



Code of Meeting Practice Policy

Local Government Act 2009

1. POLICY STATEMENT

Council will conduct its meetings in accordance with relevant laws and this Code of Meeting Practice.

2. PRINCIPLES

This Code of Meeting Practice complements the provisions of the *Local Government Act, 2009* and *Local Government Regulation 2012*. Together these provide procedures and standards for the proper conduct of business by Council at its meetings.

The Council has an obligation to act in accordance with the *local government principles* set out at Section 4 of the *Local Government Act, 2009*, namely:

- a) transparent and effective processes, and decision-making in the public interest; and
- b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c) democratic representation, social inclusion and meaningful community engagement; and
- d) good governance of, and by, local government; and
- e) ethical and legal behaviour of councillors and local government employees

3. SCOPE

This Code of Meeting Practice applies to all ordinary and special meetings of the Council including meetings of Standing Committees, and all participants in those meetings.

Any provision of the Code may be suspended by resolution of any meeting.

4. RESPONSIBILITY

The Chairperson who presides at a meeting is responsible for the conduct of the meeting.

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

Each person in attendance is responsible for their own conduct at a Council meeting.

5. DEFINITIONS

LGA – means *Local Government Act 2009*

6. POLICY

6.1 COUNCIL'S MEETING CYCLE

Council will meet in accordance with its adopted meeting cycle.

6.2 NOTICE OF MEETINGS

The dates and times of Council's Ordinary meetings and meetings of its Standing Committees must be published at least once a year, and this will be done in the Townsville Bulletin, on the Council website and a notice displayed in Customer Contact Centre at 103 Walker Street, Townsville. Any changes to the dates and times of those meetings must also be published in the same way.¹

Written notice listing the matters to be discussed at Council's Ordinary, Special or Standing Committee meetings must be given to each Councillor at least two days before the meeting, unless it is impracticable to give that notice. The notice must state the day and time of the meetings.

If written notice of a rescission motion has been given in accordance with 6.19 then each Councillor must be given at least five days' notice before the meeting.²

A notice under this section may be in electronic form where Councillors have the facilities to access the notice, agenda and business paper in that form.

6.3 PUBLIC NOTICE OF MEETING AGENDAS

In addition Council will give notice to the public of the times, dates, places and matters to be considered at its Ordinary, Special and Standing Committee meetings by publishing on Council's website at least two days prior to each meeting unless it is impracticable to do so at that time.

6.4 AGENDA FOR MEETINGS

The notice of meeting given to Councillors must include an agenda of the items to be discussed at the meeting.

A Councillor, who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least seven days before notice of the meeting is given. [Items for consideration may include questions on notice, rescission motions or a notice of motion].

Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting. Note, however that at a Special Meeting of Council only those matters listed on the agenda may be considered³

6.4.1 POST ELECTION MEETING

The Chief Executive Officer will conduct the post-election meeting until the Mayor completes his/her Declaration of Office.

The order of business for the post-election meeting will be:

- a) Opening of meeting
- b) Prayer
- c) Local Government Act 2009 – Principles
Councillors' and Mayor's Roles and Responsibilities
Declaration of Office – Mayor and Councillors

¹ S254B LGR 2012

² S262 LGR2012

³ S254C LGR2012

- d) Address by the Mayor
- e) Appointment of Deputy Mayor
- f) Consideration and Composition of Standing Committees
- g) Appointment of Committee Chairpersons
- h) Appointment to Special Committees, Advisory Committees, Statutory Bodies and other organisations
- i) such other business as the Mayor may direct

The order of business for the post-election meeting may not be altered.

6.4.2 ORDINARY MEETINGS

The order of business for ordinary meetings will generally be:

- a) Opening of meeting
- b) Acknowledgment to Country
- c) Prayer
- d) Apologies and Leave of Absence
- e) Confirmation of Minutes of previous meetings
- f) Disclosure of interests statement
- g) Disclosure of Interests– Ordinary Council
- h) Disclosure of Interests– Standing Committees
- i) Correspondence
- j) Petitions
- k) Deputations
- l) Notices of Motion
- m) Presentations
- n) Mayoral Minute
- o) Committee Reports
- p) Officers Reports
- q) General Business
- r) Close of meeting

Items must be considered in the order they are listed on the agenda for the meeting, unless the Council by resolution decides to proceed in a different order.

6.4.3 MAYORAL MINUTE

The Mayor can present the meeting with any issue which he or she considers relevant or necessary to bring to the attention of the Council.

