Model Meeting Procedures

Conduct of local government meetings and its committee meeting

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Acknowledgement of Country

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

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Purpose of the Model Meeting Procedures

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

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

Principles Applied to Meetings

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

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

Background

Under section 150F of the LGA, the chief executive of the department of local government must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must not be inconsistent with the model procedures.

The model meeting procedures include the following:

- the process for the mayor as chairperson, to lead and manage local government meetings including any committee meetings for which the mayor is appointed as chairperson
- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- 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 (IA), must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI
- procedures for closing local government meetings to the public.

Application

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

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

To assist local governments the Department has published best practice example **standing orders** that local governments can choose to adopt. These are published on the departmental website.

A local government must conduct its meetings in a manner that is consistent with either the model meeting procedures, or its own standing orders provided they are consistent with clauses 1-10 below of these model meeting procedures.

Processes

1. Process for the Chairperson

This clause applies to local government meetings, and local government committee meetings. For the purposes of this clause local government meetings are ordinary and special meetings. This section does not apply to Brisbane City Council (BCC) where the Chair of Council, elected by councillors, presides over each BCC meeting.

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

1.1. The mayor is the chairperson at all local government meeting and any committee meeting for which the mayor is appointed as the chairperson, at which the mayor is present including managing the conduct of the meeting participants.

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

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

1.4. If the office of mayor becomes vacant the deputy mayor acts as mayor and chairperson of the local government meetings

1.5. If the mayor and the deputy mayor are both prevented from chairing the meeting because of absence or temporary incapacitation, and no other councillor has been delegated the

responsibility to act as chairperson, the local government may by resolution appoint one of the councillors present at the meeting to act as chairperson for the duration of the meeting.

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

Note: *Section 12 of the LGA prescribes that other councillors cannot assume the chairperson role except when they are delegated by the mayor to perform the extra responsibilities of a mayor or a resolution has been passed by the councillors present to select a councillor to act as chairperson of a particular meeting, because the mayor, and the deputy mayor are unavailable and there is no delegated councillor. The provision for the mayor to delegate the responsibility to be chairperson to another councillor caters for the possibility that the mayor will not be the chairperson of a particular local government meeting because the mayor has, for example, a conflict of interest in a matter, or will be absent or incapacitated for that meeting.*

2. 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 local government 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, the following procedures must be followed:

2.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.

2.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the 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 a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under 2.7 below.

2.3. 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:

2.3.1. Ceasing and refraining from exhibiting unsuitable meeting conduct

2.3.2. Apologising for their conduct

2.3.3. Withdrawing their comments.

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

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

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

2.7. 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 2.5, the chairperson may make one or more of the orders below:

2.7.1. An order reprimanding the councillor for the conduct

2.7.2. 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.

2.8. 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.

2.9. 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.

2.10. Following the completion of the meeting, the chairperson must ensure the minutes of the meeting record the information about unsuitable meeting conduct and ensure the councillor conduct register is updated with the order made against the councillor including the councillor's name. (see note):

***Note**: Details of any order issued including the name of the councillor who engaged in unsuitable meeting conduct must be recorded in the minutes of the meeting. The local government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register. 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 local government meeting as a conduct breach. The local government is not required to notify the independent assessor (IA) about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted.*

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

3.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.

3.2. The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present,

excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

3.3. 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.

3.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

3.5. 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, the chairperson can put forward their reasoning about their conduct and respond to questions through the acting chairperson from the eligible councillors.

3.6. 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).

3.7. 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.

3.8. Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

3.9. The original 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 local government's chief executive officer (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 chairperson engaging in unsuitable meeting conduct.*

For conduct of a chairperson, at local government 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 conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government is not required to notify the IA 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 local government meeting.

4. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking 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 IA 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, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances described in the above Note at end of clause 2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting, in this document.*

4.1. 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 complaint, 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 local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in deciding on the outcome under section 150AG of the LGA. Before debating a matter to decide on the outcome, 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. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the COBA.*

4.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.

4.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:

4.3.1. The local government 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 local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the CBR section 242J, or the LGR section 254J.

4.3.2. No resolution for a 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.

4.3.3. Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under CBR section 242H and the LGR section 254H.

4.3.4. The subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless they decide otherwise), during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.

4.3.5. 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.

4.3.6. If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in clause 5. 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 how to deal with the conflict of interest under clause 5. 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.

4.3.7. After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the local government if they were complainants, and any councillor who declared a COI in the matter.

4.4. If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

4.4.1. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

4.4.2. Decide, by resolution, to defer the matter to a later meeting or

4.4.3. 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 local government must decide the matter.

***Note**: A local government cannot decide to take no further action on a decision about a conduct matter because a decision 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.*
The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters that must be delegated. The standing committee must be in existence before receiving the referral notice from the IA, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest. The standing committee will decide about matters relating to the mayor's conduct. While section 12(4)(f) of the LGA provides that the mayor has the extra responsibility of being a member of each standing committee, the mayor could not be a decision making member of a standing committee dealing with decisions about the mayor's conduct because of the mayor's conflict of interest in the matter. The eligible councillors who are members of the committee will decide the matter.

