



AGENDA

General Meeting

24 April 2024

NOTICE OF GENERAL MEETING

To: Cr Leslie Hotz (Mayor)
Cr Melinda Jones (Deputy Mayor/Division 1)
Cr Trina Vaughan (Division 2)
Cr Susan Payne (Division 3)
Cr Renee McGilvery (Division 4)
Cr Michael Dingle (Division 5)
Cr Moira Thompson (Division 6)

Please be advised that the General Meeting of the North Burnett Regional Council will be held at the Biggenden Boardroom on Wednesday, 24 April 2024 commencing at 9:00 AM.

An agenda is attached for your information.



Margot Stork

Chief Executive Officer

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- 1 WELCOME/HOUSEKEEPING**
- 2 ATTENDEES**
- 3 APOLOGIES/LEAVE OF ABSENCE**
- 4 ACKNOWLEDGEMENT OF COUNTRY**
- 5 MOMENT OF SILENCE AND REFLECTION**

The Mayor to call for a moment of silence to pay respects to those who have passed in our region.

<i>Irene Ruge</i>	<i>Dallarnil</i>
<i>Evelyn Johnson</i>	<i>Degilbo</i>
<i>Tassie Dell</i>	<i>Degilbo</i>
<i>Victor Geiszler</i>	<i>Eidsvold</i>
<i>Evelyn Hebbard</i>	<i>Gayndah</i>
<i>Tupufakalangj Faulkafa</i>	<i>Gayndah</i>
<i>Hazel Shultz</i>	<i>Monto</i>
<i>Lionel Murphy</i>	<i>Monto</i>
<i>Michael Muller</i>	<i>Monto</i>
<i>Burnetta Guthrie</i>	<i>Mount Perry</i>
<i>Raymond Smith</i>	<i>Mulgildie</i>
<i>Timothy Doessel</i>	<i>Mundubbera</i>

6 DEPUTATIONS/PETITIONS

There are nil deputations for this meeting.

Council will make time available at each General Meeting for public questions/representations commencing at 9.15am. This is an opportunity for members of the public to make a representation on a matter in which they have an interest on an item which is before the Council for decision e.g. development applications.

A deputation wishing to attend and address a meeting of the Council shall apply in writing to the CEO not less than seven (7) business days before the meeting. The CEO, on receiving an application for a deputation, shall notify the Chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).

Meetings proceed in accordance with the [Standing Orders Model Meeting Procedures PRO-5005](#), which is a Departmental directive outlining the procedures for meetings of local government.

7 DECLARATIONS OF INTEREST

The Mayor to call for any declarations of interest.

8 CONFIRMATION OF MINUTES

8.1 MINUTES OF THE GENERAL MEETING HELD ON 13 MARCH 2024

Doc Id: 1214845

Author: Kat Bright, Senior Executive Assistant to the CEO and Mayor

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. Minutes of the General Meeting held on 13 March 2024

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 13 March 2024 be confirmed.

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MOUNT PERRY
ON WEDNESDAY, 13 MARCH 2024 AT 9:00 AM**

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.00am and welcomed all attendees.

2 ATTENDEES

COUNCILLORS: Cr Leslie Hotz (Mayor)
Cr Robert Radel (Deputy Mayor)
Cr Dael Giddins
Cr Kingsley Mesner
Cr Melinda Jones
Cr Michael Dingle
Cr Susan Payne

OFFICERS: Margot Stork (CEO)
Anna Scott (General Manager Works)
Kim Mahoney (General Manager Corporate and Community)
Jenny Hall (Community Development Stream Leader)^*
Jess Marteene (Administration Officer – Executive Services)
Kat Bright (Senior Executive Assistant to the CEO and Mayor)^
Kath Hamilton (Executive Assistant to the GM Corporate and Community)^
Marlene Carstens (Executive Assistant to the GM Works)^
Merilyn Cox (Financial Services Manager)
Michael Cartwright (Governance, Policy and Risk Advisor)
Mike Lisle (Planning and Environment Manager)
Rhys Habermann (Acting Strategic Relationships Manager)

^ attended the meeting via Microsoft Teams * attended part of the meeting only

3 APOLOGIES/LEAVE OF ABSENCE

Nil.

4 ACKNOWLEDGEMENT OF COUNTRY

On behalf of Council, the Mayor extended an Acknowledgement of Country.

5 MOMENT OF SILENCE AND REFLECTION

The Mayor to call for a moment of silence to pay respects to those who have passed in our region.

<i>Colin Bucholz</i>	<i>Gayndah</i>
<i>Gayle Donnolly</i>	<i>Mount Perry</i>
<i>Wayne Roebuck</i>	<i>Mount Perry</i>
<i>Ian Williams</i>	<i>Mundubbera</i>

6 DEPUTATIONS/PETITIONS

Nil.

7 DECLARATIONS OF INTEREST

I, Cr Melinda Jones, inform this meeting that pursuant to *Section 150EQ of the Local Government Act 2009*, that I have a declarable conflict of interest with regards to Item 10.2 – RADF Program - Round 2 2023-24 as I am an Executive of an organisation that provided letters of support and/or made application for funding under the program.

The conflict of interest was dealt with at the RADF Committee meeting and as such, I proposed to remain in the room whilst the matter is debated and participate in the vote.

The Mayor acknowledged the declaration and advised that it would be addressed prior to the item being discussed.

8 CONFIRMATION OF MINUTES

8.1 MINUTES OF THE GENERAL MEETING HELD ON 28 FEBRUARY 2024

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 28 February 2024 be confirmed.

RESOLUTION 2024/29

Moved: Cr Dael Giddins

Seconded: Cr Kingsley Mesner

That the Minutes of the General Meeting held on 28 February 2024 be confirmed.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER

9.1 OUTSTANDING COUNCIL RESOLUTIONS AND QUESTIONS ON NOTICE REPORT

OFFICERS RECOMMENDATION

That Council receive the Outstanding Council Resolutions and Questions on Notice Report from 30 June 2021 to 4 March 2024.

RESOLUTION 2024/30

Moved: Deputy Mayor Robert Radel

Seconded: Cr Michael Dingle

That Council receive the Outstanding Council Resolutions and Questions on Notice Report from 30 June 2021 to 4 March 2024.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

10 CORPORATE AND COMMUNITY

10.1 FINANCE REPORT TO 29 FEBRUARY 2024

OFFICERS RECOMMENDATION

That Council, in accordance with section 204 *Local Government Regulation 2012*, receives the Finance Report for the period ended 29 February 2024.

RESOLUTION 2024/31

Moved: Cr Kingsley Mesner

Seconded: Cr Dael Giddins

That Council, in accordance with section 204 *Local Government Regulation 2012*, receives the Finance Report for the period ended 29 February 2024.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

DECLARATION OF INTEREST - CR JONES

RESOLUTION 2024/32

Moved: Cr Dael Giddins

Seconded: Cr Kingsley Mesner

That in accordance with Section 150EQ of the Local Government Act 2009, Cr Jones remains in the room for the discussion and subsequent voting on **ITEM 10.2 – RADF PROGRAM - ROUND 2 2023-24** as the conflict of interest was dealt with at the RADF Committee meeting.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

At 9.19am, Jenny Hall (Community Development Stream Leader) joined the meeting.

10.2 REGIONAL ARTS DEVELOPMENT FUND (RADF) PROGRAM - ROUND 2 2023-24

OFFICERS RECOMMENDATION

That Council:

1. Endorse the following 2023-24 Round 2 RADF applications as recommended by the North Burnett Arts and Cultural Advisory Committee (NBACAC):
 - (a) **RADF2324R200048** Monto Performing Arts - auspiced by Monto Magic Tourism Action Group: You Too Can Sing Workshops - \$3,332
 - (b) **RADF2324R200051** Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group: Workshops and Red-Carpet Community Screening Celebrations - \$10,714.
2. Decline the following 2023-24 Round 2 RADF applications on the recommendation of the NBACAC:
 - (a) **RADF2324R200052 Monto Magic Tourism Action Group** - Conduct youth craft workshops in conjunction with Monto's Festival of the Centenary - \$5,280
 - (b) **RADF2324R200053** Monto Magic Tourism Action Group - Conduct balloon twisting workshops in conjunction with Monto's Festival of the Centenary - \$1,830.
3. Endorse the following RADF Committee Initiatives on the recommendation of the NBACAC:
 - (a) **Initiative 1:** Arts, Culture and Heritage community grant writing workshops - \$6,500
 - (b) **Initiative 2:** Professional development opportunity for artists and arts workers to attend a Public Art Masterclass in Bundaberg - \$3,000.
4. Endorse the following 2022-23 RADF Outcome Reports for successful acquittal on the recommendation of the NBACAC:
 - (a) **RADF2223R1039** Kaiden Ratcliff – auspiced by Gayndah Development Association (GDA): First Nations Art Exhibition - \$7,110
 - (b) **RADF2223R200002** Loraine Maskell - Professional Development: Russell Shakespeare Portrait and Documentary Photography workshop - \$1,315
 - (c) **RADF2223R1041** Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group: Youth Acting and Screen Production - \$10,761
 - (d) **RADF2223R300044** Monto Art Group - Artist workshop with Lizzie Taylor - \$1,702
 - (e) **RADF2223R300047** Rachel Koster - North Burnett Regional Songwriting Workshop - \$5,750.

RESOLUTION 2024/33

Moved: Cr Robert Radel

Seconded: Cr Michael Dingle

That Council:

1. Endorse the following 2023-24 Round 2 RADF applications as recommended by the North Burnett Arts and Cultural Advisory Committee (NBACAC):
 - (a) **RADF2324R200048** Monto Performing Arts - auspiced by Monto Magic Tourism Action Group: You Too Can Sing Workshops - \$3,332
 - (b) **RADF2324R200051** Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group: Workshops and Red-Carpet Community Screening Celebrations - \$10,714.
2. Decline the following 2023-24 Round 2 RADF applications on the recommendation of the

NBACAC:

- (a) **RADF2324R200052 Monto Magic Tourism Action Group** - Conduct youth craft workshops in conjunction with Monto's Festival of the Centenary - \$5,280
 - (b) **RADF2324R200053 Monto Magic Tourism Action Group** - Conduct balloon twisting workshops in conjunction with Monto's Festival of the Centenary - \$1,830.
3. Endorse the following RADF Committee Initiatives on the recommendation of the NBACAC:
- (a) **Initiative 1:** Arts, Culture and Heritage community grant writing workshops - \$6,500
 - (b) **Initiative 2:** Professional development opportunity for artists and arts workers to attend a Public Art Masterclass in Bundaberg - \$3,000.
4. Endorse the following 2022-23 RADF Outcome Reports for successful acquittal on the recommendation of the NBACAC:
- (a) **RADF2223R1039** Kaiden Ratcliff – auspiced by Gayndah Development Association (GDA): First Nations Art Exhibition - \$7,110
 - (b) **RADF2223R200002** Loraine Maskell - Professional Development: Russell Shakespeare Portrait and Documentary Photography workshop - \$1,315
 - (c) **RADF2223R1041** Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group: Youth Acting and Screen Production - \$10,761
 - (d) **RADF2223R300044** Monto Art Group - Artist workshop with Lizzie Taylor - \$1,702
 - (e) **RADF2223R300047** Rachel Koster - North Burnett Regional Songwriting Workshop - \$5,750.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

At 9.23am, Jenny Hall (Community Development Stream Leader) left the meeting.

