COUNCIL POLICY 4.11
Standing Orders

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For local government and standing committee meetings

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Best practice example standing orders for council and standing committee meetings

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Intent

To help local governments, the Department of Local Government, Water and Volunteers (DLGWV) provides best practice standing orders that local governments may adopt to provide written rules for the orderly conduct of council meetings.

These best practice standing orders incorporate the **model meeting procedures** (MMP) that deal with matters during council meetings that must be followed under the *Local Government Act 2009* (LGA), including the DLGWV MMP and the meeting provisions in the Local Government Regulation 2012 (LGR). Local governments can revise their standing orders to incorporate the MMP or adopt the MMP.

The text in blue offers instructional and contextual information to assist with the use of this document. It is not necessary for this to be included in the standing orders.

1. Standing orders

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

1.2. A section of these standing orders may be suspended by a vote at any meeting of the local government except those sections that are mandatory under the MMP. A separate vote is required for each suspension and must describe the application and duration of each suspension.

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

Procedures for meetings of local government

2. Procedure for the Chairperson

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

Section 12(4) of the LGA provides that the mayor is the chairperson of council meetings, and any committee meetings for which the mayor is appointed as chairperson, with responsibility for leading and managing council meetings.

The mayor may delegate this responsibility to another councillor to perform, section 12(5) of the LGA including when the mayor is absent or temporarily incapacitated. Section 165 of the LGA provides that, the deputy mayor acts for the mayor during any absence or temporary incapacity or when the office of mayor is vacant.

2.1. The mayor is the chairperson of council meetings and any committee meetings for which the mayor has been appointed as chairperson.

2.2. If the mayor is absent from a council meeting, the meeting will be chaired by the councillor to whom the mayor has delegated their responsibility to chair the meeting.

2.3. If the mayor is absent or unavailable to chair a council meeting, and has not delegated another councillor to do so, the deputy mayor will be the chairperson.

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

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

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

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

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

Note: *The provision for the mayor to delegate the responsibility to be chairperson to another councillor caters for the possibility that the mayor will not be the chairperson of a particular council meeting because the mayor has, for example, a conflict of interest in a matter, or will be absent or incapacitated for that meeting. Upon the mayor's return to the meeting the mayor or deputy mayor (whichever is relevant) can resume their role as chairperson.*

3. Order of business

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

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

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

Note*: The minutes of a previous meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, 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 minutes are confirmed by resolution of the meeting they cannot be changed. 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 or a material personal interest at the previous meeting. If the council needs to make a correction to the confirmed minutes, that can be done by passing a new motion that states what the correction is, but the original minutes remain as they are recorded.*

4. Agendas

4.1 The agenda may contain:

- notice of meeting
- proposed corrections to draft minutes of the previous meeting (if relevant)
- adoption of the minutes of the previous meeting
- business which the mayor wishes to have considered at that meeting without notice
- matters of which notice has been given
- committees' reports referred to the meeting by the chief executive officer (CEO)
- officers' reports referred to the meeting by the CEO
- deputations and delegations from the community that are approved to attend

4.2 Business not on the agenda, or not arising from the agenda, will not be considered at any council 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.

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

4.4 The agenda for the council 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 council 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.

5. Quorum

5.1 A quorum of a local government is a majority of its councillors. However, if the number of councillors is an even number one half of the number is a quorum.

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

6. Petitions

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

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

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

- that the petition be received, 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 council will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

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

7.2. The CEO, on receiving an application for a deputation, 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).

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 a vote. A deputation will be given adequate opportunity to explain the purpose of the deputation.

7.4. If a member of the deputation other than the appointed speakers attempts to address the council meeting, the chairperson may end the deputation.

7.5. The chairperson may end 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. 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.

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

8. Public participation at meetings

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

8.2 In each 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.

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

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

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

8.5 Any person addressing the council will stand, act, and speak and make any remarks in respectful and courteous language.

8.6 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.

9. Material Personal Interest

Councillors are ultimately responsible for informing a meeting of any material personal interest in matters to be discussed at a council or committee meeting, other than the matters in relation to which chapter 5B of the LGA or 5A of the COBA do not apply (as prescribed under section 150ED of the LGA or section 177A of the COBA).

