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1. Statement

Section 150F of the *Local Government Act 2009* requires that a local government must make procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a Councillor’s unsuitable meeting conduct, how the Councillors at a local government meeting may deal with unsuitable meeting conduct by the chairperson and how the suspected inappropriate conduct of a Councillor, referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting as well as the processes for dealing with and recording Conflicts of Interest.

2. Purpose and Principles

This procedure outlines the processes that must be followed for instances of unsuitable meeting conduct and suspected inappropriate conduct by Councillors of Ipswich City Council in a local government meeting including committee meetings. It also ensures that if a Councillor has a Conflict of Interest in a matter, the local government deals with and records the matter in an accountable and transparent way that meets community expectations.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Ipswich City Council Meeting Procedures Policy

Ipswich City Council Investigations Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This policy applies to all Councillors including the Mayor of Ipswich City Council as well as the Chief Executive Officer.

7. Roles and Responsibilities

Councillors are required to participate in meetings in accordance with this Policy and adhere to the processes outlined in this Policy.

The Chief Executive Officer is responsible for maintaining the Councillor Conduct Register

The Meetings Coordination Team are responsible for recording proceedings at Council Meetings.

8. Key Stakeholders

This policy applies to all Councillors, the Chief Executive Officer and the Meetings Coordination Team.

9. Processes for meeting conduct

9.1 Conduct during meetings

- 9.1.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 9.1.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- 9.1.3 Unless exempted by the Chairperson, members shall address the Chairperson while:
 - (a) moving any motion or amendment;
 - (b) seconding any motion or amendment;
 - (c) taking part in any discussion;
 - (d) replying to any question; or
 - (e) addressing the local government for any other purpose.
- 9.1.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 9.1.5 Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.
- 9.1.6 Councillors will, during a meeting, address:
 - (a) other Councillors by their respective titles, “Mayor”, “Councillor” or “Chairperson” and
 - (b) Employees by designating them with their respective official or departmental title or full name (e.g. Mr Smith).
- 9.1.7 Councillors will confine their remarks to the matter then under consideration.
- 9.1.8 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 9.1.9 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

9.2 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 in a meeting, the following procedures must be followed:

- 9.2.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 9.2.2 If the Chairperson decides that 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, proceed to step 9.2.5.
- 9.2.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - (a) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (b) Apologising for their conduct;
 - (c) Withdrawing their comments.
- 9.2.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 9.2.5 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 may result in an order being issued.
- 9.2.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 9.2.7 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 9.2.3, the Chairperson may make one or more of the orders below:
 - (a) an order reprimanding the Councillor for the conduct
 - (b) 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.
- 9.2.8 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.
- 9.2.9 Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor, or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next local government meeting of the Council and treated as a suspected conduct breach.
 - (c) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register pursuant to the LGA.

- 9.3 Dealing with a Suspected Conduct Breach including that which has been referred to a Local Government by the Independent Assessor
- 9.3.1 Pursuant to Chapter 5A, part 3, Division 3A of the LGA (Preliminary Assessments), the Independent Assessor must make a preliminary assessment and consider dismissing a complaint 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 assessor refers the Councillor’s suspected conduct breach to the local government by giving a referral notice.
- 9.3.2 A 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 under paragraph 9.2.9 of this policy.
- 9.3.3 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.
- (a) 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 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.
- 9.3.4 After the completion of the investigation, the council must decide in a Council meeting whether or not the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision to the Mayor under section 257(2)(a), or to a standing committee under section 257(2) of the of the LGA.
- 9.3.5 When dealing with an instance of a suspected conduct breach which has been referred by the Independent Assessor, the council must:
- (a) Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with the outcome of an investigation of a suspected conduct breach in an open meeting of the Council. However, where the matter requires debate, Council may resolve to go into closed session, if considered necessary, to discuss an investigation report under section 254J) of the Local Government Regulation 2012 (the LGR) .
- (b) 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.
- (c) 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 section 245H of the LGR.