10.3 REGULATED DOG INSPECTION PROGRAM

OFFICERS RECOMMENDATION

1. That Council resolves, in accordance with the Section 113 of the *Animal Management (Cats and Dogs) Act 2008*, to approve a Selective Inspection Program under which an authorised person may enter a place to monitor compliance with this Act.
2. That Council notes:
 - a. the Selective Inspection Program will commence on 1 April 2024 and conclude on 30 September 2024
 - b. inspections under the Selective Inspection Program will be conducted by Authorised Officers between 7am and 5pm, Monday to Friday.

RESOLUTION 2024/34

Moved: Cr Dael Giddins

Seconded: Cr Robert Radel

1. That Council resolves, in accordance with the Section 113 of the *Animal Management (Cats and Dogs) Act 2008*, to approve a Selective Inspection Program under which an authorised

person may enter a place to monitor compliance with this Act.

2. That Council notes:

- a. the Selective Inspection Program will commence on 1 April 2024 and conclude on 30 September 2024
- b. inspections under the Selective Inspection Program will be conducted by Authorised Officers between 7am and 5pm, Monday to Friday.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

11 WORKS

Nil.

12 COUNCILLOR REPORTS

12.1 OVERVIEW OF MAYOR AND COUNCILLORS ACTIVITIES - FEBRUARY 2024

OFFICERS RECOMMENDATION

That Council receives the Councillor Reports for the period 1 February 2024 to 29 February 2024.

RESOLUTION 2024/35

Moved: Cr Melinda Jones

Seconded: Cr Kingsley Mesner

That Council receives the Councillor Reports for the period 1 February 2024 to 29 February 2024.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

13 URGENT BUSINESS

Nil.

14 CONFIDENTIAL REPORTS**OFFICERS RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

14.1 2024 Audit & Risk Committee Briefing Paper

This matter is considered to be confidential under 254J - 254J(3)(i) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

RESOLUTION 2024/36

Moved: Cr Kingsley Mesner

Seconded: Cr Robert Radel

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

14.1 2024 Audit & Risk Committee Briefing Paper

This matter is considered to be confidential under 254J - 254J(3)(i) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0**THE MEETING MOVED INTO A CLOSED SESSION AT 9.33am.**

NOTE: During the confidential closed session, Councillors discussed the content in the confidential report listed above.

RESOLUTION 2024/37

Moved: Cr Robert Radel

Seconded: Cr Melinda Jones

That Council moves out of Closed Session into Open Session.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0**THE MEETING MOVED BACK INTO AN OPEN SESSION AT 9.35am.**

14.1 2024 AUDIT & RISK COMMITTEE BRIEFING PAPER**OFFICERS RECOMMENDATION**

That Council notes the 2024 Audit & Risk Committee QAO Briefing Paper, as recommended by the Audit and Risk Committee.

RESOLUTION 2024/38

Moved: Cr Dael Giddins

Seconded: Cr Kingsley Mesner

That Council notes the 2024 Audit & Risk Committee QAO Briefing Paper, as recommended by the Audit and Risk Committee.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 9.36am.

The minutes of this meeting were confirmed at the General Meeting held on 24 April 2024.

.....
CHAIRPERSON

8.2 MINUTES OF THE SPECIAL MEETING HELD ON 10 APRIL 2024

Doc Id: 1219498

Author: Kat Bright, Senior Executive Assistant to the CEO and Mayor

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. Minutes of the Special Meeting held on 10 April 2024

OFFICERS RECOMMENDATION

That the Minutes of the Special Meeting held on 10 April 2024 be confirmed.

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
POST ELECTION MEETING
HELD AT THE GAYNDAH BOARDROOM
ON WEDNESDAY, 10 APRIL 2024 AT 9:00 AM**

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.01am and welcomed all attendees.

2 ATTENDEES

COUNCILLORS: Cr Leslie Hotz (Mayor)
Cr Melinda Jones (Division 1)
Cr Trina Vaughan (Division 2)
Cr Susan Payne (Division 3)
Cr Renee McGilvery (Division 4)
Cr Michael Dingle (Division 5)
Cr Moira Thompson (Division 6)

OFFICERS: Margot Stork (CEO)
Anna Scott (General Manager Works)
Kim Mahoney (General Manager Corporate and Community)
Jess Marteene (Administration Officer – Executive Services)
Kat Bright (Senior Executive Assistant to the CEO & Mayor)
Michael Cartwright (Governance, Policy and Risk Advisor)
Marlene Carstens (Executive Assistant to the GM Works)*^
Letetia Berthelsen (Senior Technical Officer – Assets)*^

^ attended the meeting via Microsoft Teams * attended part of the meeting only

3 APOLOGIES/LEAVE OF ABSENCE

Nil.

4 ACKNOWLEDGEMENT OF COUNTRY

On behalf of Council, the Mayor extended an Acknowledgement of Country.

5 DEPUTATIONS/PETITIONS

Nil.

6 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS

The Mayor informed the meeting that a confidential legal matter would be tabled at ITEM 9 – OTHER BUSINESS so that it may be considered by Council.

7 DECLARATIONS OF INTEREST

I, Cr Les Hotz, inform this meeting pursuant to section 150EQ of the Local Government Act 2009, that I have a declarable conflict of interest with regards to the confidential legal matter that will be addressed at ITEM 9 – OTHER BUSINESS. This interest arises as my name is mentioned in the matter. As a result of this declarable conflict of interest, I will leave the room while the matter is discussed and will not participate in any vote.

8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 APPOINTMENT OF DEPUTY MAYOR

OFFICERS RECOMMENDATION

That Council, pursuant to Section 175(2) of the *Local Government Act 2009*, appoint Cr [enter name here] as the Deputy Mayor.

The Mayor began by acknowledging that Cr Jones had conveyed her intention to nominate for Deputy Mayor through an email to fellow Councillors prior to the meeting.

Upon the Mayor's invitation for additional expressions of interest, Cr Payne indicated her desire to put herself forward for the role of Deputy Mayor.

As no other expressions of interest were forthcoming, the Mayor invited both nominees to present their cases for consideration.

RESOLUTION 2024/39

Moved: Cr Susan Payne
Seconded: Cr Trina Vaughan

That Council, pursuant to Section 175(2) of the *Local Government Act 2009*, appoint Cr Payne as the Deputy Mayor.

In Favour: Crs Trina Vaughan and Susan Payne

Against: Crs Leslie Hotz, Melinda Jones, Renee McGilvery and Michael Dingle

Abstained: Cr Moira Thompson

LOST 2/5

RESOLUTION 2024/40

Moved: Cr Melinda Jones
Seconded: Cr Renee McGilvery

That Council, pursuant to Section 175(2) of the *Local Government Act 2009*, appoint Cr Jones as the Deputy Mayor.

In Favour: Crs Leslie Hotz, Melinda Jones, Renee McGilvery, Michael Dingle and Moira Thompson

Against: Crs Trina Vaughan and Susan Payne

CARRIED 5/2

8.2 COUNCIL GENERAL MEETING SCHEDULE 2024

OFFICERS RECOMMENDATION

That Council:

1. In accordance with section 256(1) of the *Local Government Regulation 2012*, adopt the meeting dates and times for the remaining General Meetings of Council to be held in 2024 calendar year as per the table below; and
2. Pursuant to section 254B(2) and (3) of the *Local Government Regulation 2012*, publicly advertise those dates and times.

MEETING DATE	MEETING COMMENCEMENT	MEETING LOCATION
Wednesday 24/04/2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 22 May 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 26 June 2024 (Inc. Budget Meeting)	9.00am AEST	Gayndah or Mundubbera
Wednesday 24 July 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 28 August 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 25 September 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 23 October 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 27 November 2024	9.00am AEST	Gayndah or Mundubbera
Wednesday 11 December 2024 (Second Wednesday of the month)	9.00am AEST	Gayndah or Mundubbera
*All meetings will be available for real-time viewing or listening via Microsoft Teams using the audio-visual link provided on Council's website.		

RESOLUTION 2024/41

Moved: Cr Melinda Jones

Seconded: Cr Trina Vaughan

That Council:

1. In accordance with section 256(1) of the *Local Government Regulation 2012*, adopt the meeting dates and times for the remaining General Meetings of Council to be held in the 2024 calendar year as per the table below (continuing the regional rotation of meeting locations); and
2. Pursuant to section 254B(2) and (3) of the *Local Government Regulation 2012*, publicly advertise those dates and times.

Meeting Date	Meeting Commencement	Meeting Location
Wednesday 24/04/2024	9.00am AEST	Biggenden

Wednesday 22 May 2024	9.00am AEST	Eidsvold
Wednesday 26 June 2024 (Inc. Budget Meeting)	9.00am AEST	Mundubbera
Wednesday 24 July 2024	9.00am AEST	Monto
Wednesday 28 August 2024	9.00am AEST	Mt Perry
Wednesday 25 September 2024	9.00am AEST	Gayndah
Wednesday 23 October 2024	9.00am AEST	Biggenden
Wednesday 27 November 2024	9.00am AEST	Eidsvold
Wednesday 11 December 2024 (Second Wednesday of the month)	9.00am AEST	Mundubbera
<p>*All meetings will be available for real-time viewing or listening via Microsoft Teams using the audio-visual link provided on Council's website.</p>		
<p>In Favour: Crs Leslie Hotz, Melinda Jones, Trina Vaughan, Renee McGilvery, Michael Dingle and Moira Thompson</p> <p>Against: Cr Susan Payne</p> <p style="text-align: right;">CARRIED 6/1</p>		

UNCOM

8.3 APPOINTMENT OF LOCAL DISASTER MANAGEMENT GROUP - CHAIRPERSON AND DEPUTY CHAIRPERSON

OFFICERS RECOMMENDATION

That Council, in accordance with Section 34 of the *Disaster Management Act 2003*, appoint Cr [enter name here] as the Local Disaster Management Group Chairperson and appoint Cr [enter name here] as the Local Disaster Management Group Deputy Chairperson.

