

ORDINARY MEETING

14 OCTOBER 2026

5.2

MODEL MEETING PROCEDURES AND STANDING ORDERS

EXE | 93/1/2 | #7958606

RECOMMENDATION:

That Council:

1. Adopt the new Model Meeting Procedures and Standing Orders General Policy (2026)
2. Rescind the Council Standing Orders and Model Meeting Procedures General Policy (2024)
3. Rescind the Ordinary Meeting – Terms of Reference General Policy (2023)

INTERESTED PARTIES:

Not applicable

EXECUTIVE SUMMARY:

On 1 July 2026 the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026* introduced a range of reforms aimed at strengthening local government decision-making, reducing regulatory burden, improving governance arrangements, and providing greater clarity regarding the roles and responsibilities of Councils, Mayors and Councillors.

As a result of these legislative changes, the Queensland Government also released updated Model Meeting Procedures, requiring Councils to review and update their meeting practices and Standing Orders to ensure compliance with the amended legislative framework.

Subsequently, Cairns Regional Council Model Meeting Procedures and Standing Orders General Policy has been developed to comply with this requirement. The Policy is split into two parts; Part 1: Model Meeting Procedures and Part 2: Council Standing Orders.

The Policy presented includes the Model Meeting Procedures in their entirety, without any modifications. As they are prescribed under legislation, they cannot be suspended or varied by resolution of Council.

The Council Standing Orders have been drafted in accordance with the Best Practice example standing orders for council and standing committee meetings provided by the Department of Local Government, Water and Volunteers, with additions relevant to Cairns Regional Council. These additions are:

- Recording, filming and photography in the Council Chamber, which provides provisions around photography, filming, livestreaming and the making or audio or audiovisual recording of the meeting, or any person in the Council Chamber and/or public gallery.
- Local Announcements, which makes provisions to enable Councillors to make a brief (three minute) announcement regarding a matter of local or community interest.

BACKGROUND:

On 1 July 2026 the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026* introduced a range of reforms aimed at strengthening local government decision-making, reducing regulatory burden, improving governance arrangements, and providing greater clarity regarding the roles and responsibilities of Councils, Mayors and Councillors.

As a result of these legislative changes, the Queensland Government released updated Model Meeting Procedures, requiring Councils to review and update their meeting practices and Standing Orders to ensure compliance with the amended legislative framework.

COMMENT:

Council is required to adopt new Model Meeting Procedures and Standing Orders to reflect the recent changes that came from the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

Under *Section 150G of the Local Government Act 2009*, the Chief Executive of a Local Government must make model procedures for the conduct of meetings of the local government and its committees. The policy presented includes these Model Meeting Procedures in their entirety without any modifications, as they are prescribed under legislation, they cannot be suspended or varied by resolution of Council.

The Council Standing Orders have been drafted in accordance with the Best Practice example standing orders for council and standing committee meetings provided by the Department of Local Government, Water and Volunteers, with additions relevant to Cairns Regional Council. These two additions include

- Recording, filming and photography in the Council Chamber, which provides provisions around photography, filming, livestreaming and the making or audio or audiovisual recording of the meeting, or any person in the Council Chamber and/or public gallery.
- Local Announcements, which makes provisions to enable Councillors to make a brief (three minute) announcement regarding a matter of local or community interest.

The review of Council's Policy supports Council's commitment to good governance by ensuring meeting practices remain contemporary, legally compliant and reflective of community expectations regarding transparency, accountability and effective local government decision-making.

The new policy replaces the current Council Standing Orders and Model Meeting Procedures General Policy (Attachment 2), which is recommended to be rescinded.

The policy review undertaken has further identified duplication of the new Policy and the existing Ordinary Meeting Terms of Reference General Policy (Attachment 3), it is therefore recommended that the existing Ordinary Meeting Terms of Reference General Policy be rescinded.

OPTIONS:

Option 1: (Recommended)

That Council:

1. Adopt the new Model Meeting Procedures and Standing Orders General Policy (2026)
2. Rescind the Council Standing Orders and Model Meeting Procedures General Policy (2024)
3. Rescind the Ordinary Meeting – Terms of Reference General Policy (2023)

Option 2:

That Council:

1. Does not adopt the new Model Meeting Procedures and Standing Orders General Policy (2026) and requests further information.

CONSIDERATIONS:

Risk Management:

The adoption of the revised Model Meeting Procedures and Standing Orders will ensure Council remains compliant with current legislative requirements and governance standards.

Corporate and Operational Plans:

Corporate Plan 2025 – 2030, Focus 5: Focused Council Delivering for community through strong governance and informed decision making. With the key strategies addressed of

- Implement and continually improve contemporary governance framework.
- Informed decision making that is collaborative, transparent and accountable.

Statutory:

Under the *Local Government Act 2009* and *Local Government Regulation 2012*, councils are required to adopt meeting procedures that are consistent with the Queensland Government's prescribed Mode Meeting Procedures.

The updated Mode Meeting Procedures tabled were introduced following the *Local Government (Empowering Councils) and Other Legislation Amendments Act 2026*, which established the minimum procedural requirements for the conduct of council and committee meetings.

The proposed Standing Orders have been developed to ensure Council's meeting practices comply with these legislative requirements.

Policy:

The adoption of the revised Model Meeting Procedures and Standing Orders (2026) will update Council's governance framework to align with current legislative requirements and contemporary best practice meeting procedures.

CONSULTATION:

Consultation has been undertaken with the Mayor and Councillors at a workshop held on 30 September 2026.

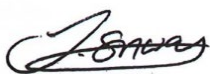
The new Policy has been drafted using guidance from and in consultation with the Department of Local Government, Water and Volunteers, and legal review from King and Company Solicitors.

ATTACHMENTS:

Attachment 1 – Model Meeting Procedures and Standing Orders (New)
DM#7960404

Attachment 2 – Council Standing Orders and Model Meeting Procedures (Rescind)
DM#7211120(v2)

Attachment 3 – Ordinary Meeting – Terms of Reference (Rescind)
DM#7186536



Jessica Conway
Executive Officer

A handwritten signature in cursive script, appearing to read 'L Whitton'.