9.1 A material personal interest is defined in section 150EE of the LGA and section 177B of the COBA.

9.2 Managing a material personal interest at a meeting — if a matter is to be discussed at a council meeting in which the councillor has a material personal interest; the councillor must—

- inform the meeting of the councillor's material personal interest in the matter; and
- leave the place where the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on, or
- ask the chairperson to defer the matter to allow the councillor the opportunity to apply to the Minister for local government for approval to participate in deciding the matter.
- In these circumstances, the matter may be deferred by resolution to a later meeting date.

Note: *Contravention of the requirements at subsection 9.2 is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iii) of the LGA.*
The councillor must not contravene subsection 9.2, including by voting on the matter, with an intention to gain a benefit or avoid a loss for the councillor or someone else – maximum penalty is 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 on that matter without the Minister's approval, the councillor or chief executive officer, must notify the Assessor of the information about the councillor's conduct. —see section 150R LGA.

However, the councillor does not contravene subsection 9.2 by taking part in the meeting, or being at the place where the meeting is being held, if the councillor is a person to whom approval is given in a signed notice by the Minister and the councillor complies with all conditions on which the approval is given. Section 150EI (4)-(6) LGA provides that the Minister for Local Government may, by signed notice give approval for a councillor who has a material personal interest in a matter, to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter. The Minister may issue such an approval because the holding of the meeting would be obstructed without the approval or it appears to be in the interests of the local government area that approval be given; and the councillor complies with all conditions on which the approval is given.

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—

- *the name of the councillor who has the material personal interest in a matter*
- *the nature of the material personal interest as described by the councillor*
- *whether the councillor took part in the meeting, or was at the place during the meeting, under an approval from the Minister.*

10. Conflict of Interest

Councillors are ultimately responsible for informing a meeting of any conflict of interest (real or perceived) in a matter to be discussed at a council or committee meeting. other than the matters to which chapter 5B of the LGA or 5A of the COBA do not apply (as prescribed under section 150ED of the LGA or section 177A of the COBA).

10.1 A conflict of interest is defined in section 150EF of the LGA and section 177C of the COBA. When managing a real or perceived conflict of interest, councillors must do so in a transparent and accountable way.

10.2 Managing a councillor's conflict of interest at a meeting —The councillor must:

- inform the meeting of the personal interests in the matter, and leave the meeting including any area for the public to view the meeting, or
- if the councillor participates in the meeting in relation to the matter, advise the meeting how the councillor intends to manage the real or perceived conflict.

10.3 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 the above provisions merely by participating and voting in the meeting in relation to the matter, if their attendance is required to form a quorum. However, the councillor must still advise the meeting how they intend to manage the conflict.

10.4 If a councillor has a conflict of interest in a matter, and proposes to exclude themself from the meeting, the chairperson may ask a councillor, if the councillor has considered another way to manage their conflict of interest.

10.5 If the councillor who was proposing to be excluded from the meeting is reconsidering their decision on whether to participate in the meeting, the councillor may consider the following in determining how they will manage the conflict of interest:

- 10.5.1 how their participation in the meeting may affect the public trust?
- 10.5.2 how close is their relationship to the related party if the conflict arises because of a related party?
- 10.5.3 how will the benefit or loss, the councillor or the related party stand to receive from the decision compared to others in the community?
- 10.5.4 does the councillor have skills, knowledge or expertise that might help make the best decision in the public interest?

Note: *Contravention of subsection 10.2 is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iii) of the LGA.*

To remove any doubt, non-participation in the meeting is not the only way the councillor may appropriately deal with the real conflict or perceived conflict in a transparent and accountable way.

If the councillor participates in the meeting; 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:

- *the name of the councillor who has the real or perceived conflict*
- *the nature of the personal interests, as described by the councillor*
- *how the councillor dealt with the real conflict or perceived conflict*
- *if the councillor voted on the matter—how the councillor voted on the matter*
- *how the majority of councillors who voted at the meeting voted on the matter.*

11. Loss of quorum

11.1 There are several ways that councils and councillors may deal with a potential loss of quorum.

11.2 If a quorum is lost due to a majority of councillors present having advised of a conflict of interest or a material personal interest and leaving the place of the meeting, this will be managed as above in clauses 9 and 10.