The Mayor began by acknowledging that Cr Jones had conveyed her intention to nominate for the Local Disaster Management Group (LDMG) Chairperson through an email to fellow Councillors prior to the meeting.

As no further expressions of interest were received for the LDMG Chairperson, the Mayor called for expressions of interest for the LDMG Deputy Chairperson (LDMG Deputy).

Cr Vaughan indicated her interest as the LDMG Deputy.

Cr Jones proposed that each Councillor should have the opportunity to serve as the LDMG Deputy on a rotational basis. In response, Margot Stork, speaking through the Chair, addressed operational challenges that could arise during disaster coordination with rotating Deputy Chairs.

Considering Margot Storks concerns, Cr Jones suggested the nomination of two (2) Councillors as LDMG Deputies.

RESOLUTION 2024/42

Moved: Cr Melinda Jones
Seconded: Cr Michael Dingle

That Council, in accordance with Section 34 of the Disaster Management Act 2003, appoint Cr Jones as the Local Disaster Management Group Chairperson.

In Favour: Crs Leslie Hotz, Melinda Jones, Trina Vaughan, Renee McGilvery, Michael Dingle and Moira Thompson

Against: Cr Susan Payne

CARRIED 6/1

RESOLUTION 2024/43

Moved: Cr Melinda Jones
Seconded: Cr Moira Thompson

That Council, in accordance with Section 34 of the Disaster Management Act 2003, appoint Cr Vaughan and Cr McGilvery as the Local Disaster Management Group Deputy Chairpersons.

In Favour: Crs Leslie Hotz, Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery and Moira Thompson

Against: Cr Michael Dingle

CARRIED 6/1

9 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION

Through the Chair, Margot Stork mentioned that she had understood that Cr Jones may wish to table PAYG Withholding and Superannuation for Councillors. Cr Jones responded to Margot Stork, querying if Officers could bring this item to a Councillor Information Workshop. Margot Stork responded to Cr Jones noting the request.

Additionally, Margot Stork clarified that she had understood the Mayor's interest in discussing the election of the Local Government Association of Queensland's (LGAQ) Policy Executive District Representatives for the 2024-2028 term. In response, the Mayor acknowledged that Councillors had received three nominations from Fraser Coast Regional Council, Gympie Regional Council, and South Burnett Regional Council prior to the meeting, for consideration. The Mayor also mentioned the possibility of nominating a North Burnett Regional Councillor as a representative. Cr Jones pointed out that the Wide Bay Burnett Representative position is also open for election. With no further information available at the time, Margot Stork indicated that Officers would provide a report to Council for consideration.

At 9.53am, the Mayor left the meeting having earlier declared a conflict of interest in relation to the following item.

9.1 CONFIDENTIAL LEGAL MATTER

RESOLUTION 2024/44

Moved: Cr Michael Dingle

Seconded: Cr Susan Payne

That Council considers the confidential matter listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

9.1 CONFIDENTIAL LEGAL MATTER

This matter is considered to be confidential under section 254J(3)(e) of the *Local Government Regulation 2012* – 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.

In Favour: Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson

Against: Nil

CARRIED 6/0

THE MEETING MOVED INTO A CLOSED SESSION AT 9.54am.

At 9.54am, Margot Stork, Anna Scott, Kim Mahoney, Kat Bright and Jess Marteene left the meeting.

At 10.15am, Kat Bright returned to the meeting.

RESOLUTION 2024/45

Moved: Cr Susan Payne

Seconded: Cr Renee McGilvery

That Council moves out of Closed Session into Open Session.

<u>In Favour:</u>	Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson
<u>Against:</u>	Nil
CARRIED 6/0	

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 10.38am.

I, Cr Sue Payne, inform this meeting pursuant to section 150EQ of the Local Government Act 2009, that I have a declarable conflict of interest with regards to the confidential legal matter being addressed at ITEM 9 – OTHER BUSINESS. Despite this conflict of interest, I wish to remain in the room and participate in the discussion and decision/vote.

NOTE: Due to the confidential nature of the matter being addressed at ITEM 9 – OTHER BUSINESS, Cr Payne did not offer a reason for the conflict of interest.

RESOLUTION 2024/46

Moved: Cr Susan Payne
Seconded: Cr Renee McGilvery

That Cr Payne, participate in the discussion and decision/vote despite the councillor's conflict of interest.

<u>In Favour:</u>	Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson
<u>Against:</u>	Nil

CARRIED 6/0

I, Cr Melinda Jones, inform this meeting pursuant to section 150EQ of the Local Government Act 2009, that I have a declarable conflict of interest with regards to the confidential legal matter being addressed at ITEM 9 – OTHER BUSINESS. This interest is that my name is mentioned in the matter, although I am not familiar with the content. Despite this conflict of interest, I wish to remain in the room and participate in the discussion and decision/vote.

RESOLUTION 2024/47

Moved: Cr Melinda Jones
Seconded: Cr Trina Vaughan

That Cr Jones, participate in the discussion and decision/vote despite the councillor's conflict of interest.

<u>In Favour:</u>	Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson
<u>Against:</u>	Nil

CARRIED 6/0

RESOLUTION 2024/48

Moved: Cr Susan Payne
Seconded: Cr Michael Dingle

That Council continues to consider the confidential matter listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

9.1 CONFIDENTIAL LEGAL MATTER

This matter is considered to be confidential under section 254J(3)(e) of the *Local Government Regulation 2012* – 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.

In Favour: Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson

Against: Nil

CARRIED 6/0

THE MEETING MOVED INTO A CLOSED SESSION AT 10.39am.

At 10.43am, Michael Cartwright left the meeting.

At 10.44am, Michael Cartwright and Margot Stork returned to the meeting.

At 10.50am, Margot Stork left the meeting.

At 10.55am, Kat Bright left the meeting.

At 10.56am, the Mayor and Kat Bright returned to the meeting.

At 11.06am, the Mayor left the meeting.

RESOLUTION 2024/49

Moved: Cr Michael Dingle

Seconded: Cr Renee McGilvery

That Council moves out of Closed Session into Open Session.

In Favour: Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery, Michael Dingle and Moira Thompson

Against: Nil

CARRIED 6/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 11.36AM.**9.1 CONFIDENTIAL LEGAL MATTER****RESOLUTION 2024/50**

Moved: Cr Susan Payne

Seconded: Cr Renee McGilvery

That Council:

- a) Appoints an independent Mediator as discussed in the closed (and confidential) session of this Council meeting;

- b) Following Mediation, and before a decision is made, Council be provided a report for consideration;
- c) Delegates to the Governance, Policy and Risk Advisor the delegation of all CEO powers for any occasion where the CEO might be conflicted;
- d) Delegates to the Deputy Mayor the power to sign all documents necessary where the Mayor might be conflicted.

In Favour: Crs Melinda Jones, Trina Vaughan, Susan Payne, Renee McGilvery and Moira Thompson

Against: Cr Michael Dingle

CARRIED 5/1

At 11.38am, Michael Cartwright left the meeting.

At 11.38am, the Mayor, Margot Stork, Anna Scott, Kim Mahoney and Jess Marteene returned to the meeting.

10 GENERAL BUSINESS

The Mayor opened the floor for any general business That attendees wished to raise for discussion.

Following the earlier conversation regarding the election of the Local Government Association of Queensland's (LGAQ) Policy Executive District Representatives, Margot Stork noted that a report would be presented at the upcoming General Meeting of Council for Councillors consideration, noting that nominations close at 12:00pm on Wednesday, 1 May 2024.

11 QUESTIONS

Nil.

12 CLOSURE OF MEETING

The Meeting closed at 11.44am.

The minutes of this meeting were confirmed at the General Meeting held on 24 April 2024.

.....
CHAIRPERSON

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER

9.1 OUTSTANDING COUNCIL RESOLUTIONS AND QUESTIONS ON NOTICE REPORT

Doc Id: 1219773

Author: Kat Bright, Senior Executive Assistant to the CEO and Mayor

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. Outstanding Resolutions Report as at 16042024 [1218781]
2. Outstanding QON Report - 16042024 [1219787]

INTRODUCTION/BACKGROUND

This report offers a concise overview of the outstanding resolutions of Council, covering the period from 30 June 2021 to 16 April 2024. The timeframe for this report is determined by the date of its compilation and the oldest pending resolution.

The inclusion of any outstanding questions taken on notice underscores our commitment to transparency and accountability, ensuring that all matters brought before the Council are diligently tracked and addressed.

OFFICER COMMENTS/CONCLUSION

As at 16 April 2024, there are a total of twenty seven (27) outstanding resolutions. Notably, within the reporting period, eight (8) resolutions were successfully completed, resulting in a reduced count of nineteen (19) outstanding resolutions.

As at 16 April 2024, there are total of two (2) outstanding questions on notice.

A comprehensive breakdown of the progress and current status of each resolution and question on notice is provided in the attached tables.

This report will continue to be presented monthly at the General Meeting of Council, ensuring that all stakeholders are informed and engaged in the resolution tracking process. Regular reporting demonstrates our commitment to transparency, accountability, and the effective management of the resolutions of Council.

OFFICERS RECOMMENDATION

That Council receive the Outstanding Council Resolutions and Questions on Notice Report from 30 June 2021 to 16 April 2024.