Lisa Whitton
Acting Chief Executive Officer



General Policy

MODEL MEETING PROCEDURES AND COUNCIL STANDING ORDERS

- Intent** The intent of this Policy is to provide documented procedures to ensure all the local government principles are reflected in the conduct of Council and Committee meetings. This policy is split into two parts:
- Part 1: Model Meeting Procedures; and
 - Part 2: Council Standing Orders
- Scope** This Policy applies to the Mayor, Councillors, employees of Cairns Regional Council and those in attendance at Council and Committee meetings.

PROVISIONS

Under section 150G of the *Local Government Act 2009*, the Chief Executive of the Department of Local Government must make model procedures for the conduct of meetings of a local government and its committees.

Council may, by resolution, suspend the operation of one or more provisions of Council’s Standing Orders for the purpose of facilitating the orderly and efficient conduct of a particular meeting, provided the suspension does not conflict with any legislative requirement. The provisions of the Model Meeting Procedures are prescribed under legislation and cannot be suspended or varied by resolution of Council.

Model Meeting Procedures and Council Standing Orders do not apply to meetings of a local government’s audit committee.

Part 1: Model Meeting Procedures **Page 1**
The Model Meeting Procedures are developed and updated by the Department of Local Government Water and Volunteers. It is not intended that the model meeting procedures deal with all aspects of meeting conduct.

Part 2: Council Standing Orders **Page 12**
Standing Orders are Council’s documented rules governing the conduct of Council and Committee meetings.

♦♦♦♦♦

This policy is to remain in force until otherwise determined by Council.

Director responsible for Review: People & Organisational Performance

ORIGINALLY ADOPTED: {Enter Date}
CURRENT ADOPTION: {Enter Date}
DUE FOR REVISION: {Enter Date}
REVOKED/SUPERSEDED: {Enter Date}

.....
Ken Gouldthorp
CHIEF EXECUTIVE OFFICER

Part 1

Model Meeting Procedures

Conduct of local government and committee meetings

July 2026

Date	Version Number	Name	Approved
13 March 2024	005	P Cameron	M Cridland (DG)
23 August 2024	006	P Cameron	M Cridland (DG)
10 December 2024	007	P Cameron	M Nye (A/DG)
March 2026	008	P Cameron	B Blagoev (DG)
July 2026	009	P Cameron	B Blagoev (DG)

Acknowledgement of Country

The Department of Local Government, Water and Volunteers respectfully acknowledges the Traditional Custodians of Country. We recognise the ongoing spiritual and cultural connection Aboriginal Peoples and Torres Strait Islander Peoples have with land, water, sea and sky. We pay our deep respects to their Elders past and present, support future leaders and acknowledge First Nations People's right to self-determination.

This publication has been compiled by the Department of Local Government, Water and Volunteers.

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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA), *Local Government Regulation 2012* (LGR), *City of Brisbane Act 2010* (COBA) and *City of Brisbane Regulation 2012* (COBR). However, model meeting procedures do not apply to meetings of a local government's audit committee.

It is not intended that the model meeting procedures deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government.

Principles Applied to Meetings

Local government meetings must adhere to the following local government principles:

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

Background

Under section 150F of the LGA, the chief executive of the department of local government (the Department) must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must be consistent with the model meeting procedures.

The model meeting procedures include the following:

- the procedure for the mayor as chairperson, to lead and manage local government meetings including any committee meetings for which the mayor is appointed as chairperson, except Brisbane City Council who have an elected chair of council who presides over their meetings.
- the procedure for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor, including contravening an order to leave the meeting.
- the procedure for how the councillors at a local government meeting may deal with unsuitable meeting conduct by the chairperson
- the procedure for managing a material personal interest during a local government meeting and recording the details of the material personal interest, as provided by the councillor, in the meeting minutes.
- the procedure for managing a conflict of interest (real or perceived) arising during a local government meeting and recording details of the conflict of interest as provided by the councillor in the meeting minutes.
- the procedure for dealing with a loss of quorum.
- procedures for closing local government meetings to the public.

Application

A local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its local government meetings, standing and advisory committee meetings.

A local government's meeting procedures and standing orders must be consistent with the model meeting procedures. If there is any inconsistency with the documents, then the local government is taken to have adopted the model meeting procedures to the extent of the inconsistency.

To assist local governments the Department has published best practice example **standing orders** that incorporate the model meeting procedures which local governments can choose to adopt. These are published on the Department's website.

A local government must conduct its meetings in a manner that is consistent with either the model meeting procedures, or its own standing orders provided they are consistent with these model meeting procedures.

Procedures

1. Procedures for the Chairperson

This clause applies to ordinary and special local government meetings, and local government committee meetings under the LGA. This section does not apply to Brisbane City Council where the Chair of Council, elected by councillors, presides over each Brisbane City Council meeting.

Under section 12(4) of the LGA the mayor has extra responsibilities in addition to those which all councillors have, this includes being the chairperson of council meetings, and any committee meetings for which the mayor is appointed as chairperson. This involves leading and managing local government meetings, including managing the conduct of participants at the meeting. The mayor may delegate another councillor to perform the mayor's extra responsibilities including acting as chairperson.

- 1.1. The mayor is the chairperson at all local government meeting and any committee meeting for which the mayor is appointed as the chairperson, including managing the conduct of the meeting participants, provided the mayor is present at the meeting.
- 1.2. If the mayor is absent or unavailable to chair a meeting, the meeting will be chaired by the councillor to whom the mayor has delegated their responsibility.
- 1.3. If the mayor is absent or unavailable to chair a meeting, and has not delegated another councillor to do so, the deputy mayor will be the chairperson.
- 1.4. If the office of mayor becomes vacant the deputy mayor acts as mayor and chairperson of the local government meetings
- 1.5. If the mayor and the deputy mayor are both absent or unavailable to chair a meeting, and no other councillor has been delegated the responsibility to act as chairperson, 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.
- 1.6. If the chairperson of a committee is absent or unavailable to chair a meeting, another councillor who is chosen by the councillors present, will be chairperson of the committee meeting for the duration of the meeting.