6.5 STANDING COMMITTEES

Standing Committees may be conducted in accordance with the direction of the Chair, but this Code must be followed in relation to matters covered in sections 6.11 to 6.17 inclusive or sections 6.20-6.21 inclusive, or if there is a dispute about meeting procedure.

The role and responsibility of each Standing Committee is outlined in the Terms of Reference of each of the Standing Committees.

Items must be considered in the order they are listed on the agenda for the meeting, unless the committee by agreement decides to proceed in a different order.

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By virtue of the *Local Government Regulation 2012*, standing committees are required to keep minutes of their meetings, and must report all recommendations to the next Ordinary meeting for determination by Council. Committee recommendations are to reflect the consensus reached by the Standing Committee.

Councillors that wish to make a comment for the record (e.g. for or against the committee recommendation) will do so at the full Council meeting to give all Councillors the opportunity to respond.

6.6 SPECIAL MEETINGS

The Chief Executive Officer must call a special meeting if:

- The special meeting is required by a resolution of Council; or
- The Chief Executive Officer receives a written request for a special meeting signed by the Mayor or two or more Councillors and which specifies the object of the special meeting and proposes a day and time for the holding of the Special meeting.

Written notice of a special meeting must state the day and time of the meeting and the object of the meeting.⁴

Only the business stated in the notice of meeting may be conducted at a Special meeting⁵.

The order of business for a special meeting is to be generally in accordance with the order of business for Ordinary meetings.

6.7 CONDUCT OF MEETINGS

6.7.1 CHAIRPERSON

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) or appointed Chairperson will preside at any of Council's ordinary or special meetings.

If the Mayor and Deputy Mayor are absent, a Councillor may be elected to the chair by the Councillors present at the meeting.

If at the time designated for holding the meeting no Chairperson is present, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

6.7.2 CHAIRPERSON

The Chairperson has a duty to preserve order and ensure proceedings are conducted in a proper manner, by:

- determining that the meeting is properly constituted and a quorum is present
- informing Councillors as to the business and objectives of the meeting
- formulating for discussion and decision any proposed resolution (motion) that has been moved for the consideration of the meeting
- deciding whether proposed resolutions and amendments are in order
- deciding points of order and other incidental matters that require a decision
- facilitating an exchange of views and ideas on key issues before the meeting
- confining discussion to within the scope of the meeting and within reasonable limits of time
- preserving order at the meeting
- focussing on serving the public interest

⁴ S254C LGR 2012

⁵ S254C LGR 2012

- putting relevant questions to the meeting and conducting a vote (and where authorised, giving a casting vote)
- declaring the result
- ensuring a division is taken if properly requested
- ensuring the record of minutes of the meeting is maintained
- adjourning the meeting when circumstances justify that course
- declaring the meeting closed when its business is complete

6.8 ATTENDANCE AT MEETINGS

6.8.1 QUORUM

The quorum for an Ordinary or Special Council meeting is a majority of Councillors who hold office⁶.

The quorum for a Standing Committee meeting is a majority of the Councillors appointed to that committee, or where the committee is an even number one half of the number is a quorum.⁷

The meeting must commence business at the time appointed for holding the meeting, or as soon (but before expiration of 30 minutes) thereafter as a sufficient number of members are present to constitute a quorum.

Business must not be conducted at a meeting unless a quorum is present⁸.

A member shall be deemed to be present at a meeting only when:

- that member is within the room in which the meeting is held; or
- when a Councillor is permitted by Council resolution to take part in a meeting by teleconferencing. Teleconferencing is the use of a telephone, video conference equipment, or other means of instant communication that allows a person to take part in discussions as they happen.⁹

6.8.2 COUNCILLORS

All Councillors have a responsibility to participate in Council meetings, policy development and decision making, for the benefit of the local government area.¹⁰

After a meeting of the Council has commenced, a Councillor must not enter, leave or withdraw from the meeting without first notifying the Chairperson.

Mobile telephones and audible pagers must be turned off or placed in silent mode in the meeting room.

6.8.3 STANDARDS OF ATTIRE

The appearance and dress of Councillors, whilst conducting City business, should be in accordance with the standards appropriate to the duties being carried out and the people with whom they are dealing. Councillors are required to behave in a way that upholds the good reputation of the City, and as such they are required to dress professionally, reflecting pride in the City and respect for those that they deal with, particularly the public.