Division: All
 Committee: General Meeting
 Officer: All

Date From: All
 Date To: All
 Doc ID: 1218781

Outstanding Resolutions Report

Printed: Tuesday, 16 April 2024 1:33:56 PM

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
1	30/06/2021	Service Delivery Review - Swimming Pools	<p>RESOLUTION 2021/60</p> <p>That Council:</p> <ol style="list-style-type: none"> Continue to maintain and operate existing pools in Biggenden, Eidsvold, Gayndah, Monto and Mundubbera. Further investigation and condition assessment of the region's pools is undertaken. A fit for purpose asset management strategy is developed and funding sort to replace existing pools over 10 years. Review the operating agreements to ensure the most effective delivery of the service to the community and report to Council on the outcomes. 	Works	<p>●</p> <p>●</p> <p>●</p> <p>●</p>	<p>Completed. A business-as-usual activity that has been captured into the workflow.</p> <p>No significant structural defects were found in the initial investigation. Monitoring program implemented to monitor water levels for leaks.</p> <p>Investigation of pool condition is ongoing for all pool facilities. Works have commenced on Mundubbera 50m pool to repaint pool shell and reseal expansion joints to prevent water loss. Investigative work has commenced at Monto pool to investigate condition of toddler and 25m pool. Biggenden, Eidsvold and Monto pools will all have pool bonding repaired during the off season to ensure compliance with electrical safety guidelines.</p> <p>Asset management strategy development to support funding for replacement of existing pools will commence Q1 2024/25.</p> <p>New leases issued in 2022.</p> <p>Review of operating agreements to ensure effect delivery of the service to the community is ongoing and expected to be completed Q2 2024/25.</p>

● Completed ● Work In Progress ● On Hold ● Outstanding

	Division: All Committee: General Meeting Officer: All	Date From: All Date To: All Doc ID: 1218781
Outstanding Resolutions Report		Printed: Tuesday, 16 April 2024 1:33:56 PM

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
2	30/06/2021	Service Delivery Review - Showgrounds	RESOLUTION 2021/64 That Council: Work with Show Societies and the Queensland Department of Resources to remove itself as trustee for the Gayndah, Eidsvold, Monto and Mt Perry Showgrounds and negotiate a model similar to that of the Biggenden and Mundubbera Showgrounds.	Corporate & Community	●	An update was provided to Councillors at the Councillor Workshop held on 10 January 2024. Mount Perry Show Society has confirmed its agreement to accept the Transfer of Trusteeship. Currently awaiting formal documents from the Show Society then Council will proceed to lodge documentation with the Department of Resources to finalise the transfer, which is expected to be effective from May 1, 2024. A meeting was held on the 27 February 2024 with the Eidsvold Show Society and negotiations are ongoing. Discussions are ongoing with other affected Show Societies.
3	27/01/2022	Tender for Lease of Gayndah Airport Refuelling Facility	RESOLUTION 2022/19 That Council: 1. Resolve to conduct a Tender for the lease of Gayndah Airport Refuelling Facility located at 2 John Taylors Road, Gayndah; being part of Lot 2 RP201121. 2. Authorise the Chief Executive Officer to enter an agreement for the Gayndah Airport Refuelling Facility Depot (proposed Lease Area "A" 2 within RP201121), on terms to be negotiated by the Chief Executive Officer for period not exceeding ten years.	Works	● ●	This item will continue to be included in the work program, but it is a low priority. This decision is based on the teams current workload and the challenges faced in recruiting senior staff. On hold pending outcome of item 1 above.

● Completed ● Work In Progress ● On Hold ● Outstanding



Division: All
 Committee: General Meeting
 Officer: All

Date From: All
 Date To: All
 Doc ID: 1218781






Outstanding Resolutions Report

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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
4	26/10/2022	Rural Fire Levy Expenditure	<p>RESOLUTION 2022/163</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse Biggenden Rural Fire Brigade's request to utilise Rural Fire Levy funds to the value of \$35,813.15 towards construction of a suitably approved shed at Saleyards Road, Biggenden; and 2. Endorse Mount Perry Rural Fire Brigade's request to utilise Rural Fire Levy Funds to the value of \$900.00 to install a Wireless Access Point at 11 Elliot Street, Mount Perry. 	Office of the CEO	<p>●</p> <p>●</p>	<p>The project is currently on hold due to resource constraints within the Rural Fire Service (RFS), particularly a shortage of staff to effectively manage it. Consideration is also being given to including the Biggenden Fire Brigade Shed in the Station Build Program. Despite RFS staff reshuffling, there hasn't been a replacement appointed for the key position overseeing the project, and a staff member's long service leave further exacerbates resource limitations. Efforts are underway to obtain more detailed information from the RFS Project Manager regarding resource constraints and potential timelines.</p> <p>Completed.</p>
5	25/01/2023	Road Register Classification Review	<p>RESOLUTION 2023/8</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Engages Shepherd Services to undertake a full review of the Road Register to identify assets potentially being overserviced, off alignment or incorrectly classified in the adopted road hierarchy set out in Council's Road asset management plan. 2. The findings are to be returned to Council for review before any service level change. 	Works	<p>●</p> <p>●</p>	<p>Completed.</p> <p>The consultant has provided a draft report for officers to review.</p>






● Completed ● Work In Progress ● On Hold ● Outstanding

	Division: All Committee: General Meeting Officer: All	Date From: All Date To: All Doc ID: 1218781
Outstanding Resolutions Report		Printed: Tuesday, 16 April 2024 1:33:56 PM

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
6	26/04/2023	Review of Public Washdown Facilities' Compliance and Operations	RESOLUTION 2023/51 That Council: 1. Resolve to put an immediate temporary closure on the Mundubbera Washdown facility due to compliance concerns while investigations commence into a potential and compliant alternative for future use. 2. That notice be provided onsite that the facility has closed and that investigations will commence into a potential and compliant alternative for future use; and locations of alternative services be provided via site signage, social media, and newspaper advertisement. 3. That this matter be tabled at a future General Meeting of Council with outcomes of the investigation.	Corporate & Community	  	Completed. Completed. An update was provided to Councillors at the Councillor Information Workshop held on 14 February 2024 and remains a work in progress.
7	28/06/2023	Project Development for Submission to Round 2 of the Growing Regions Program	RESOLUTION 2023/90 That Council: Authorises the Chief Executive Officer to redirect resources to the identification and development of a suitable project for submission to Round 2 of the Growing Regions Program administered by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.	Office of the CEO		On hold as an open date for round two of the Growing Regions Program is yet to be announced. This matter remains a priority for Officers.
8	27/09/2023	Reginald Murray Williams Australian Bush Learning Centre - Rescission Motion	RESOLUTION 2023/174 That Council conduct whole of North Burnett community consultation to gauge community sentiment on the future of the Reginald Murray Williams Australian Bush Learning Centre and note Officers will continue to investigate issues related to the Reginald Murray Williams Australian Bush Learning Centre.	Office of the CEO		Given the existing pipeline of community engagement, consideration is being given to the most appropriate approach, as well as the possible timing of such. Engagement may be deferred for a short period of time to allow the progression of existing engagement needs.

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding

	Division: All Committee: General Meeting Officer: All	Date From: All Date To: All Doc ID: 1218781
Outstanding Resolutions Report		Printed: Tuesday, 16 April 2024 1:33:56 PM

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
9	25/10/2023	Gayndah Airport - Formalising of Tenure to Bureau of Meteorology	RESOLUTION 2023/187 That Council: 1. Grant a Lease over part 153 BON934 and 2 RP201121 to Commonwealth of Australia as represented by the Bureau of Meteorology, pursuant Section 236 (1)(b)(i), (2), (3) and (4) of Local Government Regulation 2012. 2. Authorise the Chief Executive Officer to settle the terms of the lease to the Commonwealth of Australia as represented by the Bureau of Meteorology; referred to in Part 1.	Contracts & Leasing	 	Completed. Verbal notice of Councils resolution and conditions was provided to BOM on 27 October 2023. Lease terms have been agreed upon, awaiting execution by Lessee following a minor change following the legal review.
10	25/10/2023	Property Disposal - Eidsvold	RESOLUTION 2023/198 That Council: 1. Resolve to dispose of Lot 2 MPH2128 (34 Moreton Street, Eidsvold); pursuant to Local Government Regulation 2012. 2. Resolve to conduct a public Tender for the sale of Lot 2 MPH2128 (34 Moreton Street, Eidsvold) pursuant to Section 228 of Local Government Regulation 2012; and authorise the Chief Executive Officer to enter into a sale contract, at a contract price and on terms to be negotiated by the Chief Executive Officer. 3. Resolve that, in the event that Lot 2 MPH2128 (34 Moreton Street, Eidsvold) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price and on terms, to be negotiated by the Chief Executive Officer.	Contracts & Leasing	  	Completed. Notice of Council's resolution provided to Tenant on 2 November 2023. Tender has concluded and is now subject to an unconditional contract. Awaiting settlement due 19 February 2024. On hold pending outcome of item 2.

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding



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Outstanding Resolutions Report

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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
11	25/10/2023	Lease renewals - Telstra and Optus over part 1 M5825	<p>RESOLUTION 2023/199</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Renew the Trustee Lease within Lot 1 M5825 to Telstra Limited, pursuant to Section 236 (1)(c)(iii) of Local Government Regulation 2012. 2. Authorise the Chief Executive Officer to settle the terms of a lease for a period of 5 years with an option to extend in Councils favour for a further period of 5 years, within Lot 1 M5825, to Telstra Limited. 3. Renew the Trustee Lease within Lot 1 M5825 to Optus Mobile Pty Limited, pursuant to Section 236 (1)(c)(iii) of Local Government Regulation 2012. 4. Authorise the Chief Executive Officer to settle the terms of a lease for a period of 5 years with an option to extend in Councils favour for a further period of 5 years within Lot 1 M5825, to Optus Mobile Limited. 	Contracts & Leasing	● ● ● ●	Telstra lease documentation received and under legal review prior to Council execution. Optus lease documentation being prepared by Optus.
12	25/10/2023	Lease renewal over part 113 BON1559	<p>RESOLUTION 2023/200</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Renew the Trustee Lease over part of Lot 113 BON1559 to Visy Board Proprietary Limited; pursuant to Section 236 (1)(c)(iii) of Local Government Regulation 2012. 	Contracts & Leasing	●	Completed. Visy Board Proprietary Limited informed of Council's decision to renew lease on 20 October 2023.