***Note:** Section 12 of the LGA prescribes that other councillors cannot assume the chairperson role. 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 some or all of a particular local government meeting because the mayor has, for example, a conflict of interest or a material personal interest in a matter requiring them to leave the meeting, or will be absent or unavailable for that meeting.*

2. Procedure for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

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** in Queensland. When dealing with an instance of unsuitable meeting conduct by a councillor, the following procedures must be followed:

- 2.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.
- 2.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the seriousness of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued.
- 2.3. 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 2.8 below.
- 2.4. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
 - 2.4.1. Ceasing and refraining from exhibiting unsuitable meeting conduct
 - 2.4.2. Apologising for their conduct
 - 2.4.3. Withdrawing their comments.
- 2.5. If the councillor complies with the chairperson's request for remedial action, the Chairperson may take no further action.
- 2.6. 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 being issued.
- 2.7. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 2.8. If the councillor fails to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 2.6, the chairperson may make one or more of the orders below:
 - 2.8.1. An order reprimanding the councillor for the conduct
 - 2.8.2. 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.
- 2.9. 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

2.10. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent.

Note: Contravention of an order to leave the meeting is misconduct and a notice must be given to the Independent Assessor (the Assessor) by a local government official (councillor/mayor or chief executive officer) providing all the information about the matter for a preliminary assessment to be undertaken. This may attract disciplinary action under 150L(1)(c)(v) of the LGA. Following the completion of the meeting the chairperson must ensure the minutes of the meeting record the information about the unsuitable meeting conduct and be recorded in the councillor conduct register with any order made against the councillor including the name of the councillor.

3. Procedure for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

The conduct of the chairperson 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 in Queensland.

When dealing with an instance of unsuitable meeting conduct by the chairperson, the following procedures must be followed:

- 3.1. 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.
- 3.2. The chairperson may take remedial action such as:
 - 3.2.1. ceasing and refraining from exhibiting unsuitable meeting conduct, or
 - 3.2.2. apologising for their conduct, or
 - 3.2.3. withdrawing their comments.
- 3.3. If the chairperson does not take remedial action, the councillor may move a procedural motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is not required).
- 3.4. The councillors present at the meeting, excluding the chairperson, must decide by voting on the resolution if the conduct is unsuitable meeting conduct.
- 3.5. The chairperson may remain at the meeting as chairperson but must not vote on the motion as prescribed in section 150IA the LGA. If the votes are equal, the motion is resolved in the negative.
- 3.6. If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors will make an order reprimanding the chairperson for the unsuitable meeting conduct.
- 3.7. Following an order being made the chairperson returns to the business in the agenda and the meeting continues.

Note: Details of any reprimand order is recorded in the minutes of the meeting. The local government's chief executive officer is responsible to ensure details of any order made is updated in the local government's councillor conduct register including the name of the chairperson engaging in unsuitable meeting conduct.

4. Procedure for Managing Material Personal Interest

Councillors are ultimately responsible for managing and declaring any material personal interest in matters to be discussed at a local government meeting, standing or advisory committee meeting.

A councillor or their associate has a material personal interest if they stand to gain a benefit or suffer a loss, either directly or indirectly depending on the outcome of a consideration of a matter at a meeting, Section 150ED of the LGA and 177A of the COBA outline several exceptions in relation to which personal interests of councillors do not apply.

- 4.1. If a councillor has a material personal interest in a matter to be discussed at a meeting the councillor must:
 - 4.1.1. inform the meeting of the details of the material personal interest.
 - 4.1.2. leave the place where the meeting is being held, including any area set aside for the public to view the meeting, and stay away from the place while the matter is discussed and voted on
- 4.2. A councillor who has a material personal interest in a matter may ask the chairperson to defer the matter to allow the councillor the opportunity to apply for ministerial approval to participate in deciding the matter.
- 4.3. In these circumstances, the matter may be deferred by resolution to a later meeting date.
- 4.4. The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by Regulation:
 - 4.4.1. the name of the councillor who has the material personal interest in a matter
 - 4.4.2. the nature of the material personal interest, as described by the councillor
 - 4.4.3. whether the councillor took part in the meeting, or was at the place during the meeting, under ministerial approval.

Note: *Contravention of the requirements at 4.1 is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iii) LGA. In addition, contravention of these requirements, including voting on a matter, with an intention to gain a benefit or avoid a loss for the councillor or someone else is an offence attracting a maximum penalty of 200 penalty units or 2 years imprisonment.*

If a councillor becomes aware that another councillor is engaging in possible misconduct e.g. has a material personal interest in a matter and is participating in a decision at a meeting about that matter, the councillor or chief executive officer, must notify the Assessor of the information about the councillor's conduct. —see section 150R LGA.

5. Procedure for Managing Conflict of Interest

Councillors are ultimately responsible for informing of any conflict of interest (real or perceived), on matters to be discussed at local government meetings and standing or advisory committee meetings.

A councillor has a conflict of interest (real or perceived) where a councillor or their related party's interests might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150ED and section 150EF(2) of the LGA and section 177A and 177C(2) of the COBA).

- 5.1 If a councillor has a conflict of interest (real or perceived) in a matter to be discussed at a meeting, the councillor must deal with the conflict of interest in a transparent and accountable way. The councillor must:
 - 5.1.1 inform the meeting of the councillor's personal interests in the matter, and
 - 5.1.2 if the councillor participates in the meeting in relation to the matter, advise how the councillor intends to deal with the real or perceived conflict.
- 5.2 If a quorum at the meeting cannot be formed because the councillor proposes to exclude themselves from the meeting to manage their conflict of interest, the councillor does not contravene these provisions merely by participating and voting in the meeting in relation to the matter.
- 5.3 If a councillor has a conflict of interest in a matter, and proposes to exclude themselves from the meeting, the chairperson may ask the councillor if the councillor has considered another way to manage their conflict of interest.
- 5.4 If the councillor who was proposing to be excluded from the meeting is reconsidering their decision on whether to remain in the meeting, the councillor may consider the following in determining how they will manage the conflict of interest:
 - 5.4.1 how their participation in the meeting may affect the public trust?
 - 5.4.2 how close is their relationship to the related party if the conflict arises because of a related party?
 - 5.4.3 how will the benefit or loss, the councillor or the related party stand to receive from the decision compare to that of others in the community?
 - 5.4.4 does the councillor have skills, knowledge or expertise that might help make the best decision in the public interest?
- 5.5 If the councillor decides to participate in the discussion, the councillor must comply with 5.1 by informing the meeting of their personal interests and the steps they will take in managing the conflict of interest in the public interest.
- 5.6 The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by Regulation:
 - 5.6.1 the name of the councillor who has the real or perceived conflict of interest in a matter
 - 5.6.2 the nature of personal interests as described by the councillor
 - 5.6.3 how the councillor dealt with the real or perceived conflict of interest
 - 5.6.4 if the councillor voted on the matter, how the councillor voted
 - 5.6.5 how the majority of councillors at the meeting voted on the matter.