- (d) 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 to the local government (unless the local government decides otherwise).
- (e) The permission to remain in the meeting for the debate is on the condition that 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.
- (f) 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 section 10.2 of this policy. 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 (who do not have a COI in the matter) must decide how to deal with the Conflict of Interest under section 10.2 of this policy. 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.
- (g) 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, or any Councillor who declared a COI in the matter
- (h) If the Council has lost quorum due to the number of conflicted Councillors, or another reason, the Council must do one of the following:
 - i. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, whichever is the most appropriate in the circumstances or
 - ii. Decide, by resolution, to defer the matter to a later meeting or
 - iii. 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
 - iv. A Local government 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.
- (i) If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties, 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.
- (j) The council may order that no action be taken against the Councillor; or make one or more of the following:

- I. an order that the Councillor make a public apology, that the Councillor has engaged in a conduct breach, in the way decided by the local government;
- II. an order reprimanding the Councillor for the conduct breach;
- III. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
- IV. an order that the Councillor be excluded from a stated Local Government meeting;
- V. 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, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee);
- VI. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
- VII. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's conduct breach.

9.3.6 A Local Government may not make an order under section 9.3.4j (iii, iv, v or vi) above in relation to a person who has vacated their office as a Councillor.

9.3.7 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 details of the decision made by the local government and if relevant any order made by resolution.

9.3.8 The chairperson must ensure the meeting minutes reflect the resolution 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 in an order is made under section 150AH the details of the order.

9.4 [Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting](#)

9.4.1 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.

9.4.2 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.

9.4.3 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 10.2 below

9.4.4 For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson

9.4.5 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

- 9.4.6 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).
- 9.4.7 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
- 9.4.8 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.
- 9.4.9 The chairperson then resumes the role of chairperson, and the meeting continues
- 9.4.10 Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any reprimand is recorded in the minutes of the meeting.
 - (b) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the local government's Councillor Conduct Register.
 - (c) 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
 - (d) 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 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 local government meeting

10. Processes for Conflicts of Interest

10.1 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). When dealing with a prescribed Conflict of Interest, Councillors must abide by the following procedures:

- 10.1.1 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.
- 10.1.2 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.
- 10.1.3 When notifying the meeting of a prescribed Conflict of Interest, the following details must, at a minimum, be provided:
 - (a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;

- (b) if it arises because of an application for which a submission has been made, the matters the subject of the application and submission;
- (c) the name of any entity, other than the Councillor, that has an interest in the matter;
- (d) the nature of the Councillor's relationship with the entity mentioned in (c) above;
- (e) details of the Councillor's and any other entity's interest in the matter.

10.1.4 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.

10.1.5 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.

10.2 Declarable Conflicts of Interest

Councillors are ultimately responsible for informing of 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 is contrary to the public interest (other than ordinary business matters).

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 Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable Conflict of Interest, Councillors must abide by the following procedures:

- 10.2.1 A Councillor who has notified the chief executive officer in writing of a declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 10.2.2 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.
- 10.2.3 When notifying the meeting of a declarable Conflict of Interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable Conflict of Interest in the public interest. The following minimum details must be provided:
 - (a) the nature of the declarable Conflict of Interest;
 - (b) if it arises because of the Councillor's relationship with a related party:
 - i. the name of the related party to the Councillor;
 - ii. the nature of the relationship of the related party to the Councillor;
 - iii. the nature of the related party's interest in the matter;
 - (c) if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person;

- ii. the nature of the relationship of the other person to the Councillor or related party;
- iii. the nature of the other person's interest in the matter;
- iv. the value of the gift or loan and the date the gift or loan was made.

10.2.4 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.

10.2.5 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.

10.2.6 The other eligible Councillors (those who do not have a prescribed or declarable Conflict of Interest in the matter) 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.

10.2.7 The Councillor must comply with any decision or condition imposed by the eligible Councillors. The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.

10.2.8 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 less than a quorum for the meeting or is a single eligible councillor, consistent with section 150ET of the LGA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

Note: the ability to make a resolution without a seconder applies when making a resolution under section 150ES (Procedure if Councillor has a declarable Conflict of Interest) of the LGA.