● Completed ● Work In Progress ● On Hold ● Outstanding

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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
			2. Authorise the Chief Executive Officer to settle the terms of the Trustee Lease over part of Lot 113 BON1559, with Visy Board Proprietary Limited.		●	Awaiting preparation of Trustee Lease documentation by Council Solicitor.
13	25/10/2023	Lease Renewal - McIndoes Road, Mundubbera	RESOLUTION 2023/201 That Council: 1. Renew the lease over part of Lot 35 YL819 to Bonick Pty Ltd; pursuant to Section 236 (1)(c)(iii) of Local Government Regulation 2012. 2. Authorise the Chief Executive Officer to settle the terms of the lease, over part of Lot 35 YL819, with Bonick Pty Ltd.	Contracts & Leasing	● ●	Completed. Notice of Council's resolution provided to Bonick Pty Ltd on 25 October 2023. In principle terms agreed. Awaiting final lease documentation from Council Solicitor and for Lessee to execute. Update has been provided to Lessee.
14	22/11/2023	Drainage Easement - Fielding Street, Gayndah	RESOLUTION 2023/211 That Council resolve to grant an Easement for Drainage purposes over part of Lot 2 RP194226, in favour of the Indigenous Wellbeing Centre Ltd; pursuant to Sections 224 (6), 236 1(b)(ii), 236 (2) of Local Government Regulation 2012.	Contracts & Leasing	●	Awaiting Lessee execution of Consent to Easement.
15	22/11/2023	Mount Perry Stairs	RESOLUTION 2023/212 Council resolves to reinstate the stairs and retaining wall in front of the Mount Perry Customer Service and Library Centre to reflect their original state. The tendered cost and estimated total project costs to be presented to Council before starting works.	Works	●	Civil Works Engineer has commenced on contract through Logo Appointments but the priority at this stage is the Cania Dam Road, expect this to be actioned in May 2024.
16	13/12/2023	2024 Australia Day Award Recipients (2 Resolutions)	RESOLUTION 2023/229 That: 1. The Regional Australia Day Awards continue to be offered. 2. Council provides an online and paper-based nomination process.	Corporate & Community	● ●	Noted. Australia Day Award nominations process for 2025 (including promotion) is completed.

● Completed ● Work In Progress ● On Hold ● Outstanding



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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
			3. Community is aware of both online and paper-based nomination process via Council media channels.		●	Australia Day Award nominations process for 2025 (including promotion) is completed.
17	24/01/2024	Facility Hire Policy Review	RESOLUTION 2024/14 1. That Council: a) Remove any reference to 'Free Meeting Room Use' and 'Policy 113 Not-for-Profit Community Organisations and In-kind Support' from the adopted 2023-24 Fees and Charges. b) Policy 113 be specifically rescinded and all reference to that policy be removed from current Council documents. 2. That Council note operational changes will be made (commencing 1 March 2024) to ensure: a) 1004 Community Grants Policy is applied as adopted resulting in a consistent approach to the hiring of Council facilities (meeting rooms/halls), and b) The consistent application of Hire Charges as per Council's adopted 2023-24 Fees and Charges, as amended by Resolution. c) That Council note that Policy 235 Council Community Halls and Room Hire and Policy 269 Free Use of Meeting Rooms for Not-for-Profit Organisations, have lapsed and no longer have effect.	Corporate & Community	● ●	Item 1 (a-b) completed 1 March 2024. Reference to Free Meeting Room use and Policy 113 has been removed from the 2023-24 adopted fees and charges. Policy 113 rescinded and removed from Council website and associated documents. Noted. Policy 235 and 269 have been rescinded and removed from the policy register on Council's website.

● Completed ● Work In Progress ● On Hold ● Outstanding

	Division: All Committee: General Meeting Officer: All	Date From: All Date To: All Doc ID: 1218781	
Outstanding Resolutions Report		Printed: Tuesday, 16 April 2024 1:33:56 PM	

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
18	24/01/2024	Regional Road Group Membership Fees	RESOLUTION 2024/15 That Council resolve to: 1. The reinstatement of membership fees for the Wide Bay Burnett Regional Roads and Transport Group; and 2. Pay the fees for 2023/24, as calculated accordance with the 2014/15 formula with the inclusion of the Cherbourg Aboriginal Shire Council, and delegate payment of the fees to Council's Manager Civil Works.	Works	 	Noted. Invoice for the 23/24 Fees received and processed.
19	24/01/2024	Monto Administration Building - Outcome of additional structural investigations	RESOLUTION 2024/16 That Council amend part 1 of Resolution 2023/22 to: 1. Resolves to undertake repairs within the current allocated budget to the Monto Administration Building in accordance with the detailed design and specification to be finalised by ATC Consulting Engineers and Project Managers.	Works		Tenders have been received to repair the front and rear walls and address the site drainage and sewerage issues. The tenders are currently being evaluated with clarifications being sought from tenderers. Additional funds will be required to complete the drainage and sewerage issues. Refer to the report tabled at this General Meeting.
20	24/01/2024	2024 Australian Local Government Association National General Assembly	RESOLUTION 2024/4 That Council, in accordance with Statutory Policy Reimbursement and Provision of Facilities for Mayor and Councillors: 1. Appoint the Mayor or Deputy Mayor, and the CEO or delegate, as representatives to attend the 2024 Australian Local Government Association (the 'ALGA') National General Assembly (the 'NGA') in Canberra 2 – 4 July 2024. That Council: 2. Move the following motions for inclusion in the motions to be debated at the 2024 Australian Local Government Association (the 'ALGA')	Office of the CEO	 	Following the appointment of the Deputy Mayor, Cr Jones will be registered for the event. Completed. Motions submitted.

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding





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 Committee: General Meeting
 Officer: All

Date From: All
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Outstanding Resolutions Report

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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
			National General Assembly (the 'NGA') in Canberra 2 – 4 July 2024: a) This National General Assembly calls on the Australian Government to increase funding for local government Financial Assistance Grants to a level of at least 1% of Commonwealth taxation revenue. b) This National General Assembly calls on the Australian Government to reassess the methodology used to calculate and distribute Financial Assistance Grants to ensure greater support for financially unsustainable local governments who do not have the capabilities to increase own source revenue.			
21	13/03/2024	Regulated Dog Inspection Program	RESOLUTION 2024/34 1. That Council resolves, in accordance with the Section 113 of the <i>Animal Management (Cats and Dogs) Act 2008</i> , to approve a Selective Inspection Program under which an authorised person may enter a place to monitor compliance with this Act. 2. That Council notes: a) the Selective Inspection Program will commence on 1 April 2024 and conclude on 30 September 2024. b) inspections under the Selective Inspection Program will be conducted by Authorised Officers between 7am and 5pm, Monday to Friday. c)	Corporate & Community	 	Noted. Inspections are currently underway due to conclude on 30 September 2024.

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding



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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
22	13/03/2024	Regional Arts Development Fund (RADF) Program - Round 2 2023-24	<p>RESOLUTION 2024/33</p> <p>That Council:</p> <ol style="list-style-type: none"> Endorse the following 2023-24 Round 2 RADF applications as recommended by the North Burnett Arts and Cultural Advisory Committee (NBACAC): <ol style="list-style-type: none"> RADF2324R200048 Monto Performing Arts - auspiced by Monto Magic Tourism Action Group; You Too Can Sing Workshops - \$3,332 RADF2324R200051 Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group; Workshops and Red-Carpet Community Screening Celebrations - \$10,714. Decline the following 2023-24 Round 2 RADF applications on the recommendation of the NBACAC: <ol style="list-style-type: none"> RADF2324R200052 Monto Magic Tourism Action Group - Conduct youth craft workshops in conjunction with Monto's Festival of the Centenary - \$5,280 (b) RADF2324R200053 Monto Magic Tourism Action Group - Conduct balloon twisting workshops in conjunction with Monto's Festival of the Centenary - \$1,830. Endorse the following RADF Committee Initiatives on the recommendation of the NBACAC: <ol style="list-style-type: none"> Initiative 1: Arts, Culture and Heritage community grant writing workshops - \$6,500 	Corporate & Community	 	<p>Completed. Outcomes provided to applicants.</p> <p>Completed. Outcomes provided to applicants.</p> <p>Completed. Outcomes provided to applicants.</p>

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding

	Division: All	Date From: All
	Committee: General Meeting	Date To: All
	Officer: All	Doc ID: 1218781
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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
			b) (b) Initiative 2: Professional development opportunity for artists and arts workers to attend a Public Art Masterclass in Bundaberg - \$3,000.			
			4. Endorse the following 2022-23 RADF Outcome Reports for successful acquittal on the recommendation of the NBACAC: a) RADF2223R1039 Kaiden Ratcliff – auspiced by Gayndah Development Association (GDA): First Nations Art Exhibition - \$7,110 b) RADF2223R200002 Loraine Maskell - Professional Development: Russell Shakespeare Portrait and Documentary Photography workshop - \$1,315 c) RADF2223R1041 Noosa Film Academy Pty Ltd - auspiced by Monto Magic Tourism Action Group: Youth Acting and Screen Production - \$10,761 d) RADF2223R300044 Monto Art Group - Artist workshop with Lizzie Taylor - \$1,702 E) (e) RADF2223R300047 Rachel Koster - North Burnett Regional Songwriting Workshop - \$5,750.		●	Acquittals completed.
23	10/04/2024	Appointment of Deputy Mayor	RESOLUTION 2024/40 That Council, pursuant to Section 175(2) of the Local Government Act 2009, appoint Cr Jones as the Deputy Mayor.	Office of the CEO	●	Notification made via Public Notice and internal communications.

● Completed ● Work In Progress ● On Hold ● Outstanding



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Outstanding Resolutions Report

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#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
24	10/04/2024	Council General Meeting Schedule 2024	<p>RESOLUTION 2024/41</p> <p>That Council:</p> <ol style="list-style-type: none"> In accordance with section 256(1) of the Local Government Regulation 2012, adopt the meeting dates and times for the remaining General Meetings of Council to be held in the 2024 calendar year as per the table below (continuing the regional rotation of meeting locations); and Pursuant to section 254B(2) and (3) of the Local Government Regulation 2012, publicly advertise those dates and times. 	Office of the CEO	●	Completed.
25	10/04/2024	Appointment of LDMG Chairperson	<p>RESOLUTION 2024/42</p> <p>That Council, in accordance with Section 34 of the Disaster Management Act 2003, appoint Cr Jones as the Local Disaster Management Group Chairperson.</p>	Office of the CEO	●	Completed. Notification made via Public Notice and internal communications.
26	10/04/2024	Appointment of LDMG Deputy Chairperson	<p>RESOLUTION 2024/43</p> <p>That Council, in accordance with Section 34 of the Disaster Management Act 2003, appoint Cr Vaughan and Cr McGilvery as the Local Disaster Management Group Deputy Chairpersons.</p>	Office of the CEO	●	Completed. Notification made via Public Notice and internal communications.
27	10/04/2024	Confidential Legal Matter	<p>RESOLUTION 2024/50</p> <p>That Council:</p> <ol style="list-style-type: none"> Appoints an independent Mediator as discussed in the closed (and confidential) session of this Council meeting; Following Mediation, and before a decision is made, Council be provided a report for consideration; Delegates to the Governance, Policy and Risk Advisor the delegation of all CEO powers for any occasion where the CEO might be conflicted; 	Office of the CEO	●	Due to the nature of this matter, no update can be provided at this time.