Note: *Non-participation in a meeting is not the only way to appropriately deal with a real or perceived conflict of interest in a transparent and accountable way.*

Contravention of this section is misconduct that could result in disciplinary action being taken against a councillor, see section 150L(1)(c)(iii) of the LGA and section 150L(1)(c)(iv) of the COBA.

If a councillor becomes aware of information that another councillor has a conflict of interest in a matter and that councillor is participating in a decision at a meeting on the matter, the councillor or the chief executive officer must notify the Assessor of the information about the councillor's conduct—see section 150R LGA.

6. Procedure for loss of Quorum

- 6.1. In the event where one or more councillors leave a meeting that results in a loss of a quorum for deciding the matter, councillors may resolve to deal with the matter in the following ways:
 - 6.1.1. delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated
 - 6.1.2. defer the matter to a later meeting when a quorum can be formed
 - 6.1.3. 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.
- 6.2. The local government may by resolution delegate a power to:
 - 6.2.1. the mayor or chief executive officer, or
 - 6.2.2. a standing committee, or joint committee of the local government, or
 - 6.2.3. the chairperson of a standing committee or joint standing committee of the local government or the Establishment and Coordination Committee of the Brisbane City Council
 - 6.2.4. another local government for a joint government activity.

7. Procedures for Closed Meetings

- 7.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that all, or part, of a meeting be closed to the public if it considers it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section s242J(3) of the COBR:
 - 7.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees and the appointment of a senior contract employee
 - 7.1.2. Industrial matters affecting employees
 - 7.1.3. The local government's budget, which does not include the monthly financial statements
 - 7.1.4. Rating concessions
 - 7.1.5. 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

- 7.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals
- 7.1.7. 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
- 7.1.8. Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*
- 7.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 7.2. A resolution to close the meeting to the public cannot be made if a quorum is lost.
- 7.3. If a closed session includes attendance by audio or audio visual link, the councillor/s attending 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).
- 7.4. To take a matter into a closed session the local government must abide by the following:
 - 7.4.1. Pass a resolution to close all or part of the meeting
 - 7.4.2. 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
 - 7.4.3. Not make a resolution while in a closed meeting (other than a procedural resolution).
 - 7.4.4. Provide Brisbane City Council's Establishment and Coordination Committee (Civic Cabinet) with confidentiality provisions to promote sound deliberative and decision-making processes.

Part 2

General Policy

COUNCIL STANDING ORDERS

Intent Council Standing Orders are the documented rules governing the conduct of council and committee meetings. Standing orders are a recognised best-practice framework that incorporates legislative meeting requirements and supports the orderly, transparent and efficient conduct of council business.

Scope This policy applies to the Mayor and Councillors of Cairns Regional Council.

PROVISIONS

These Standing Orders are to be read in conjunction with the *Local Government Act 2009*, *Local Government Regulation 2021*, and the Model Meeting Procedures prescribed for local governments in Queensland.

The Chief Executive Officer is responsible for the administration of this policy. The Mayor and Councillors are responsible for ensuring that processes and behaviour are undertaken in accordance with this policy.

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Conduct of local government meetings and its committee meeting
Revised October 2026

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Principles Applied to Meetings

Local government meetings must adhere to the following principles:

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

Standing orders

- These standing orders apply to local government meetings including standing committee meetings.
- These standing orders do not apply to meetings of the audit committee.
- A section of these standing orders may be suspended by a vote at any meeting of the local government. A separate vote is required for any suspension and must specify the application and duration of each suspension.
- Where a matter arises at the local government meeting that is not provided for in these standing orders, the matter will be determined by vote of the local government upon a motion which may be put to the meeting without notice but otherwise conforming with these standing orders.

Procedures for meetings of local government

10. Order of business

- 10.1. 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.
- 10.2. Unless otherwise altered, the order of business will be as follows:
- a) attendance
 - b) apologies and granting of leaves of absence
 - c) confirmation of previous minutes
 - d) business arising out of previous meeting reports, conduct breach investigation reports, financial statements report
 - e) officers' reports.

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.

***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, so 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 Councillor's 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.*

11. Agendas

- 11.1. The agenda may contain:
- a) notice of meeting
 - b) amendments correcting the minutes of the previous meeting
 - c) adoption of the minutes of the previous meeting
 - d) matters of which notice has been given
 - e) committees' reports referred to the meeting by the CEO (CEO)
 - f) officers' reports referred to the meeting by the CEO
 - g) Councillors conduct breach investigation reports provided by the investigator
 - h) deputations and delegations from the community that are approved to attend
 - i) any other urgent business or local announcements the local government determines to be included in the agenda.
- 11.2. Business not on the agenda, or not arising from the agenda, will not be considered at any local government meeting unless permission for that purpose is given by the Councillors at the meeting. Business must follow the adopted terms of reference for each committee.
- 11.3. The notice of the meeting and the agenda must be given to each Councillor at least two days before the meeting.
- 11.4. 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
- 11.5. If a related report is provided to Councillors or committee members at any time after the meeting notice is issued and before the meeting begins, it must be made available to the public as soon as practicable after it is given to those Councillors or committee members.

12. Quorum

- 12.1. A quorum of a local government is a majority of its councillors. However, if the number of councillors is an even number one half the number of is a quorum.
- 12.2. 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 later day withing 14 days after 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.

