



Blackall-Tambo

Regional Council

Meeting Procedures

Policy Number: Stat 46	Effective Date: 21 February 2024
Version Number: 2.3	Review Date: 21 February 2025
Policy Compiled by: Chief Executive Officer	
Policy Approved by: Chief Executive Officer	

SCOPE

This policy applies to Blackall-Tambo Regional Council, its Councillors and employees.

PURPOSE

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

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

REFERENCE

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Model Meeting Procedures – Department of Local Government, Racing and Multicultural Affairs
- BTRC Standing Orders Policy
- BTRC Councillor Code of Conduct Policy

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.

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BACKGROUND

As required under section 150F of the *Local Government Act 2009* (LGA) this document sets out:

- the process for how a chairperson of a council meeting may deal with instances of unsuitable meeting conduct by councillors,
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor must be dealt with at a council meeting.
- the process for dealing with a conflict of interests arising during a council meeting and recording them in the minutes of the meeting,
- the process for dealing with a loss of quorum due to the number of councillors with a conflict of interest, and
- procedures for closing council meetings to the public.

APPLICATION

A council must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its council meeting, standing and advisory committee meetings that are consistent with the model meeting procedures.

If there is any inconsistency, then Council is taken to have adopted the model meeting procedures to the extent of the inconsistency.

A council must conduct its meetings in a manner that is consistent with the model meeting procedures.

PROCESSES

1. Process 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 council meeting and contravenes a behavioural standard of the code of conduct for councillors. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:

- 1.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 1.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of serious nature or another warning is unwarranted, proceed to step 1.7.
- 1.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
 - 1.3.1 Cease the unsuitable meeting conduct and refraining from exhibiting the conduct
 - 1.3.2 Apologising for their conduct



- 1.3.3 Withdrawing their comments.
- 1.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 1.5 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 requests could result in an order being issued.
- 1.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 1.7 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:
 - 1.7.1 An order reprimanding the councillor for the conduct
 - 1.7.2 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.
- 1.8 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.
- 1.9 Following the completion of the meeting, the chairperson must ensure:
 - 1.9.1 Details of any order issued is recorded in the minutes of the meeting
 - 1.9.2 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.
 - 1.9.3 The council's chief executive officer is advised to ensure details of any order made is updated in the council's councillor conduct register.
- 1.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.
- 1.11 Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (se note):

Note: Details of any order issued is recorded in the minutes of the meeting. If it is 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 council meeting as a suspected conduct breach. The council's chief executive officer is advised to ensure details of any order made is updated in the council's councillor conduct register.

2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

- 2.1 If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.
- 2.2 The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the councillor has engaged



- in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 2.3 The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out in part 5 below.
 - 2.4 For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
 - 2.5 If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible councillors.
 - 2.6 The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).
 - 2.7 If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors can make an order reprimanding the chairperson for the conduct.
 - 2.8 Once the councillors make a decision, a chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.
 - 2.9 The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order is recorded in the minutes of the meeting. The council's chief executive officer is advised to ensure details of any order made is updated in the councillor conduct register.

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

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a breach under section 150K(2)(b) and (3) of the LGA, the council is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next council meeting.

3. Meeting process for dealing with a suspected conduct breach which has been referred to the local government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the Independent Assessor (IA) must make a preliminary assessment and consider dismissing a complaint, notice or information before taking any other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from

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the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances described in the Note above at end of 2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting, in this document.

- 3.1 In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaints, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the councillor vacates or has vacated their office as a councillor.

Note: The council investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation.

3.2

The council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct, unless in accordance with section 150AG of the LGA it has delegated responsibility for this decision to the mayor under section 257 of the LGA.

When dealing with an instance of a suspected conduct breach which has been referred to a council by the Independent Assessor:

- 3.3 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the council. However, where the matter requires a debate a council may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the Local Government Regulation (LGR) section 254J.
- 3.4 No decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- 3.5 Where a council makes a decision about a conduct breach matter at a council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes under the LGR section 254H.
- 3.6 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the closed meeting during the debate about the investigation report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor the local government.
- 3.7 The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.



- 3.8 Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide on how to deal with the conflict of interest under section 4. 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.
- 3.9 After making a decision under section 150AG of the LGA, the council must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the council if they were the complainants, or any councillor who declared a COI in the matter.
- 3.10 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 to the mayor; or decide by resolution to defer the matter to another date; or decide by resolution not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the council must decide the matter.

Note: Council cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted councillors may apply to the Minister for permission to participate in the decision.

- 3.11 If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, 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.
- 3.12 The council may order that no action be taken against the councillor or make one or more of the following:
 - 3.12.1 An order that the councillor make a public apology, in the way decided by the council.
 - 3.12.2 An order reprimanding the councillor for the conduct breach
 - 3.12.3 An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
 - 3.12.4 An order that the councillor be excluded from a stated council meeting
 - 3.12.5 An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee.
 - 3.12.6 An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
 - 3.12.7 An order that the councillor reimburse the council for all or some of the costs arising from the councillor's conduct breach.



- 3.13 A local government may not make an order under in relation to a person who has vacated their office as a councillor.
- 3.14 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 made by council and if relevant any orders made by resolution.
- 3.15 The chairperson must ensure the meeting minutes reflect the decision and any orders made.
. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH, the details of the order.

4. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

- 4.1 A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting at the time when the matter is to be discussed
- 4.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 4.3 When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - 4.3.1 If it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - 4.3.2 If it arises because of an application or submission, the subject of the application or submission
 - 4.3.3 The name of any entity, other than the councillor, that has an interest in the matter
 - 4.3.4 The nature of the councillor's relationship with the entity mentioned in 4.3.3 that has an interest in a matter
 - 4.3.5 Details of the councillor's and any other entity's interest in the matter.
- 4.4 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.
- 4.5 Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

5. Declarable conflict of interest

Councillors are ultimately responsible for informing any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision



that in contrary to the public interest (other than the interests prescribed under 150EO of the Local Government Act 2009, and ordinary business matters prescribed in 150EF of the Local Government Act).

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 other councillors may disclose their suspicion and the processes under section 150EW of the LGA.

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

- 5.1 a councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 5.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 5.3 When notifying the meeting of a declarable conflict of interest, councillor 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 minimum details must be provided:
 - 5.3.1 The nature of the declarable conflict of interest
 - 5.3.2 If it arises because of a councillor's relationship with a related party:
 - 5.3.2.1 The name of the related party to the councillor
 - 5.3.2.2 The nature of the relationship of the related party to the councillor
 - 5.3.2.3 The nature of the related party's interest in the matter.
 - 5.3.3 if it arises because of a gift or loan from another person to the councillor or a related party:
 - 5.3.3.1 the name of the other person
 - 5.3.3.2 the nature of the relationship of the other person to the councillor or related party
 - 5.3.3.3 the nature of the other person's interest in the matter
 - 5.3.3.4 the value of the gift or loan and the date the gift or loan was made.
- 5.4 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 5.5 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
- 5.6 The other councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the 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 non-conflicted 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.

- 5.7 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 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 less than a quorum for the meeting consistent with section 150ET of the LGA.
- 5.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 5.9 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to:
- 5.3.4 How does the inclusion of the councillor in the deliberation affect the public trust
 - 5.3.5 How close or remote is the councillor's relationship to the related party
 - 5.3.6 If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - 5.3.7 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
 - 5.3.8 How does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - 5.3.9 How does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - 5.3.10 Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 5.10 If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then 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.
- 5.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.



- 5.12 In making the decision about the councillor's conflict of interest, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 5.13 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 Local Government Act.

6. Reporting a suspected conflict of interest

- 6.1 If a councillor at a meeting reasonable believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, 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.
- 6.2 The chairperson should ask the relevant councillor with the suspected personal interest of whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 6.3 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.
- 6.4 The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.
- 6.5 If the councillors cannot reach a majority decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave 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 the conflict of interest remains unchanged.
- 6.6 If the belief of a COI related to more than one councillor. The parts 5.1 to 5.5 of these procedures must be compiled with in relation to each councillor separately.

7. Loss of quorum

- 7.1 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 quorum for deciding the matter, the council must resolve to:
 - 7.1.1 Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA unless the matter cannot be delegated; or
 - 7.1.2 Defer the matter to a later meeting



7.1.3 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.

All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

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

7.3 If the matter cannot be delegated under an Act, says must be decided by resolution of the council under section 257(3) of the LGA.

7.4 The council may by resolution delegate a power under section 257 of the LGA to:

7.4.1 The mayor or chief executive officer; or

7.4.2 A standing committee, or joint committee of council; or

7.4.3 the chairperson of a standing committee or joint standing committee of council.

7.5 The council may only delegate a power to make a decision about a councillor's conduct under section 150AE or 150AG of the LGA to pursuant to section 257(2) of the LGA:

7.5.1 The mayor or

7.5.2 A standing committee.

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

8. Recording prescribed and declarable conflicts of interest

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 of the relevant details of how the conflict of interest was dealt with, being;

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

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.



- a) 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.

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

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

9. Closed meetings

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of the CEO
- Industrial matters affecting employees
- The council's budget, which does not include the monthly financial statements
- Rating concessions
- Legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- Matters that may directly affect the health and safety of an individual or a group of individuals
- Negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- Negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- A matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
- A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to council under the LGA chapter 5a, part 3, division 5.

A council 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.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the council meeting and the council must:

- Delegate the matter unless the matter cannot be delegated
- Decide by resolution to defer to a later meeting
- Decide by resolution to take no further action on the matter unless the LGA or another Act provides that the local government must decide the matter.

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

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 a closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA).

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

- 9.1 Pass a resolution to close the meeting.



- 9.2 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.
- 9.3 If the matter 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.
- 9.4 Not make a resolution while in a closed meeting (other than a procedural resolution).

10. Teleconferencing meetings

- 10.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The chairperson may allow a councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.
- 10.2 A councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

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

POLICY REVIEW

This policy is to be reviewed when any of the following occur:

- 1. As required by legislation
- 2. Other circumstances as determined by the Chief Executive Officer.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than one (1) year.

VERSION CONTROL

Version One	15 May 2019
Version Two	18 November 2020
Version 2.1	14 December 2022
Version 2.2	20 September 2023
Version 2.3	21 February 2024

RECORDS

When completed and approved the original, signed hard copy of the policy is filed in the Master File.

Electronic copies are saved in the appropriately labelled folder in Magiq.