● Completed ● Work In Progress ● On Hold ● Outstanding



Division: All
 Committee: General Meeting
 Officer: All

Date From: All
 Date To: All
 Doc ID: 1218781



Outstanding Resolutions Report

Printed: Tuesday, 16 April 2024 1:33:56 PM

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
			d) Delegates to the Deputy Mayor the power to sign all documents necessary where the Mayor might be conflicted.			

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding

 <p>Outstanding Questions on Notice Report</p>	<p>Division: All</p> <p>Committee: General Meeting</p> <p>Officer: All</p>	<p>Date From: All</p> <p>Date To: All</p> <p>Doc ID: 1219787</p>
	<p>Printed: Tuesday, 16 April 2024 1:33:56 PM</p>	

#	Meeting Date	Res Title	Res Details	Responsible Function	Status	Comments
1	24/01/2024	FLOOD WARNING SIGN AT DALLARNIL & PROPOSED SIGN ON THE ISIS HIGHWAY (CHILDERS - BIGGENDEN ROAD)	Cr Radel requested a point of clarification concerning the sign currently located at Dallarnil and if the proposed sign installation on the Isis Highway (Childers – Biggenden Road) would be additional to this. Margot Stork, CEO, responded through the Chair noting that the question would be taken on notice.	Corporate & Community		This site was nominated by DTMR. Will follow up further with DTMR on the status of the Dallarnil sign if the Biggenden-Childers sign is to be funded.
2	28/02/2024	Explanation of Status' in the Progress Report on the Implementation of Internal and External Audit Recommendations	Cr Radel requested clarification regarding the status outlined in the Progress Report on the Implementation of Internal and External Audit Recommendations. Ms Stork (CEO) responded through the Chair, indicating that the Audit and Risk Committee would be provided with an update at the next ARC Meeting, which would include an updated explanation of the status of each.	Corporate & Community		The Audit and Risk Committee would be provided with an update at the next ARC Meeting, which would include an updated explanation of the status of each.

● Completed
 ● Work In Progress
 ● On Hold
 ● Outstanding

9.2 STANDING ORDERS AND MODEL MEETING PROCEDURES

Doc Id: 1219573

Author: Michael Cartwright, Governance Policy and Risk Advisor

Authoriser: Margot Stork, Chief Executive Officer

Attachments:

1. DRAFT - PRO-5005 Meeting Procedures and Standing Orders for Council Meetings and Standing Committees [1219600]
2. PRO-5005(a) Council Standing Orders Dept Issue.pdf []
3. Pro-5005(b) Model Meeting Procedures Dept Issue.pdf []

EXECUTIVE SUMMARY

The Department of State Development, Infrastructure, Local Government and Planning (the Department) has updated the “Best Practice Standing Orders” and “Model Meeting Procedures” delineated in attachments 2 and 3. These documents provide written rules for the orderly conduct of local government meetings.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, in accordance with Section 150G of the *Local Government Act 2009*, adopt the PRO-5005 Meeting Procedures and Standing Orders for Council Meetings and Standing Committees per attachment 1.

REPORT

The purpose of the Standing Orders and Meeting Procedures for Council Meetings is to provide written rules for the orderly conduct of Council Meetings in accordance with requirements under the *Local Government Act 2009*.

These processes also sets out:

- 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; and
- procedures for closing a local government meetings to the public.

It is intended that these processes will help strengthen public confidence in local government to deal with the conduct of Councillors in meetings.

CONSULTATION

Councillors were advised of changes at the Councillor Information Workshop held in Mt Perry on 13 March 2024.

RISK IMPLICATIONS**Reputation / Political**

These processes minimise risk through promoting consistency, establishing precedents and expected actions/outcomes, helping to avoid inefficient, inconsistent and ineffective decisions.

Occupational Health & Safety (WHS)

As far as is reasonably practicable Council will ensure that the organisation's operations do not place people, property or the environment at unacceptable levels of risk or harm.

Financial Impact

Nil – updating this policy will not have an impact on Council's financial position.

Legal & Regulatory

Council maintains a low risk appetite for non-compliance with legal and regulatory requirements. Well-prepared agendas, orderly meetings and minutes that accurately reflect the proceedings of local government meetings contribute to an efficient, effective and accountable system of local government.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

Not Applicable.

Information Communications Technology

Not Applicable.

Service Delivery

Not Applicable.

Climate

Not Applicable.

KEY MESSAGE

Council must review its existing Standing Orders and Model Meeting Procedures to ensure that the minimum standards set by the State Government are met by Council.



PRO-5005 - Meeting Procedures and Standing Orders for Council Meetings and Standing Committees

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DICTIONARY

Attendee means:

- (a) The Chief Executive Officer; or
- (b) An officer nominated by the Chief Executive Officer; or
- (c) An officer invited to a Council or committee meeting by the Chairperson of that meeting; or
- (d) In the case of a Council meeting or a committee meeting, a person admitted to the meeting by the respective Council or committee.

Audio Link means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places.

Audio Visual Link means facilities, including closed-circuit television, that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places

Chairperson means:

- (a) The Mayor in the case of a Council meeting; or
- (b) The person appointed by the Council pursuant to Section 267 (Chairperson of committee) of the *Local Government Regulation 2012* as Chairperson of the Standing committee; or
- (c) A person acting in the position of Chairperson pursuant to these Standing Orders; or
- (d) The person who controls the order of the meeting.

Chief Executive Officer means the person appointed and employed by the Council as its Chief Executive Officer pursuant to Section 194 (Appointing a Chief Executive Officer) of the *Local Government Act 2009*.

Conduct Breach is conduct under section 150K *Local Government Act 2009*.

Councillor refers to an individual duly elected as a Councillor or Mayor to the North Burnett Regional Council in accordance with the relevant legislation.

Council Meeting means the Ordinary or Special Meeting of the full Council.

Declarable Conflict of Interest refer *Local Government Act 2009*, Chapter 5B, Part 3.

LGA means *Local Government Act 2009*

LGR means *Local Government Regulation 2012*

Mayor means the Mayor of the Council and includes any person acting in the position of the Mayor pursuant to the *Local Government Act 2009* or these Standing Orders.

Member means in the case of a Council or Standing committee meeting, a Councillor of the North Burnett Regional Council.

Motion of Dissent means a motion set out in these Standing Orders, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the Chairperson.

Ordinary Business means matters such as:

- The Councillors interest is no greater than a significant proportion of other community members (e.g. all people in a suburb, all people in a small town, all business owners, all dog owners)
- Councillor remuneration, expenses, superannuation, or insurance
- Adoption of budget, rates and charges and cost-recovery fees
- Planning scheme or amendments for the whole Council area
- Appointment of Mayor, Deputy Mayor, Councillor, committee member, or Council representative of a board or association

Ordinary Meeting of the Council means –

- (a) A post-election meeting of the Council which is required to be held under Section 175 (Post-election meetings) of the *Local Government Act 2009*; or
- (b) A periodic meeting of the Council which is required to be held under Chapter 8, Part 2, Division 1 (Requirements for meetings of a local government) of the *Local Government Regulations 2012*.

Petition means a formal written or electronic document signed by a minimum of 10 people that requests Council's action in a particular matter.

Point of Order means an objection to an action.

Prescribed Conflict of Interest refer Local Government Act 2009, Chapter 5B, Part 2.

Procedural Motion means a motion set out in these Standing Orders and is a specific resolution to control the conduct of the meeting to aid the effective transaction of business.

Standing Committee of Council, means a committee established under Section 264 of the *Local Government Regulation 2012* of Councillors that meets to discuss the topic decided by Council when establishing the committee.

Statutory Notice of meeting means a notice of meeting to be given under the *Local Government Regulation 2012*.

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.

Unsuitable Meeting Conduct for Chapter 5A of the Local Government Act 2009, see section 150H.

PART A – MEETING PROCEDURES

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 and standing committee meetings.

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 in meetings.

In particular, as required under section 150F of the *Local Government Act 2009* (LGA) this document sets out:-

- How the Chairperson of a local government meeting may deal with a Councillors unsuitable meeting conduct.
- How the Councillors at a local government meeting may deal with the Chairperson's unsuitable meeting conduct.
- The process for how a conduct breach by a Councillor referred to the local government by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

PROCESSES

1 DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING

When dealing with unsuitable meeting conduct breach 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 a serious nature or another warning is unwarranted, subclause 1.7 applies.
- 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 actions such as:
 - 1.3.1 Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct.
 - 1.3.2 Apologising for their conduct.
 - 1.3.3 Withdrawing their conduct.
- 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

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PRO-5005 – Meeting Procedures and Standing Orders for the Conduct of Council Meetings and Standing

Chairperson may warn the Councillor that failing to comply with the request could result in an order for unsuitable meeting conduct 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 still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides that a warning is not appropriate under 1.3, 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. (section 150I(2)(b) of the LGA)
- 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 (section 150I(2)(c) of the LGA). The meeting must be adjourned whilst the Councillor is being removed.
- 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. (section 150I(3) of the LGA)
 - 1.9.2 If it is the third or more order within a 12-month period made against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with by Council and treated as a conduct breach pursuant to section 150J of the LGA.
 - 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 (section 150DX of the LGA)
- 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.

2 DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT REFERRED TO COUNCIL

- 2.1 Pursuant to Chapter 5A, Division 5 of the LGA, a referral from the Independent Assessor of a conduct breach or an instance of a suspected conduct breach may arise from circumstances under paragraph 1.9.2 of this document.

In either case, Council must complete an investigation into the alleged conduct:

- Consistent with any recommendations from the Independent Assessor; and
- Consistent with the Council's investigation policy; or
- In another way decided by resolution of the Council.

- 2.2 After the completion of the investigation, the Council must decide in a Council meeting whether the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision to the Mayor under section 257(2)(a) of the LGA.