13. Petitions

- 13.1. Any petition presented to a meeting of the local government will:
 - a) be in legible writing or typewritten and contain a minimum of 10 signatures
 - b) include the name and contact details of the principal petitioner (i.e., the key contact)
 - c) include the postcode of all petitioners, and
 - d) have the details of the specific request/matter appear on each page of the petition.
- 13.2. 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:
 - a) that the petition be received; and
 - b) be referred to a committee or officer for consideration and a report to the local government; or
 - c) not be received because it is deemed invalid.
- 13.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

14. Deputations

- 14.1. A deputation wishing to attend and address a meeting of the local government will apply in writing to the CEO not less than seven business days before the meeting.
- 14.2. The CEO, on receiving an application for a deputation, will 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).
- 14.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by a vote. A deputation will be given adequate opportunity to explain the purpose of the deputation.
- 14.4. If a member of the deputation other than the appointed speakers attempts to address the council meeting, the chairperson may end the deputation.
- 14.5. The chairperson may end an address by a person in a deputation at any time where:
 - a) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
 - b) the time period allowed for a deputation has expired, or
 - c) the person uses insulting or offensive language or is derogatory towards councillors or others.
- 14.6. Any person who is considered by the council 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.
- 14.7. The CEO is responsible for the deputation, including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

15. Public participation at meetings

- 15.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 15.2. In each council meeting, time may be required to permit members of the public to address the council 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 council during this period will be at the absolute discretion of the council meeting chairperson.
- 15.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to stop making the submission or comment.
- 15.4. For any matter arising from such an address, the council may take the following actions:

- a) refer the matter to a committee;
 - b) deal with the matter immediately;
 - c) place the matter on notice for discussion at a future meeting; and
 - d) note the matter and take no further action.
- 15.5. Any person addressing the local government will stand, act, speak and frame any remarks in respectful and courteous language.
- 15.6. 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.

Motions

16. Motion to be moved

- 16.1. A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.
- 16.2. When a motion has been moved and seconded it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.
- 16.3. Other Councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
 - a) a motion brought before a meeting of the council in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
 - b) 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.
 - c) 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.
- 16.4. The chairperson may call the motions 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.
- 16.5. 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.

17. Absence of mover of motion

- 17.1. 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:
 - a) Moved by another Councillor at the meeting; or
 - b) deferred to the next meeting.

18. Motion to be seconded

- 18.1. A motion or an amendment to a motion will not be debated at a meeting of the local government until the motion or the amendment is seconded.
- 18.2. If the motion does not receive a seconder, it becomes a failed motion and cannot be debated or voted on.
- 18.3. Procedural motions are an exception to this rule and do not need to be seconded

19. Amendment of motion

- 19.1. An amendment to a motion should maintain or further clarify the intent of the original motion and not contradict the motion.
- 19.2. 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. If a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

20. Speaking to motions and amendments

- 20.1. 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.
- 20.2. 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.
- 20.3. A Councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.
- 20.4. 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.
- 20.5. Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.
- 20.6. Where two or more Councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 20.7. In accordance with section 254H of the LGR 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.*

21. Method of taking vote

- 21.1. 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) A councillor abstaining from the vote, will be recorded as voting against the motion.
 - b) The chairperson will declare the result of the vote.
- 21.2. 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.
- 21.3. 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.
- 21.4. Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

22. Withdrawing a motion

- 22.1. 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.

23. Repealing or amending previous resolutions

- 23.1. 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).
- 23.2. 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.

24. Procedural motions

- 24.1. A councillor at a meeting of the local government may during the debate on a matter at the meeting may move the following motions, as a procedural motion without the need for a seconder:
 - a) That the motion now before the meeting be put; or
 - b) that the motion or amendment now before the meeting be adjourned
 - c) that the meeting proceeds to the next item of business
 - d) that the question lies on the table
 - e) a point of order
 - f) a motion of dissent against the chairperson's decision

- g) that this report/document be tabled
 - h) to suspend the rule requiring that [insert requirement]
 - i) that the meeting stands adjourned.
- 24.2. 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.
- 24.3. 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) a further motion may be moved to specify a time or date; or
 - b) the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- 24.4. 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 council on the giving of notice in accordance with the standing orders.
- 24.5. 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 council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the agenda.
- 24.6. 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.
- 24.7. Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- a) has failed to comply with proper procedures.
 - b) is in contravention of the legislation; or
 - c) is beyond the jurisdiction of the council meeting.

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

- 24.8. 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.
- 24.9. 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; or 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.
- 24.10. 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.
- 24.11. 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.
- 24.12. 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.

25. Questions

- 25.1. At a council meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting. The question is asked 'with permission of the chairperson' or 'a question put through the chair to'. The chair may or may not allow the question.
- 25.2. Questions directed to a Council Officer are deemed to be through the CEO who may elect to respond to the question in full or in part.
- 25.3. Questions will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.
- 25.4. 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.
- 25.5. A councillor who asks a question at a meeting, whether upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

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 council meeting by their respective titles ('Mayor' or Councillor'), and when speaking of or addressing officers, will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 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 council, where disorder arises at a meeting other than by a councillor. For example, as a result of behaviour as described in 7.5 or 8.6. 25.2
- 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.

28. Attendance of public and the media at a council 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 council is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

29. Recording, filming and photography in the Council Chamber

- 29.1. A person attending a Council or Committee must not photograph, film, livestream, or make an audio or audiovisual recording of the meeting, or of any person within the Council Chamber or public gallery during the meeting, unless authorised by the CEO. This restriction does not apply to:
 - Any official recording, livestream or broadcast authorised by Council; or
 - Accredited or recognised media representatives undertaking legitimate media activities from an area designated for media, subject to any reasonable direction of the CEO.
- 29.2. The CEO may impose conditions on any filming, photography or recording permitted under this clause where reasonably necessary to maintain the orderly conduct of the meeting, protect the safety or privacy of persons attending the meeting, or otherwise facilitate the proper conduct of Council business.
- 29.3. A person who fails to comply with this clause, conditions imposed by the CEO in accordance with clause 30.1 and/or 30.2, or with a direction of the Chairperson during the meeting, concerning filming, photography or recording may be directed to cease the activity and, where appropriate, to leave the Council Chamber.

