orders do not apply to meetings of the audit committee.
- 1.2 Any provision of these Standing Orders may be suspended by resolution of any meeting of Council, except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 1.3 Where a matter arises at a Council meeting that is not provided for in these Standing Orders, the matter will be determined by resolution of Council upon a motion which may be put without notice but otherwise conforming with these Standing Orders.

Procedures for Meetings of Council

2. Procedure for the Chairperson

- 2.1 The Mayor will be the chairperson at a meeting of Council at which the mayor is present.
- 2.2 If the Mayor is absent or unavailable to preside, the meeting will be chaired by the councillor to whom the mayor has delegated their responsibility to chair the meeting.
- 2.3 If both 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 the Mayor becomes vacant the deputy mayor acts as mayor and chairperson of Council 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 Council will choose the Chairperson for a Committee meeting. This Chairperson will normally 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 preside, a Councillor chosen by the Councillors present will preside over 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
- Prayer
- Declarations of Interest
- Confirmation of minutes and business arising
- Officers' reports
- Notice of Motion
- Receipt of Petitions
- Correspondence for Information
- General Business
- Closed Business Items
- Delegation

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.

4. Agendas

4.1 The agenda may contain:

- Notice of meeting
- Minutes of the previous meetings
- Business arising out of previous meetings
- Business which the Mayor wishes to have considered at that meeting without notice
- Matters of which notice has been given
- Committees' reports to Council referred to the meeting by the CEO

For Council Meetings including Standing Committees

- Officers' reports to Council referred to the meeting by the CEO
- Councillor conduct breach investigation reports provided by the investigator
- Deputations and delegations
- Any other business Council determines by resolution be included in the agenda paper.

- 4.2 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 Council at such meeting. Business must be in accordance with the adopted Terms of Reference/Charter 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, 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 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 will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

5. Quorum

- 5.1 A quorum at a Council meeting is four Councillors.
- 5.2 If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present then the Chief Executive Officer.

6. Petitions

- 6.1 Any petition presented to a meeting of Council shall:
- be in legible writing or typewritten and contain a minimum of ten (10) signatures
 - include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.

For Council Meetings including Standing Committees

- 6.2 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is
- that the petition be received; or
 - received and referred to a committee or officer for consideration and a report to Council; or
 - not be received because it is deemed invalid.
- 6.3 Council 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 Council shall apply in writing to the Chief Executive Officer not less than seven (7) business days before the meeting. The application must include details of the topic to be discussed and the expected approximate time required to make the address.
- 7.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- 7.3 For deputations comprising three or more persons, only three persons shall be at liberty to address Council 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 Council, the Chairperson may finalise 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, staff members, 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., fifteen (15) minutes) and no more than three (3) 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 chairperson.

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- 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 (if able), and 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 mayor to be unsuitably dressed may be directed by the mayor or 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 council or committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 9.1 A Councillor who has notified the Chief Executive Officer in writing, including all the particulars of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting at or before 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 council meeting must immediately inform the meeting of the conflict of the interest and the particulars.
- 9.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
- if it arises because of a gift, loan or contract, the value of the gift, loan or contract.
 - if it arises because of an application or submission, the subject of the application or submission:
 - the name of any entity other than the councillor that has an interest in the matter,
 - the nature of the Councillor's relationship with the entity that has an interest in a matter,
 - 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 from 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 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 left the area where the meeting is being conducted (or remains in the meeting under ministerial approval), the council 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 whether or not the subject Councillor has a prescribed conflict of interest under 150EX(2) of the LGA.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA will apply. The eligible Councillors must then make a decision under 150EX(2) of the LGA.

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

- 10.1 A Councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 10.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a council 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:
 - (i) the name of the related party to the Councillor
 - (ii) the nature of the relationship of the related party to the Councillor
 - (iii) 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:
 - (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 interest in the matter
 - (iv) the value of the gift or loan and the date the gift or loan was made.

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- 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 Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of eligible Councillors is less than the majority or do not form a quorum for the meeting or is a single eligible Councillor consistent with section 150ET of the LGA. If there is a single eligible Councillor deciding, then a seconder for the resolution is not required.
- 10.6 The other non-conflicted Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted councillors.
- 10.7 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 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 other 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 major or minor impact on them
 - how does the benefit or detriment the subject Councillor stands to receive compare to others in the community
 - how does this compare with similar matters that council 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.

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- 10.9 If the non-conflicted Councillors cannot decide about the councillor's participating 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 non-conflicted Councillors discuss and vote on the matter.
- 10.10 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.
- 10.11 In making the decision under 9.6 and 9.9, 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.