10.2.9 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 in the meeting and participate in deciding the matter in which the Councillor has a declarable Conflict of Interest.

10.2.10 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable Conflict of Interest, the eligible Councillors should consider the circumstances of the matter including, but not limited to:

- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;

- (b) how close or remote is the Councillor's relationship to the related party;
- (c) if the declarable Conflict of Interest relates to a gift or other benefit, how long ago was the gift or benefit received;
- (d) 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;
- (e) how does the benefit or detriment the subject Councillor stands to receive, compare to others in the community;
- (f) 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;
- (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

10.2.11 If the eligible Councillors cannot decide whether the subject Councillors has a declarable Conflict of Interest, they are taken to have decided that the Councillor must leave and stay away from the meeting while the eligible Councillors discuss and vote on the matter.

10.2.12 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 council meeting about the same matter e.g. briefing sessions or workshops.

10.2.13 In making the decision under 10.2.6 and 10.2.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

10.2.14 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed under section 150EV of the LGA.

10.3 Reporting a suspected Conflict of Interest

10.3.1 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.

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.

10.3.2 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.

10.3.3 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.

- 10.3.4 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 has a declarable Conflict of Interest and 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.
- 10.3.5 If the belief or suspicion of a COI relates to more than one Councillor. Then parts 10.2.1 to 10.2.9 of this policy must be complied with in relation to each Councillor separately.

10.4 Loss of quorum

- 10.4.1 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, the council must resolve to:
- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, unless the matter cannot be delegated; or
 - (b) defer the matter to a later meeting
 - (c) 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.
- 10.4.2 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.
- 10.4.3 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.
- 10.4.4 The local government may by resolution delegate a power under section 257 of the LGA to:
- (a) The mayor or chief executive officer, or
 - (b) A standing committee, or joint committee of the local government, or
 - (c) The chairperson of a standing committee or joint standing committee of the local government, or
 - (d) Another local government for a joint government activity.
- 10.4.5 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:
- (a) The mayor; or
 - (b) A standing committee.
- 10.4.6 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.

10.5 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:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable Conflict of Interest;
- (b) the particulars of the prescribed or declarable Conflict of Interest provided by the Councillor;
- (c) 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;
- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable Conflict of Interest participated in or was present for the decision under ministerial approval;
- (f) the council's decision on what actions the Councillor with a declarable Conflict of Interest must take and the reasons for the decision;
- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) 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:
 - i. 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;
- (i) where a decision has been made under section 10.2.6 above – the minutes must include:
 - i. the decision and reasons for the decision
 - ii. the name of each eligible Councillor who voted and how each eligible Councillor voted.

11. Monitoring and evaluation

Outline the process for monitoring and/or review of this procedure to ensure it remains fit for purpose.

Identify specific measures that will determine the successful implementation and effectiveness of the procedure.

12. Related documents

Local Government Act 2009

Ipswich City Council Investigations Policy

13. Definitions

Assessor or OIA (Office of the Independent Assessor)	means the Independent Assessor appointed under section 150CV of the LGA
Authorised person	Means a person who holds office under section 202 of the LGA
Behavioural Standard	means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA
Chairperson	The person presiding at a meeting of the local government or committee
Chief Executive Officer or CEO	The Chief Executive Officer of the local government A person who holds an appointment under section 194 of the Act.
Committee	A committee of the local government appointed under section 264 of the <i>Local Government Regulation 2012</i>
Conflict of Interest	As outlined in Chapter 5B of the <i>Local Government Act 2009</i>
Council	Ipswich City Council
Councillor	Of a local government, includes the mayor
Corrupt Conduct	As per the <i>Crime and Corruption Act 2001</i> , conduct of a person regardless of whether the person holds or held an appointment that fulfils each of the following elements: (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Councillor Conduct Register	As required under section 150DX of the Act and is a record of all written complaints about Councillors and the outcome of each complaint, including any disciplinary or other action.
Eligible Councillor/s	For a matter at a local government meeting, means a Councillor at that meeting who does not have a prescribed or declarable Conflict of Interest in the matter and who is a member of that meeting.