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 council 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 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 council to allow a councillor to participate by audio link or audio-visual link. This means the council may delegate the matter. For example, the council may delegate to the chairperson of the council 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.*

31. Local Announcements

- 31.1. Council may suspend standing orders to enable a Councillor to make a brief announcement regarding a matter of local or community interest, provided the announcement does not require a decision of Council, relate to confidential or personal matters, or otherwise breach Council policy or legislation. Local announcements are to be relevant to the local government area and made in a manner consistent with orderly conduct of the meeting.
- 31.2. Councillors seeking to make a Local announcement must provide notice to the Chairperson, Councillors and CEO at least one clear business day in advance of the meeting.
- 31.3. Local announcements must be of a significant nature to be raised in a Council meeting.
- 31.4. Councillors must not speak to a local announcement until Council has resolved to suspend standing orders to enable them to do so.
- 31.5. The Councillor making the local announcement may speak for the no more than (3) three minutes or to such other time and limitations contained within the resolution enabling them to make the announcement.

32. Relevant Legislation

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

33. Relevant Documents

Queensland Government Model Meeting Procedures

Code of Conduct for Councillors

◆◆◆◆◆

This policy is to remain in force until otherwise determined by Council.

Director responsible for Review:

Director People & Organisational Performance

ORIGINALLY ADOPTED: 24/01/2024

CURRENT ADOPTION: xx/xx/2026

DUE FOR REVISION: xx/xx/20xx

REVOKED/SUPERSEDED:

.....
Ken Gouldthorp
CHIEF EXECUTIVE OFFICER

CAIRNS REGIONAL COUNCIL



General Policy

COUNCIL STANDING ORDERS AND MODEL MEETING PROCEDURES

Intent Provides written rules for the orderly conduct of local government meetings. These standing orders incorporate the model meeting procedures that deal with matters during council meetings that must be adhered to under the *Local Government Act 2009* (LGA) and the *Local Government Regulation 2012* (LGA).

Scope This policy applies to the Mayor and all Councillors of Cairns Regional Council.

PROVISIONS

Under section 150F of the LGA, the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning must make model procedures for local government and committee meetings. Cairns Regional Council has adopted the Departments Model Meeting procedures as they are published with no alterations. Council must conduct its meetings in a manner that is consistent with these model meeting procedures.

♦♦♦♦♦

This policy is to remain in force until otherwise determined by Council.

General Manager responsible for Review: Director People & Organisational Performance

ORIGINALLY ADOPTED: 24/04/2008

CURRENT ADOPTION: 24/01/2024

DUE FOR REVISION: 24/01/2028

REVOKED/SUPERSEDED:

A handwritten signature in black ink, appearing to read "Mica Martin", written over a horizontal line.

.....
Mica Martin
CHIEF EXECUTIVE OFFICER

Standing Orders and Model Meeting Procedures

Conduct of local government meetings and its committee meeting

Revised January 2024

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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA) and the Local Government Regulation 2012 (LGR). However, model meeting procedures do not apply to meetings of the local government's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

Meeting Principles

Local government meetings must adhere to the following principles:

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

Intent

To assist local governments, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) 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 DSDILGP model meeting procedures that deal with matters during council meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the model meeting procedures and the Local Government Regulation 2012 (LGA). 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 matters shall 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 Presiding officer

- 2.1 The mayor will preside at a meeting of local government.
- 2.2 If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3 If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside a councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4 The local government will choose the chairperson for a committee meeting. This chairperson will normally preside over meetings of the committee.
- 2.5 If the chairperson of a committee is absent or unavailable to preside, a councillor chosen by the councillors present will preside over the committee meeting.
- 2.6 Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3 Order of business

- 3.1 The order of business will be determined by resolution of the 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:
 - attendances
 - apologies and granting of leaves of absence
 - confirmation of minutes
 - business arising out of previous meetings
 - officers' reports.

Note: *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the 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 referred to the meeting by the chief executive officer (CEO)
- officers' reports referred to the meeting by the CEO
- deputations and delegations from the community that are approved to attend
- any other business the council determines by resolution be included in the agenda.

4.2 Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given 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 2 days before the meeting and in the case of councillors at Indigenous regional councils, at least four days prior to the meeting unless it is impracticable to give the notice before that time. 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 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.

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

5 Quorum

5.1 A quorum at 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 chief executive officer.

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 ten (10) signatures
 - include the name and contact details of the principal petitioner (i.e., the key contact)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 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 council, 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 council shall apply in writing to the CEO not less than seven (7) 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 council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 7.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.
- 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

- 8.2 A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 8.3 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 shall be allowed (e.g.15minutes) 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 local government chairperson.
- 8.4 If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 8.5 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.
- 3.2 Any person addressing the local government shall stand, and act and speak with decorum and frame any remarks in respectful and courteous language.
- 3.3 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.

4 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 meeting (other than ordinary business matters as prescribed under 150EF of the LGA). 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 local government meeting must also give notice during the meeting.
- 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 matter or 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 to the other 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 to participate in the matter.
- 9.5 Once the councillor has left the area where the meeting is being conducted, the local government can continue discussing and deciding on the matter at hand.

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 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 and ordinary business matters prescribed under 150EF of the LGA).

- 10.1 A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their suspicion and the processes under section 150EW of the LGA, applies.
- 10.2 When dealing with a declarable conflict of interest, councillors must abide by the following procedures:
- 10.2.1 A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 10.2.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must inform the meeting of the conflict of interest.
- 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:
- 10.3.1 the nature of the declarable conflict of interest;
- 10.3.2 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;
- 10.3.3 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.
- 10.4.1 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.
- 10.4.2 The other eligible councillors or councillor 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 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 eligible councillors.
- 10.4.3 The councillor must comply with any decision or condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.
- 10.4.4 In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.
- 10.5 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote 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.

- 10.6 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;
 - 10.6.1 how does the inclusion of the councillor in the deliberation affect public trust,
 - 10.6.2 how close or remote is the councillor's relationship to the related party,
 - 10.6.3 if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received,
 - 10.6.4 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,
 - 10.6.5 how the benefit or detriment the subject councillor stands to receive compares to others in the community,
 - 10.6.6 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,
 - 10.6.7 whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 10.7 If the eligible councillors cannot decide about the declarable conflict of interest of a councillor, 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..
- 10.8 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 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 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. briefing sessions or workshops.
- 10.9 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).
- 10.10 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in 150EV of the LGA.

11 Reporting a suspected conflict of interest

- 11.1 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.