11.3 Alternatively, the council may delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection 3 of both sections, because an Act says it must be decided by resolution of the council. If the matter cannot be delegated, the council can:

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

11.4 The council may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

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

11.5 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a material personal interest or conflict of interest in the matter.

12. Motion to be moved

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

12.2. When a motion has been moved and seconded, the chairperson will decide whether or not to accept the motion and then it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.

12.3. 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 council 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.

12.4. 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.

12.5. 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.

13. Absence of mover of motion

13.1 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.

14. Motion to be seconded

14.1 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.

14.2 If the motion does not receive a seconder, it becomes a failed motion and cannot be debated or voted on.

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

15. Amendment of motion

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

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

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

16. Speaking to motions and amendments

16.1 The mover of a motion or amendment will read it and state that it is moved and can speak to the motion before it is seconded.

16.2 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.

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

16.4 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.

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

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

16.7 In accordance with section 254H of the LGR or section 242H(2) of the City of Brisbane Regulation 2012(COBR), if a decision made at the 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 against a recommendation in a report the minutes must give the reasons for the decision.*

17. Method of taking vote

17.1 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.

17.1.1 A councillor abstaining from the vote, will be recorded as voting against the motion.

17.1.2 The chairperson will declare the result of the vote.

17.2 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.

17.3 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.

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

18. Withdrawing a motion

18.1 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.

19. Repealing or amending previous resolutions

19.1 A resolution of the council may not be amended or repealed unless notice of intention to propose the repeal or amendment of the resolution is given in accordance with the requirements of the legislation (five business days).

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

20. Procedural motions

20.1 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:

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

- that the meeting stands adjourned.

20.2 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.

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

- a further motion may be moved to specify a time or date; or
- the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.

20.4 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.

20.5 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.

20.6 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.

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

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

20.8 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.

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

20.10 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.

20.11 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.

20.12 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 council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

21. Questions

21.1 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 who may or may not allow the question.

21.2 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.

21.3 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.

21.4 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.

Meeting Conduct

22. 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 meeting conduct by a councillor in a meeting, the following procedures must be followed by the chairperson of the council meeting:

22.1 The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting. The chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 22.7 below.

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

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

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

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

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

22.6 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decides a warning was not appropriate under 22.2, the chairperson may make one or more of the orders below:

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

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

22.8 Contravention of an order to leave the meeting is misconduct under section 150L LGA.

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

Note: *Details of any order issued must be recorded in the minutes of the meeting. If the councillor has refused to comply with an order issued to leave the meeting, these matters are misconduct, the council is required to notify the independent assessor (the Assessor) about the conduct. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register including the name of the councillor who engaged in unsuitable meeting conduct. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent.*

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

23.1 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.

23.2 The chairperson may take remedial action such as:

23.2.1 ceasing and refraining from exhibiting unsuitable meeting conduct, or

23.2.2 apologising for their conduct, or

23.2.3 withdrawing their comments.

23.3 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 and there will be no debate).

23.4 The councillors present at the meeting, excluding the chairperson, must decide by voting on the resolution if the conduct is unsuitable meeting conduct.

23.5 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.

23.6 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.

23.7 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.*

24. General conduct during meetings

24.1 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.

24.2 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.

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

24.4 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.

25. Disorder

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

Attendance and non-attendance

26. Attendance of public and the media at a council meeting

26.1 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.

26.2 When the council is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

27. Closed session

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

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

27.2 The meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting. The council may instead:

- delegate consideration and decision on the matter, under section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated
- decide by resolution to defer the matter to a later meeting when a quorum may be formed
- decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the council must decide the matter.
- Councillors who have a personal interest in the matter can vote on the resolution.

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

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

27.5 To take a matter into a closed session the council must abide by the following process:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- no resolution can be made while in a closed meeting (other than a procedural resolution).

28. Teleconferencing of meetings

28.1 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.*

28.2 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.*