In some circumstances, Councillors may be required to adopt a particular dress standard for an event, ceremony or function, which may include wearing a uniform, safety clothing, business or formal attire.

⁶ S259 LGR 2012

⁷ S269 LGR 2012

⁸ S254E LGR
2012

⁹ S254K LGR 2012 and 277A LGR 2012, ff

¹⁰ S12 LG Act 2009

Where such standards are required, they must be complied with. In the absence of any dress standard being specified by the relevant event, ceremony or function organisers, Councillors are expected to wear business attire.

When attending Council offices or depots, Councillors are required to dress neatly in appropriate office/business attire and ensure the minimum dress standard acceptable is smart casual (together with any required safety clothing).

All Councillors when attending formal Standing, Advisory and Ordinary meetings of Council, are required to maintain an appropriate dress code and personal hygiene. The recommended dress code at such meetings is as follows:

Ordinary Meeting of council

- Males – long sleeve business shirt with tie, long trousers and jacket or a suit
- Females – business suit, dress or skirt/long pants and blouse or other appropriate business apparel

Standing Committee meeting

- Males – open neck, long sleeve business shirt and long trousers (jacket optional)
- Females – business suit, dress or skirt/long pants and blouse or other appropriate apparel

Advisory Committee meeting

- Males – open neck, long sleeve business shirt or corporate polo shirt and long trousers
- Females – smart casual suit, dress or skirt/long pants and blouse or other appropriate apparel

During meetings the Chair of the meeting may invite attendees to remove their jackets.

6.8.4 ABSENCE FROM MEETINGS

If a Councillor is absent without having obtained leave of absence or submitting apologies from 2 consecutive Ordinary meetings of Council that Councillor's seat becomes vacant.¹¹

6.8.5 ATTENDANCE OF PUBLIC AT COUNCIL MEETINGS

Except where the council, acting under its powers in *the Local Government Regulation 2012* (outlined in Section 6.11 of this Code) resolves to close a meeting, every meeting of the Council will be open to the public.

Members of the public are permitted in the public gallery or area set aside for the public.

Members of the public must maintain good order at meetings in accordance with *Local Law No. 1 (Administration) 2011*.¹²

Mobile telephones and audible pagers must be turned off or placed in silent mode in the meeting room, including any area set aside for the public.

Members of the public may participate in Council meetings, by way of a deputation. Refer to Clause 6.8.8 of this Code.

A copy of the agenda will be made available to members of the public, except for items to be considered in closed session.

6.8.6 ATTENDANCE BY THE MEDIA

Representatives of the press, radio and television may attend meetings in the area set aside for the media.

¹¹ S162(1)(e) LGA 2009

¹² Local Law No. 1 (Administration) S34

A copy of the agenda will be furnished to media representatives at or immediately prior to the opening of the meeting.

6.8.7 AUDIO OR VIDEO RECORDING OF A MEETING

Only authorised persons may make an audio or video recording of a meeting in accordance with Section 35 of *Local Law No. 1 (Administration) 2011*.

Council will live stream each Ordinary Council meeting on the Council website.

A person is authorised to make an audio or video recording of the meeting if the Chairperson consents to the recording being made. A record of the Chairperson's consent made in the minutes of the meeting (or the report of a committee meeting) is "written consent" for the purposes of Section 35 of *Local Law No. 1 (Administration) 2011*.

6.8.8 DEPUTATIONS

A person or group wishing to be received as a deputation by the Council:

- must make written request at least seven days before the meeting, to the Chief Executive Officer setting out the matter to be raised by the deputation and specifying the name and address of the person authorised to receive notices on behalf of the deputation; or
- may be invited by the Chairperson to address Council on a matter listed on the agenda for which they have an interest, without notice.

The Chief Executive Officer must inform the Chairperson immediately upon the receipt of the request.

Unless otherwise directed by the Chairperson, the Chief Executive Officer must list the hearing of the deputation on the next Ordinary meeting agenda and give to the person specified in the request notice of the time and date when the deputation will be heard.

The Chairperson will determine the number of people in the deputation who will be permitted to address Council or respond to questions.

The appointed speakers must restrict their addresses to not more than five minutes or as determined by the Chairperson.

If a member of the deputation other than the appointed speaker/s interjects or attempts to address the council, the Chairperson may warn the deputation that a repetition may result in the deputation not being further heard.

If there is further interjection after the Chairperson has given the warning the Chairperson may call on the next item of business.