- 11.2 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 relevant councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.
- 11.3 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.
- 11.4 The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillors participation.
- 11.5 If the councillors cannot make a decision about, whether the conflict of interest, or whether the councillor participation in the matter despite the declarable conflict of interest, then they are taken to have determined that the councillor must leave the meeting and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where a conflict of interest remains unchanged.
- 11.6 If the belief or suspicion of a COI relates to more than one councillor. The parts 11.1 to 11.5 of these procedures must be complied with in relation to each councillor separately.

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, all the Councillors including the conflicted councillors must resolve to:
 - 12.1.1 delegate the consideration and decision on the matter, as described in 257 of the LGA unless the matter cannot be delegated under this section
 - 12.1.2 defer the matter to a later meeting
 - 12.1.3 not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides the local government must decide the matter.
- 12.2 The local government must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 12.3 The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA.

- 12.4 The local government may by resolution delegate a power under section 257 of the LGA to:
- 12.4.1 the mayor or chief executive officer, or
 - 12.4.2 A standing committee, or joint committee of the local government, or
 - 12.4.3 The chairperson of a standing committee or joint standing committee of the local government, or
 - 12.4.4 Another local government for a joint government activity.
- 12.5 The local government may only delegate a power to make a decision about a councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- 12.5.1 The Mayor or
 - 12.5.2 A standing committee
- 12.5 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.

13 Recording Prescribed and Declarable Conflicts of Interest

- 11.7 When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see section 150FA of the LGA):
- 11.7.1 The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
 - 11.7.2 The particulars of the prescribed or declarable conflict of interest provided by the councillor
 - 11.7.3 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
 - 11.7.4 Any decision then made by the eligible councillors
 - 11.7.5 Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
 - 11.7.6 The local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision
 - 11.7.7 The name of each eligible councillor who voted on the matter and how each voted.

11.8 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:

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

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

11.9.1 The decision and reasons for the decision, and

11.9.2 The name of each eligible councillor who voted, and how each eligible councillor voted.

Motions

12 Motion to be moved

14.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.

14.2 When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.

14.3 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.

14.4 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.

14.5 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.

15 Absence of mover of motion

15.1 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, or
- deferred to the next meeting.

16 Motion to be seconded

- 16.1 A motion or an amendment to a motion shall not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 16.2 Procedural motions are an exception to this rule and do not need to be seconded.

17 Amendment of motion

- 17.1 An amendment to a motion should maintain or further clarify the intent of the original motion and does not contradict the motion.
- 17.2 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.
- 17.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

18 Speaking to motions and amendments

- 18.1 The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.
- 18.2 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.
- 18.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.
- 18.4 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.
- 18.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.
- 18.6 Where two or more councillors indicate they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 18.7 In accordance with section 254H of the LGR, if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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

19 Method of taking vote

- 19.1 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.
- 19.2 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.
- 19.3 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.
- 19.4 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

20 Withdrawing a motion

- 20.1 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.

21 Repealing or amending resolutions

- 21.1 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.
- 21.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three (3) months.

22 Procedural motions

- 22.1 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:
 - I. that the question/motion be now put before the meeting;
 - II. that the motion or amendment now before the meeting be adjourned;
 - III. that the meeting proceeds to the next item of business,
 - IV. that the question lie on the table;

- V. a point of order;
 - VI. a motion of dissent against the chairperson's decision;
 - VII. that this report/document be tabled;
 - VIII. to suspend the rule requiring that (insert requirement);
 - IX. that the meeting stands adjourned.
- 22.2 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.
- 22.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
- a further motion may be moved to specify a time or date; or
 - the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.
- 22.4 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.
- 22.5 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 council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 22.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- has failed to comply with proper procedures;
 - is in contravention of the legislation; or
 - is beyond the jurisdiction power of the council meeting.

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

- 22.7 Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to

the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

- 22.8 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example:
- 22.9 Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.
- 22.10 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.
- 22.11 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.
- 22.12 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 will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

23 Questions

- 23.1 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.
- 23.2 Questions will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.
- 23.3 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.
- 23.4 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.
- 23.5 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

24 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 process must be followed:

- 24.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 24.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 23.7.
- 24.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:
 - ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - apologising for their conduct; and/or
 - withdrawing their comments.
- 24.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 24.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.
- 24.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 24.7 If the councillor still 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; and/or.
 - 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.
- 24.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 24.9 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 inappropriate conduct

- 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.

24.10 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.

Note: *Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.*

25 General conduct during meetings

- 25.1 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.
- 25.2 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.
- 25.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
- 25.4 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.

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

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the Independent Assessor (IA) of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 23.9 dot point two of this document.

- 26.1 When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:
- 26.1.1 Consistent with the local government principle of transparent and accountable decision making in the public interest, a local government must deal with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due

to the nature of the complaint, the council may resolve to go into closed session under section 254J(f) of the LGR to discuss the allegation.

- 26.1.2 The subject councillor has a declarable conflict of interest in the matter but is permitted to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions from the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for the debate is conditional on the subject councillor leaving the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.
 - 26.1.3 If the complainant is a councillor, that councillor also has a declarable conflict of interest in the matter and must follow the declarable conflict of interest meeting procedures in section 10. If the complainant councillor wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 10. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
 - 26.1.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
 - 26.1.5 If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed below, if any, to impose on the councillor. In deciding what penalty to impose, the council 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 council is reasonably satisfied is true.
- 26.2 The council may order that no action be taken against the councillor or make one or more of the following:
- 26.2.1 an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - 26.2.2 an order reprimanding the councillor for the conduct;
 - 26.2.3 an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - 26.2.4 an order that the councillor be excluded from a stated council meeting;
 - 26.2.5 an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (e.g. that the councillor is ordered to resign from an appointment representing the local government on a state board or committee);

- 26.2.6 an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct:
- 26.2.7 an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.
- 26.3 In relation to a person who is no longer a councillor, a local government may not make an order that the former councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future.
- 26.4 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 details of the decision.
- 26.5 The chairperson must ensure the meeting minutes reflect the resolution made.