Conduct Breach	<p>As per section 150K of the <i>Local Government Act 2009</i></p> <p>(1) The conduct of a Councillor is a conduct breach if the conduct contravenes—</p> <p>(a) a behavioural standard; or</p> <p>(b) a policy, procedure or resolution of the local government.</p> <p>(2) Also, the conduct of a Councillor is a conduct breach if—</p> <p>(a) 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</p> <p>(b) it is part of a course of conduct at local government meetings leading to orders for the Councillor’s unsuitable meeting conduct being made on 3 occasions within a period of 1 year.</p> <p>(3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the conduct breach and orders for the Councillor’s unsuitable meeting conduct include any orders made against the Councillor as the chairperson of a local government meeting.</p> <p>(4) However, a conduct breach does not include conduct that is—</p> <p>(a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or</p> <p>(b) misconduct; or</p> <p>(c) corrupt conduct</p>
Investigation policy	Refers to the policy as required by section 150AE of the LGA
Local Government	In this policy meaning Ipswich City Council
Meeting	A local government Council meeting or a committee meeting
Misconduct	<p>As per section 150L the <i>Local Government Act 2009</i></p> <p>(1) The conduct of a Councillor is misconduct if the conduct—</p> <p>(a) adversely affects, directly or indirectly, the honest and impartial performance of the Councillor’s functions, or the exercise of the Councillor’s powers; or</p> <p>(b) is or involves—</p> <p>(i) a breach of the trust placed in the Councillor, either knowingly or recklessly; or</p> <p>(ii) a misuse of information or material acquired in, or in connection with, the performance of the Councillor’s functions, whether the misuse is for the benefit of the Councillor or for the benefit, or to the detriment, of another person; or</p> <p>(c) contravenes any of the following—</p> <p>(i) an order of the local government or the conduct tribunal;</p> <p>(ii) the acceptable requests guidelines of the local government</p>
	<p>under section 170A;</p> <p>(iii) a policy of the local government about the reimbursement of expenses;</p> <p>(iv) section 150R, 170(2), 171(3) or 175G.</p> <p>(2) Also, the conduct of a Councillor is misconduct if the conduct—</p> <p>(a) is part of a course of conduct leading to the local government deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct on 3 occasions within a period of 1 year; or</p> <p>(b) is of the same type stated in an order of the local government that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct.</p> <p>(3) For subsection (2)(a), the conduct that led to the 3 occasions of disciplinary action, taken together, is the misconduct.</p>
Ordinary meeting	A meeting that the local government is required to hold pursuant to section 257 of the <i>Local Government Regulation 2012</i>

Point of order	An interjection during a meeting by a member who does not have the floor, to call to the attention of the chairperson an alleged violation or breach of the local government’s standing orders
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Regulation	<i>Local Government Regulation 2012</i>
Standing orders	The rules adopted by council that regulate the meetings of the Ipswich City Council
Unsuitable meeting conduct	As per section 150H of the <i>Local Government Act 2009</i> The conduct of a Councillor is unsuitable meeting conduct if the conduct— (a) happens during a local government meeting; and (b) contravenes a behavioural standard.

14. Policy Owner

The Executive Services Branch (Office of the CEO) is the policy owner and the Manager, Executive Services is responsible for authoring and reviewing this policy.

Version Control

Version	Reason	Endorsed/Approved by	Date
2.0	Adopted by Council	Council Ordinary Meeting	26 November 2020
2.1	Updated to align with Qld State Government Model Meeting Procedures revised November 2022	Governance and Transparency Committee	9 February 2023
3.0	Adopted by Council	Council Ordinary Meeting	23 February 2023
4.0	Adopted by Council	Council Ordinary Meeting	15 February 2024
4.1	Updated to align with Qld State Government Model Meeting Procedures	Chief Executive Officer	12 March 2024