Unless the Council otherwise resolves, the effect of calling on the next business is that the deputation will not be heard further at that meeting and, if the deputation wishes to be heard at a subsequent meeting, a fresh request must be given to the Chief Executive Officer.

6.8.9 PETITIONS

Any petition presented to a meeting of Council must be prepared in accordance with council's procedure for petitions.

On presentation of the petition the Councillor must state the nature of the petition.

The Council will determine whether:

- the petition be received and no further action be taken; or
- that the relevant department investigate and report back to the relevant Standing Committee for further consideration.

6.9 PROCEDURES FOR MAKING DETERMINATIONS

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A decision by a majority of votes at an Ordinary or Special meeting, at which a quorum is present, is a decision of the Council.

6.9.1 MOTIONS

A motion brought before the meeting shall be received and put to the meeting by the Chairperson.

The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

A motion or an amendment cannot be debated unless or until it has been seconded.

Subject to any resolution to consider items in an order different to that in which they are listed on the agenda, the Chairperson must call the motions in the order in which they appear in the agenda. If no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

6.9.2 AMENDMENTS

At a meeting a Councillor may move an amendment to any motion provided it does not change the original motion so substantially as to defeat its purpose.

If an amendment is carried it becomes the motion.

If an amendment has been rejected, a further amendment can be moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

6.9.3 SPEAKING TO MOTIONS AND AMENDMENTS

The mover of a motion or amendment must not speak to a motion or amendment until it is seconded, unless the Chairperson otherwise permits.

A Councillor may request further information from or through the Chairperson before or after the motion or amendment is seconded.

Following the seconding of a motion or amendment, the Chairperson must call for the mover to speak in favour of the motion or amendment and then call on further speakers as the Chairperson permits.

A right of reply may be exercised by –

- the mover of a motion or the mover of an amendment if an amendment is moved; or
- the mover of the motion when a procedural motion that the motion be put is carried.

Each member shall speak no more than once to the same motion or same amendment except as a right to reply.

Once the right of reply has been exercised, the debate is closed.

Each speaker may speak for not more than five minutes unless the Chairperson rules otherwise.

Where two or more members rise to speak at the same time, the Chairperson shall determine who is entitled to priority.

6.9.4 METHODS OF VOTING

Each Councillor and Chair is entitled to one vote.

In the event of an equality of votes, the Chairperson has a casting vote. The Chairperson must advise the meeting that he/she is exercising his/her right to use the casting vote.

When taking the vote on a motion or amendment, the Chairperson must put the question first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to the majority vote.

The Councillors will vote by a show of hands.

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Any Councillor present that fails to vote is taken to have voted in the negative.¹³

6.9.5 RECORDING OF VOTES

For all motions that are not carried unanimously the Minutes are to include a record of the names of those who voted for the motion and the names of those who voted against the motion¹⁴.

Where a Councillor has voted against the officer's or committee's recommendation the reason for that contrary vote is to be recorded in the minutes.

6.10 PROCEDURAL MOTIONS

A Councillor may, during the debate on a matter at a Council meeting, move any of the Procedural Motions listed in this clause 6.10.

The Chairperson may put a procedural motion to the vote without debate, subject to the motion being moved and seconded and no dissent being voiced by the Councillors present.

6.10.1 MOTION OF DISSENT

A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order to suspend further consideration of any matter until after the procedural motion is determined.

Only the mover of the procedural motion, then the Chairperson, may speak to the procedural motion, no other members may speak.

The Chairperson must put the procedural motion to the meeting and if carried, the Chairperson shall proceed as though that ruling had not been made; or if lost, the ruling of the Chairperson shall stand.

6.10.2 MOTION BE PUT

A Councillor may, at the conclusion of the speech of another Councillor, move, without notice and without comment, that the motion be put to a vote, and upon that motion being formally seconded and carried with the consent of a majority of Councillors then present, the matter must immediately be put to a vote without debate.

A motion that the matter under consideration be put to a vote may not be moved by a Councillor who has already spoken on the motion.

When it is decided by the Council that the matter under consideration be put to a vote, the mover has the right of reply. The right of reply should be limited to no more than five minutes. At the conclusion of the right of reply the motion must be put to a vote immediately.

6.10.3 THAT A COUNCILLOR NOT BE HEARD

A Councillor may at any time during the progress of a debate move that a Councillor who is speaking not be further heard.

Upon a motion that a Councillor not be further heard being formally seconded, it must be immediately put by the Chairperson without debate. If the motion is carried the subject Councillor must cease speaking.