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 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 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 meeting

- 29.1 A local government meeting, standing committee 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 LGA:

- 29.1.1 appointment, dismissal or discipline of the CEO;
 - 29.1.2 industrial matters affecting employees;
 - 29.1.3 the council's budget which does not include the monthly financial statements;
 - 29.1.4 rating concessions;
 - 29.1.5 legal advice obtained by the council, including legal proceedings that may be taken by or against the council;
 - 29.1.6 matters that may directly affect the health and safety of an individual or a group of individuals;
 - 29.1.7 negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council;
 - 29.1.8 negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*;
 - 29.1.9 a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
 - 29.1.10 A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.
- 29.2 A local government meeting, standing and advisory 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 local government meeting and the local government must resolve to;
- 29.3.1 delegate the consideration and decision on the matter, pursuant to section 257 of the LGA unless the matter cannot be delegated
 - 29.3.2 defer the matter to a later meeting when a quorum may be available,
 - 29.3.3 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 voted on 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 (failure to do so could be a contravention of section 171(3) of the LGA).
- 29.6 To take a matter into a closed session the local government must abide by the following process:

- 29.6.1 pass a resolution to close the meeting;
- 29.6.2 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;
- 29.6.3 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;
- 29.6.4 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 local government 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 local government may allow a councillor to participate in a council or committee meeting by teleconference of the LGR.

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

CAIRNS REGIONAL COUNCIL



General Policy

ORDINARY MEETING – TERMS OF REFERENCE

Intent Establish the framework within which the Ordinary Meeting operates with reference to obligations specified in the Local Government Act 2009 and the Local Government Regulation 2012.

Scope Applies to all Councillors and Council staff that attend and participate in Council meetings.

PROVISIONS

Name of the Meeting

The name of the local government meeting is the Ordinary Council meeting.

Purpose, Responsibilities and Powers of the Meeting:

The Ordinary Council meeting is the formal decision making authority for Cairns Regional Council. The Chairperson is responsible for the conduct of the meeting.

The Chief Executive Officer is responsible for ensuring that notices, agendas, reports and minutes are prepared in accordance with the relevant legislation.

All meeting participants are responsible for reading the agenda papers and accompanying reports in advance of meetings to:

- Identify any matters which need clarification or additional information to help inform their view, and to contact the Chair, CEO or relevant Director or Executive Manager for further information or advice before the meeting; and
- Identify any agenda items where they may have a conflict of interest and take appropriate action as required by legislation.

Timing, place and frequency of meetings

Council's Ordinary Meeting will be held at the Council Chambers located at 119-145 Spence Street, Cairns unless resolved otherwise. The Meeting will be held on a scheduled as resolved by the Council, meeting at least once each month as required under Section 257 of the Local Government Regulation 2012.

In accordance with Section 254B (Public Notice of Meetings) of the Regulation, the schedule of meetings will be published on the website.

From time to time, it may be necessary to hold a meeting outside the adopted meeting dates. In such circumstances, any changes will be advised in accordance with legislative provisions.

Conduct of meetings

Meetings will be conducted in accordance with the requirements established in the Standing Orders for Council and Model Meeting Procedures General Policy. Councillors will adhere to the provisions of the Local Government Act 2009 in carrying out their duties and obligations and Council's Code of Conduct and General Policies. In accordance with Council's Media Policy, the Mayor is the spokesperson for Council unless delegated. A quorum will be the majority of the Councillors. In circumstances where the voting is equal, the Chair has a casting vote. Meetings will be open to the public unless the Meeting is discussing one of the matters referred to in Section 254 of the Local Government Regulation 2012 where it will resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.

Livestreaming

The Council Ordinary Meeting is livestreamed and recordings are made publicly available on Council's website.

Members of the public participating (either as part of a deputation process or otherwise) should be made aware they may be captured by live webcasting or recording.

There may be situations where, due to technical difficulties beyond Council's control a livestream or recording of a meeting may not be available. Every reasonable effort will be made to ensure livestreams and meeting recordings are made available on Council's website. However, Council takes no responsibility for, and accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website is unavailable. Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

Business not on the agenda:

There are two ways in which a Councillor can table a matter (business not on the agenda) during the Council meeting.

1. Matters of community interest not requiring a decision by Council

Example: To celebrate or highlight a community event or contribution by a member of the Cairns community, to acknowledge the outcome of a Council initiative or to express condolences in respect of a bereavement.

Such matters do not require the permission of Council to be tabled.

2. Emergent matters requiring urgent consideration and decision by Council

Example: Where extenuating circumstances are such that a time critical decision is required, and the issue cannot be resolved in an alternate forum or future meeting.

Such matters will not be considered at the Council meeting unless permission by the local government is given at the meeting. Permission is granted by way of vote of all the Councillors present. A Councillor should briefly advise the meeting of their reasons for seeking permission to table a matter for decision (business not on the agenda) with sufficient detail regarding any extenuating circumstances to allow the other Councillors to determine how the matter be dealt with.

Councillors must be appropriately informed before making a decision, and for that reason any matter which should be the subject of a Council report (matters with financial or operational implications) should not be considered as part of *Business not on the agenda*. This ensures the principles of good governance are applied to the decision making process.

Meeting Minutes

The minutes of Council meetings will be available to the public generally within 2 working days of the meeting. The minutes will be distributed via the internet.

Supporting Legislation and Policy

This document should be read in conjunction with the following:

- Local Government Act 2009 ("the Act")
- Local Government Regulation 2012 ("the Regulation")
- Standing Orders and Model Meeting Procedures
- Media Management Policy
- Code of Conduct for Councillors
- Acceptable Request Guidelines
- Investigation Policy – Councillor Conduct

Local Government Principles

All Meeting participants must abide by the local government principles as outlined in the Act which are:

- a) Transparent and effective processes, and decision-making in the public interest
- b) Sustainable development and management of assets and infrastructure, and delivery of effective services
- c) Democratic representation, social inclusion and meaningful community engagement
- d) Good governance of, and by, local government
- e) Ethical and legal behaviour of councillors and local government employees.

Process for annually evaluating the performance of the committee

Each year, a formal assessment of performance against this Terms of Reference will be undertaken. The purpose of this evaluation will be to ascertain how effectively the Committee has met its legislative obligations and the behavioural obligations it has established.

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This policy is to remain in force until otherwise determined by Council.

Director responsible for Review:

Director People & Organisational Performance

ORIGINALLY ADOPTED: 24/05/2023

CURRENT ADOPTION: 24/05/2023

DUE FOR REVISION: 24/05/2027

REVOKED/SUPERSEDED: {Enter Date}



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Mica Martin
CHIEF EXECUTIVE OFFICER