4.5. If it is decided that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in clause 4.6, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous conduct breach of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

4.6. The local government may order that no action be taken against the councillor or make one or more of the following:

4.6.1. An order that the councillor make a public apology, in the way decided by the local government,

4.6.2. An order reprimanding the councillor for the conduct breach

4.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

4.6.4. An order that the councillor be excluded from a stated local government meeting

4.6.5. 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)

4.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct

4.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

4.6.8. A local government may not make an order in relation to a person who has vacated their office as a councillor.

4.7. 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 decision made by the local government and if relevant any orders made by resolution.

4.8. The minutes of the meeting must 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.

5. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA or section 177C of the COBA. When dealing with a prescribed conflict of interest, councillors must abide by the following procedures,

5.1. A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.

5.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest.

5.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:

5.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract

5.3.2. If it arises because of an application for which a submission has been made, the matters the subject of the application and submission

5.3.3. The name of any entity, other than the councillor, that has an interest in the matter

5.3.4. The nature of the councillor's relationship with the entity mentioned in 5.3.3 that has an interest in a matter

5.3.5. Details of the councillor's and any other entity's interest in the matter.

5.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister to participate in the matter.

5.5. Once the councillor has left the area where the meeting is being conducted, the local government can continue discussing and deciding on the matter at hand.

6. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government meetings and standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA and section 177L of the COBA, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

6.1. A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the other councillors may disclose their suspicion and the processes under section 150EW of the LGA or section 177T of the COBA applies.

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

6.2.1. A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.

6.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must inform the meeting of the conflict of interest.

6.3. When notifying the meeting of a declarable conflict of interest, a 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:

6.3.1. The nature of the declarable conflict of interest

6.3.2. If it arises because of the councillor's relationship with a related party

- the name of the related party and
- the nature of the relationship of the related party to the councillor and
- the nature of the related party's interest in the matter.

6.3.3. If it arises because of a gift or loan from another person to the councillor or a related party:

- the name of the other person and
- the nature of the relationship of the other person to the councillor or related party and
- the nature of the other person's interest in the matter and
- the value of the gift or loan and the date the gift or loan was made.

6.4. 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.

6.4.1. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.

6.4.2. The other eligible 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 the councillor 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.

6.4.3. The councillor must comply with any decision or condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or section 177P of the COBA or under an approval by the minister for local government under section 150EV of the LGA or section 177S of the COBA.

6.4.4. In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of the COBA.

6.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

6.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:

6.6.1. How does the inclusion of the councillor in the deliberation affect the public trust

6.6.2. How close or remote is the councillor's relationship to the related party

6.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received

6.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them

6.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community

6.6.6. How does this compare with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting

6.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

6.7. 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.

6.8. 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 a 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 local government meeting about the same matter e.g., workshops.

6.9. In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

6.10. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

7. Reporting a Suspected Conflict of Interest

7.1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or 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.

7.2. The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.

7.3. 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.

7.4. 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.

7.5. If the councillors cannot reach a 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.

7.6. If the belief or suspicion of a COI relates to more than one councillor. Clause 6 of these procedures must be complied with in relation to each councillor separately.

8. Loss of Quorum

8.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, all the councillors including the conflicted councillors must resolve to:

8.1.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated

8.1.2. Defer the matter to a later meeting

8.1.3. 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.

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

8.3. The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA or section 238(3) of the COBA.

8.4. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

8.4.1. The mayor or chief executive officer, or

8.4.2. A standing committee, or joint committee of the local government, or

8.4.3. The chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or

8.4.4. Another local government for a joint government activity.

8.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council

8.5. The local government may only delegate a power to make a decision about a councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:

8.5.1. The mayor or

8.5.2. A standing committee

8.5.3. If it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.

8.6. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

8.6.1. The mayor, or

8.6.2. The Establishment and Coordination Committee, or

8.6.3. A standing committee of the local government. If it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.

8.7. 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.

Note: Refer to note under 3.4

9. Recording Prescribed and Declarable Conflicts of Interest

9.1. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see section 150FA of the LGA or section 177X of the COBA):

9.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest

9.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor

9.1.3. The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest

9.1.4. Any decision then made by the eligible councillors

9.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval

9.1.6. The local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision

9.1.7. The name of each eligible councillor who voted on the matter and how each voted.

9.2. 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:

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

9.3. Where a decision has been made under clause 5 above – the minutes must include:

9.3.1. The decision and reasons for the decision, and

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

10. Closed Meetings

10.1. A local government 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 s242J(3) of the COBR:

10.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees

10.1.2. Industrial matters affecting employees

10.1.3. The local government's budget, which does not include the monthly financial statements

10.1.4. Rating concessions

10.1.5. Legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government

10.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals

10.1.7. Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government

10.1.8. Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*

10.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

10.1.10. A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.

10.2. A local government meeting, standing and advisory committee meetings 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 by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.

10.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors with personal interests who leave the local government meeting, and the local government must resolve to:

10.3.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated:

10.3.2. Defer the matter to a later meeting when a quorum may be formed

10.3.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

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

10.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).

10.6. To take a matter into a closed session the local government must abide by the following:

10.6.1. Pass a resolution to close all or part of the meeting

10.6.2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see clause10.1)

10.6.3. Not make a resolution while in a closed meeting (other than a procedural resolution).