- 2.3 When dealing with a conduct breach which has been referred to Council by the Independent Assessor, the Council must be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with conduct breach in an open meeting of Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J(3)(f) of the *Local Government Regulation 2012* (LGR) to discuss the allegation.
- 2.4 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the Meeting during a debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the Meeting for the debate is on the condition that the subject Councillor 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 conduct breach.
- 2.5 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 this document. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the Meeting during the debate and vote on the matter the other Councillors must decide how to deal with the conflict of interest under section 4 of this document. 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.
- 2.6 The Council must debate the issue and decide whether the accused Councillor engaged in a conduct breach. 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 or deferred to another date when a quorum will be present.
- 2.7 If a decision is reached that the accused Councillor has engaged in a conduct breach, the Councillors must decide what penalty or penalties from the orders detailed in 2.8, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous conduct breach by the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that is reasonably satisfied is true.
- 2.8 The Council may order that no action be taken against the Councillor or make one or more of the following:
- 2.8.1 An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - 2.8.2 An order reprimanding the Councillor for the conduct;
 - 2.8.3 An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - 2.8.4 An order that the Councillor be excluded from a stated Meeting;
 - 2.8.5 An order that the Councillor is removed, or must resign, from a position representing Council, other than the office of Councillor, for example that the Councillor is orders to resign from an appointment representing the Council on a State board or committee;

- 2.8.6 An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; or
- 2.8.7 An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's conduct breach.
- 2.9 A Council may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.
- 2.10 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 they have made.
- 2.11 The Council must ensure the meeting minutes reflect the resolution made.

3 PRESCRIBED CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of a prescribed conflict of interest on matters to be discussed at a Council or Standing committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 3.1 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 Meeting must also give notice during the Meeting.
- 3.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Meeting must immediately inform the Meeting of the conflict of interest.
- 3.3 When notifying the Meeting of a prescribed conflict of interest, the following details must be provided:
- 3.3.1 if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - 3.3.2 if it arises because of an application for which a submission has been made, the matters, the subject of the application and submission;
 - 3.3.3 The name of any entity other than the Councillor that has an interest in the matter;
 - 3.3.4 The nature of the Councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter;
 - 3.3.5 Details of the Councillor's and any other entity's interest in the matter.
- 3.4 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. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 3.5 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.

4 DECLARABLE CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Standing committee meetings (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 Councillor 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 procedures:

- 4.1 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 Meeting must also give notice during the Meeting.
- 4.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Meeting must inform the meeting of the conflict of interest.
- 4.3 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 details must be provided:
 - 4.3.1 The nature of the declarable conflict of interest.
 - 4.3.2 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 interests in the matter.
 - 4.3.3 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.
- 4.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 4.5 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 as prescribed in section 150ES of the LGA.
- 4.6 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

- 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 eligible Councillors.
- 4.7 In deciding on a Councillor's declarable conflict of interest in a matter, only Councillors who do not also 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 quorum for the meeting consistent with section 150ET of the LGA.
- 4.8 The ability to make a resolution without a seconder applies when making a resolution under 150ES of the LGA.
- 4.9 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 eligible 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.
- 4.10 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 particular circumstances of the matter including, but not limited to:
- 4.10.1 how does the inclusion of the Councillor in the deliberation affect the public trust;
 - 4.10.2 how close or remote is the Councillor's relationship to the related party;
 - 4.10.3 if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
 - 4.10.4 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;
 - 4.10.5 how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
 - 4.10.6 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;
 - 4.10.7 whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 4.11 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, 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 as prescribed in 150ET(3) of the LGA.
- 4.12 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 all subsequent decisions, about the same matter, as prescribed in 150ET(4) of the LGA, 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 Meeting about the same matter.

- 4.13 In making the decision under 4.6 and 4.10, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.14 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

5 REPORTING A SUSPECTED CONFLICT OF INTEREST

- 5.1 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 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.
- 5.2 The Chairperson then 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.

6 CLOSED MEETINGS

- 6.1 Council and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:
- 6.1.1 Appointment, dismissal or discipline of the CEO
 - 6.1.2 Industrial matters affecting employees
 - 6.1.3 Council's budget, which does not include the monthly financial statements
 - 6.1.4 Rating concessions

- 6.1.5 Legal advice obtained by the Council involving the Council, including for example, legal proceedings that may be taken by or against Council
 - 6.1.6 Matters that may directly affect the health and safety of an individual or a group of individuals
 - 6.1.7 Negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council
 - 6.1.8 Negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
 - 6.1.9 A matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 6.2 A Council or standing committee 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.
- 6.3 Further, the Meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must;
- a) Delegate the matter unless the matter cannot be delegated,
 - b) Decide by resolution to defer to a later meeting,
 - c) Decide by resolution to take no further action on the matter.

Note: *None of the above will be considered, discussed, voted on or made during a closed session as per Section 6.5 below.*

- 6.4 If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA).
- 6.5 To take a matter into a closed session, the Council must abide by the following process:
- a. Pass a resolution to close the meeting.
 - b. 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.
 - c. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and a brief explanation of why it is deemed necessary to take the issue into closed session.
 - d. Not make a resolution while in a closed meeting (other than a procedural motion)

PART B – STANDING ORDERS

STANDING ORDERS

7 INTRODUCTION

- 7.1 These Standing Orders apply to all meetings of Council and any Standing Committees.
- 7.2 These Standing Orders do not apply to Audit and Risk Committee meetings.
- 7.3 Any provision, except where mandatory under the model meeting procedures, of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 7.4 Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

PROCEDURES FOR MEETINGS OF COUNCIL

8 PRESIDING OFFICER

- 8.1 The Mayor will preside at a meeting of Council.
- 8.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 8.3 If both the Mayor and the Deputy Mayor, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 8.4 Council will choose the Chairperson for a Standing committee meeting. This Chairperson will normally preside over meetings of the committee.
- 8.5 If the Chairperson of a Standing committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the committee meeting.

9 ORDER OF BUSINESS

- 9.1 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
- 9.2 The order of business will be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- 9.3 Unless otherwise altered, the order of business will be as follows:
 1. Opening Prayer / Welcome to Country
 2. Apologies and Leave of Absence
 3. Disclosure of Interests
 4. Mayoral Minute
 5. Confirmation of Minutes of Meetings
 6. Outstanding Actions

7. Addresses/Presentations
8. Deputations
9. Petitions
10. Committees' Reports
11. Officers' Reports
12. Matters/Motions of which due notice has been given
13. Response to Questions on Notice
14. General Business
15. Confidential
16. Late items

- 9.4 The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion will be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.
- 9.5 Amendments to the minutes may be made prior to confirming the minutes. This may be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed, the minutes can be amended.
- 9.6 All Councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.

10 AGENDAS

- 10.1 The Chief Executive Officer determines the business paper content for any meeting; including late items and items declared as confidential.
- 10.2 Business not on the Agenda or not fairly arising from the Agenda will not be considered at any Meeting unless permission for that purpose is given by Chairperson at such meeting. Business must be in accordance with the adopted Terms of Reference for each committee.
- 10.3 A matter considered under sub-clause 10.2 above will be considered during that part of the meeting set aside for general business.
- 10.4 The notice of the meeting and the agenda must be given to each Councillor at least 2 days before the meeting unless it is impracticable to give the notice before that time.
- 10.5 The Agenda for the Council must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. Any related reports for the Council meeting must also be included and available to the public excluding confidential reports.
- 10.6 If the related report is made available to Councillors or Committee Members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the Councillors or Committee Members unless the related report contains information confidential to the Council in accordance with Section 254D(3) of the LGR.
- 10.7 Matters on the Agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J of the LGR, will be clearly identified including the reasons why the session will be closed.

11 MATTERS/MOTIONS WITH DUE NOTICE

- 11.1 Any Councillor wishing to give notice of any matters/motions, must give notice in writing to the Chief Executive Officer at least 48 hours before the meeting at which the business is to be discussed.
- 11.2 Matters/motions relating to but not limited to amending and changing disbursement of funds, budgets, operational plan activities, capital work priorities, and policy decisions will be subject to a Council report prior to any Council resolution.
- 11.3 If the Council determines the matter/motion is an operational issue, refer to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.
- 11.4 Matters/motions that will revisit an existing Council decision are not permitted in this section within a period of 3 months of that decision. The avenue for these motions is either through a Mayoral Minute or in general business as per section 10.2 and 10.3.

12 SPECIAL MEETING

- 12.1 The Chief Executive Officer must call a special meeting of the Council if –
 - 11.1.1 The special meeting is required by a resolution of the Council; or
 - 11.1.2 A written request for the special meeting is lodged with the Chief Executive Officer.
- 12.2 A written request for a special meeting of Council must -
 - 12.2.1 Be signed by the Mayor or three or more Councillors; and
 - 12.2.2 Specify the object of the special meeting; and
 - 12.2.3 Propose a day and time for the holding of the special meeting.
- 12.3 The Chief Executive Officer calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting to each Councillor.
- 12.4 The notice must be given, at least two days before the day of the meeting, unless it is impracticable to give the notice before that time (Section 254C of the *Local Government Regulation 2012*). The only business that may be conducted at a special meeting is the business specified in the notice of meeting.

13 BUSINESS ARISING INCLUDING GENERAL BUSINESS

- 13.1 Without limiting 10.2 and 10.3, matters considered under General Business will include matters of a genuinely urgent or emergency nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.
- 13.2 Matters which would normally be subject of a Council report shall not be included in General Business.
- 13.3 If the matter is an operational issue, this will be referred to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.

14 MAYORAL MINUTE

- 14.1 The Mayor may, by a signed minute, introduce a matter for consideration at a meeting. The matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

Note: A Mayoral minute upon being moved is dealt with in the same manner as any other motion.

15 PETITIONS

- 15.1 A Councillor may present a paper petition or electronic petition where the petition meets the relevant Council petition requirements provided for in section 15.2.

- 15.2 Any petition presented to a meeting of Council must:

15.2.1 Be in legible writing; contain a minimum of ten signatures; include the name and contact details for the Principal Petitioner (i.e., one person who is the organizer and who will act as the key contact for the issue); include the postcode of all petitioners; have the details of the specific request/matter appearing on each page of the petition; be respectful and not contain any offensive language or content. Notwithstanding section 15.2.4 and 15.2.5 above, an electronic petition may be received by the Council.

- 15.4 Complaints against an individual/s is not considered a petition. Where a petition is received and the details of the request/matter is against an individual/s, it will be referred to the Chief Executive Officer to be dealt with in accordance with Council protocol and process.

- 15.5 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that:

- i. the petition be received; or
- ii. the petition be received and referred to a committee or Chief Executive Officer for consideration and a report to Council; or
- iii. the petition not be received because it is deemed invalid.

- 15.6 Only the name of the chief petitioner, the petitioner's request and the number of signatories will be recorded in the minutes.