A second motion that a Councillor not be further heard must not be made during the course of debate on the same matter unless in the opinion of the Chairperson the character of the speech has materially altered.

¹³ S254E LGR 2012

¹⁴ S254F LGR 2012

6.10.4 MOTION BE WITHDRAWN

The Councillor who moved a motion may move that it be withdrawn. The Councillor must provide an explanation for the withdrawal.

6.11 CLOSED MEETINGS – REFER MODEL MEETING PROCEDURES FOR PROCEDURE 8

6.12 KEEPING ORDER AT MEETINGS – COUNCILLORS

During an Ordinary, Special or Standing Committee meeting Councillors must:

- a) confine their remarks to matters then under consideration
- b) act with due decorum in order that the meeting is conducted in an efficient and effective manner
- c) not make personal reflections on or impute improper motives to any other Councillor or Council employee
- d) not make a noise or disturbance or converse aloud while another person is addressing the Council
- e) not interrupt another speaker except upon a point of order being raised by either the Chairperson or by a Councillor

The Chairperson may:

- a) call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
- b) direct the Councillor to discontinue a speech.

6.13 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING – REFER MODEL MEETING PROCEDURES FOR PROCEDURE 1

6.14 PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO COUNCIL – REFER MODEL MEETING PROCEDURES FOR PROCEDURE 2

6.15 PRESCRIBED CONFLICT OF INTEREST – REFER MODEL MEETING PROCEDURES FOR PROCEDURE 3

6.16 DECLARABLE CONFLICTS OF INTEREST – REFER MODEL MEETING PROCEDURES FOR PROCEDURE 4

6.17 RECORDS OF MEETINGS

Minutes of the Ordinary meetings and the reports of proceedings of Standing Committees must include—

- the names of Councillors or Committee members present at the meeting; and
- in the case of an Ordinary meeting, the names of Councillors moving and seconding a motion and the outcome of that motion;
- in the case of an Ordinary meeting, where a decision is unanimously carried;
- in the case of a Standing Committee the recommendations agreed, by majority, at that meeting;
- if a division is called on a question—the names of all persons voting on the question and how they voted; and
- any disclosure of a material personal or conflict of interest; and
- reasons for decisions as required under *the Local Government Regulation 2012*.

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At each Ordinary meeting, the minutes of the previous meeting must be confirmed by the Councillors present and signed by the person presiding at the later meeting.

A copy of the minutes of each meeting:-

- must be available for inspection by the public, at a Council's public office and on its website, within 10 days after the end of the meeting; and
- when the minutes have been confirmed—must be available for purchase at the council's public office.¹⁵

6.18 AMENDING MINUTES

Minutes can only be amended at the time of confirmation to correct an inaccurate record of the meeting.

6.19 RESCINDING OR ALTERING RESOLUTIONS

A resolution of Council is effective from the moment it is passed and it is the function and duty of the Chief Executive Officer to give effect to such resolution.

To rescind a resolution of Council the following must occur:

- written notice must be signed by at least three Councillors and provided to the Chief Executive Officer, in accordance with clause 6.4 above, and will be considered at the next Ordinary meeting (prior to confirmation of the minutes)
- if a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with

Notice of the rescission motion must be given to Councillors at least five days before the meeting at which it will be considered. [refer clause 6.2]¹⁶

The Chairperson must put the rescission motion to the meeting for determination.

If the motion has been negated by a Council, a motion having the same effect must not be considered within three months.

6.20 INCLUSION OF ADDITIONAL MEETING PRACTICES – FROM MODEL MEETING PROCEDURES

6.21 In accordance with section 150G of the Local Government Act 2009 and in addition to the procedures listed above, the Council also adopts the model procedures published on the Department's website from time in accordance with section 150F of the Local Government Act 2009 including but not limited to the procedures entitled:

- Procedure 5: Reporting of a suspected conflict of interest;
- Procedure 6: Loss of Quorum;
- Procedure 7: Recording prescribed and declarable conflicts of interest;
- Procedure 9: Teleconferencing Meetings

¹⁵ S254F LGR 2012

¹⁶ S262 LGR 2012

7. LEGAL PARAMETERS

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2011 (S34 and 35)

Model Meeting procedures (Revised September 2020) – Department of Local Government, Racing and Multicultural Affairs

8. ASSOCIATED DOCUMENTS

Terms of Reference – Standing Committees

Petitions to Council procedure

Leave of Absence Councillor Procedure

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