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 relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures 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 non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures 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 cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest. 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 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 council meeting about the same matter e.g. workshops.

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- 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):*

- *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.*

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 council must resolve to:

- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA (unless the matter cannot be delegated, because an Act says it must be decided by resolution of the local government)
- defer the matter to a later meeting
- not 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 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
- another local government for a joint government activity

- 12.3 The council 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 If the matter cannot be delegated under an Act, the council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, 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 Council in accordance with the Local Government Act 2009 or these 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.
 - 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, 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 and the vote occur.
- 13.4 Not 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 Council at which the motion is to be considered, the motion may be:
- moved by another Councillor at the meeting, or
 - deferred to the next meeting.

15. Motion to be seconded

- 15.1 A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

16. Amendment of Motion

- 16.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 16.2 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been voted on.
- 16.3 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

17. Speaking to motions and amendments

- 17.1 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.
- 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 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.
- 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 (5) 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 shall determine who is entitled to priority.
- 17.7 In accordance with section 254H of the *Local Government Regulation 2012* (LGR), if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: If a report contains distinct recommendations, the decision of the 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. 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 minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 18.2 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- 18.3 Except upon a motion to repeal or amend it, the resolution shall 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 council, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

20. Repealing or amending resolutions

- 20.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the Local Government Act 2009 or the Local Government Regulation 2012.
- 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. Such deferral shall not be longer than three (3) months.

21. Procedural motions

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

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- 21.2 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 will resume.
- 21.3 The 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 further motion may be moved to specify such a time or date, or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 21.4 Where a procedural motion, that ‘the meeting proceeds 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 Council on the giving of notice in accordance with the Standing Orders.
- 21.5 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 Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall 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 Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

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 shall be suspended pursuant to clause 10.2. The Chairperson shall 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 thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these 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.
- 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 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 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 this 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 shall specify the duration of such a 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 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 Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

22. Questions

- 22.1 A Councillor may at the local government meeting ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 22.2 A question will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.
- 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 council meeting and contravenes a behavioural standard of the [Code of Conduct for Councillors](#). When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 23.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at 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 the 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 decided 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:
- details of any order issued is recorded in the minutes of the meeting
 - if it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as a suspected conduct breach
 - Council 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 council's Chief Executive Officer (CEO) is advised to ensure details of any order made is updated in the council'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.*

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.

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.

For Council Meetings including Standing Committees

- 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.
- 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, 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.

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 council 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 Council, where disorder arises at a meeting other than by a Councillor.
- 27.2 On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

Attendance and Non-Attendance

28. Attendance of public and the media at meeting

- 28.1 An area shall be made available at the place where any meeting of Council 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.
- 28.2 When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.

29. Closed session

- 29.1 Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
- appointment, dismissal or discipline of the CEO
 - industrial matters affecting employees
 - the council's budget
 - rating concessions
 - legal advice obtained by the council, including legal proceedings that may be taken by or against the council
 - 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 council for which a public discussion could prejudice the interests of the council
 - negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
 - a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.
- 29.2 A council 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 and the council must;
- delegate the matter
 - decide by resolution to defer to a later meeting
 - decide by resolution to take no further action on 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.
- 29.6 To take a matter into a closed session the council must abide by the following:
- 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 the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
 - not make a resolution while in a closed meeting (other than a procedural resolution).

30. Teleconferencing of meetings

- 30.1 If a Councillor wishes to be absent from a council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Council may allow a Councillor to participate in a council 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 A 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.*

31. Related Documents

Document Title
Councillor Code of Conduct
Burdekin Shire Council Meeting Procedures
Investigations of Inappropriate Councillor Conduct Policy

32. Document History

Revision Number	Revision Details	Approved By (Officers Name)	Resolution Number	Date
1.0	As provided by Department of Local Government, racing and Multicultural Affairs	Ordinary Council Meeting	1499251	27/11/2018
1.1	Updated 6.1 to require requests for deputations to include details of the topic to be discussed.	Ordinary Council Meeting	1528840	14/05/2019
2.0	Updated in line with new legislation introduced 12 October 2020	Ordinary Council Meeting	N/A	10/11/2020
3.0	Amended November 2022. Adopted by Council 28 Feb 2023.	Ordinary Council Meeting	1741038	28/2/2023
4.0	Amended October 2024 in accordance with updates provided by Department in July 2024	Ordinary Council Meeting	1844270	29/10/2024