- 15.7 The Chief Executive Officer will arrange a written response to the Principal Petitioner in relation to all petitions. Petitions deemed invalid will be provided with the reason/s why the petition was deemed invalid.

16 DEPUTATIONS

- 16.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than twelve (12) business days before the meeting.

- 16.2 An application for a deputation must include:

16.2.1 The presentation description of the deputation

16.2.2 The names of all parties presenting the deputation

- 16.2.3 If any supportive methods (e.g props, PowerPoint presentations, video) will be utilised. Supportive methods are subject to approval by the Chairperson.
- 16.3 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- 16.4 For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 16.5 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may terminate the deputation.
- 16.6 The Chairperson may terminate an address by a person in a deputation at any time where:
- 16.6.1 The Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting,
 - 16.6.2 The time period allowed for a deputation has expired, or
 - 16.6.3 The person uses insulting or offensive language or is derogatory towards Councillors or staff members
- 16.7 The Chief Executive Officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.
- 16.8 A Deputation will not exceed twenty minutes unless otherwise agreed by the Chairperson.

MOTIONS

17 MOTION TO BE MOVED

- 17.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- 17.2 When a motion has been moved and seconded, it will become subject to the control of Council and cannot be withdrawn without the consent of the Council.
- 17.3 An amendment can be made with consent of the mover and seconder of the original motion.
- 17.4 Where the consent to an amendment of a motion is not provided by the mover and seconder of the original motion, the proposed amendment to the motion must be moved, seconded and determined by Council.
- 17.5 Where consent to an amendment of a motion is not provided by the mover and seconder of the original motion and is successful, the mover of the amendment is taken to have moved the motion and can speak to the motion and have the right of reply.
- 17.6 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 17.7 A motion brought before a meeting of Council in accordance with the *Local Government Act*

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2009 or these Standing Orders will be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

- 17.8 The Chairperson may refuse to accept a motion if it is not within the Meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 17.9 The Chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is taken to a motion being taken as a formal motion and the motion is then seconded, the Chairperson may put the motion to the vote without discussion.
- 17.10 Not more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

18 ABSENCE OF MOVER OF MOTION

- 18.1 Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- 18.1.1 Moved by another Councillor at the meeting with written consent from the Councillor who gave notice of the motion, or
 - 18.1.2 Deferred to the next meeting.

19 MOTION TO BE SECONDED

- 19.1 A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

20 AMENDMENT OF MOTION

- 20.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 20.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 20.3 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion will be considered until after the first amendment has been voted on, however before the debate is conducted a Councillor may foreshadow another amendment should the motion be lost.
- 20.4 A Councillor may foreshadow an amendment to a motion should the motion be lost. The foreshadowed amendment does not require a seconder.
- 20.5 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

21 SPEAKING TO MOTIONS AND AMENDMENTS

- 21.1 The mover of a motion or amendment will read it but will not speak to it until it is seconded.

- 21.2 The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 21.3 Councillors must first state whether they are speaking in favour or against the motion before speaking.
- 21.4 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded this includes asking a question for reply by a Councillor or an officer of Council, but only regarding the matter under consideration at the Meeting. The Council officer may be assisted by an external expert if deemed necessary to provide clarification to Councillors.
- 21.5 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which will be signified without debate, and a Councillor will not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 21.6 The mover of a motion or amendment has the right to reply if another Councillor has spoken against the motion. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 21.7 Each speaker shall be restricted to not more than three minutes unless the Chairperson rules otherwise.
- 21.8 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson will determine who is entitled to priority.
- 21.9 In accordance with Section 254H of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an employee engaged to provide services of the Council the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. Section 254H applies to either or both of the following decisions:
- a) The decision is about entering into a contract the total value of which is more than the greater of the following:
 - i. \$200,000 exclusive of GST;
 - ii. 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report;
 - b) The decision is inconsistent with a policy of the local government, or the approach ordinarily followed by the local government for the type of decision.

22 METHOD OF TAKING VOTE

- 22.1 The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. Councillor names in favour and against the motion will be recorded in the minutes unless carried unanimously.

- 22.2 A Councillor must advise the Chairperson if they intend to abstain from the vote and the reason for abstaining.
- 22.3 If a Councillor does not vote for or against a motion, they will be taken to have abstained from voting and their vote will be recorded in the negative i.e. against the motion.
- 22.4 A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. The Chairperson shall declare the result of a vote or a division as soon as it has been determined. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. A division requires the Councillors to vote by standing.
- 22.5 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 22.6 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 22.7 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

23 WITHDRAWING A MOTION

- 23.1 A motion or amendment may be withdrawn by the mover with the consent of the Council, by resolution, which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Meeting for its withdrawal.

24 REPEALING OR AMENDING RESOLUTIONS

- 24.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.
- 24.2 Motions to repeal or amend a previous resolution can be made:
- 24.2.1 By a notice of intention to repeal or amend delivered to the Chief Executive Officer;
 - 24.2.2 By recommendation contained in a report by an Officer and included in the agenda.
- 24.3 A Councillor may propose a notice of motion to repeal or amend a previous resolution provided that:
- 24.3.1 The resolution proposed to be repealed or amended has not been acted on. The effect of repealing or amending the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations.
 - 24.3.2 The notice of repeal or amendment sets out:
 - i The resolution to be repealed or amended; and
 - ii the meeting and date at which the resolution was made.
- 24.4 Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

25 PROCEDURAL MOTIONS

25.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:

- 25.1.1 that the question/motion be now put
- 25.1.2 that the motion or amendment now before the meeting be adjourned
- 25.1.3 that the meeting proceeds to the next item of business
- 25.1.4 that the matter lie on the table
- 25.1.5 that the matter be taken from the table
- 25.1.6 a motion of dissent against the Chairpersons decision
- 25.1.7 that this report/document be tabled
- 25.1.8 that standing orders be suspended
- 25.1.9 that standing orders be resumed
- 25.1.10 that the meeting be adjourned
- 25.1.11 that the meeting be reconvened
- 25.1.12 that the speaker no longer be heard
- 25.1.13 a point of order.

25.2 A procedural motion, ***that the question/motion be put***, may be moved and where such a procedural motion is carried, the Chairperson will immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion will resume.

The Chairperson has the discretion as to whether to accept the motion to ensure that the matter has been reasonably debated. It may not be moved or seconded by a person who has already moved, seconded or spoken about the main motion or any amendment.

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

- 25.1.1 A further motion may be moved to specify such a time or date, or
- 25.1.2 The matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.

25.4 Where a procedural motion, ***that the meeting proceeds to the next item*** is carried, debate on the matter that is the subject of the motion will cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.

25.5 A procedural motion, ***that the matter lie on the table***, will only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting. A motion to lie a matter on the table must specify the additional information required on the matter. Where such a procedural motion is passed, the Council will proceed with the next matter on the business paper. If a motion to take the matter from the table is not moved before the end of the meeting, the matter will lapse and will have to be brought forward as a

new matter at a future meeting at the discretion of the Chief Executive Officer.

- 25.6 A procedural motion, ***that the matter be taken from the table***, may be moved at the meeting at which the procedural motion was carried.
- 25.7 A procedural motion, ***a motion of dissent against the Chairpersons decision***, may be used in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- 25.8 A procedural motion, ***that this report/document be tabled***, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 25.9 A procedural motion, ***that standing orders be suspended***, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 25.10A procedural motion, ***that standing orders be resumed***, will be made to resume the standing orders.
- 25.11A procedural motion, ***that the meeting be adjourned***, may be made by any Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council will continue with the business before the meeting at the point where it was discontinued on the adjournment.
- 25.12A procedural motion, ***that the meeting be reconvened***, will be made after an adjournment to identify the recommencement of the meeting.
- 25.13A procedural motion, ***that the speaker no longer be heard***, may be moved by a Councillor while another Councillor is speaking if the mover of the motion determines that the speaker is being repetitive. Where the Chairperson allows the procedural motion to be put, it will be voted on without debate. If the motion is carried the speaker will resume their seat and not speak to the motion again.

26 POINT OF ORDER

- 26.1 Any Councillor may ask the Chairperson to decide on a *point of order* where it is believed that another Councillor:
- 26.1.1 Has failed to comply with meeting procedures and standing orders;
 - 26.1.2 Is in contravention of the Local Government Act/Regulations; or
 - 26.1.3 Is beyond the jurisdiction power of Council.
- 26.2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved will be suspended pursuant to clause 20.2. The Chairperson will determine whether the point of order is upheld.
- 26.3 Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and then the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

27 CONDUCT DURING MEETINGS

- 27.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 27.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor will not enter or leave from such meeting without first notifying the Chairperson.
- 27.3 Councillors will speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers will designate them by their respective official or departmental title, example "CEO", or by surname "Mr Jones" and will confine their remarks to the matter then under consideration.
- 27.4 No Councillor who is speaking will be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- 27.5 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak will immediately cease speaking, and each Councillor present will preserve strict silence so that the Chairperson may be heard without interruption.

28 QUESTIONS

- 28.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any item contained in the agenda. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice has the right to take the question on notice for the next meeting via a written response.
- 28.2 A Councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

- 28.3 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson will allow such question.
- 28.4 Any requests that the response be in the form of a Council Standard report, must be dealt with in accordance with Motions of which due notice has been given.

MAINTENANCE OF GOOD ORDER

29 DISORDER

- 29.1 The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson will move a motion, which will be put without debate, to determine whether the meeting will proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

ATTENDANCE AND NON-ATTENDANCE

30 ATTENDANCE OF PUBLIC AND THE MEDIA AT MEETINGS

- 30.1 An area will be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 30.2 No conversation/ comments among audience members should take place during the meeting. Should conversation/ comments occur which disrupts the meeting, the Chairperson may request the person/s to cease making the submission or comment. The Chair may adjourn the meeting where disorder arises until order has been restored.
- 30.3 When the Council is sitting in Closed Session, the public and representatives of the media will be excluded.
- 30.4 The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 254J of the *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

31 QUORUM AND LAPSE OF A QUORUM

- 31.1 A quorum of a Council is a majority of its Councillors.
- 31.2 However, if the number of Councillors is an even number, one-half of the number is a quorum.
- 31.3 A quorum of a standing committee is the number –
- 31.3.1 Fixed by the Council; or
 - 31.3.2 If a number is not fixed by the Council – fixed by the standing committee.

- 31.4 If a quorum is not present within 15 minutes after the time set for the meeting to begin, the meeting may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present then the Chief Executive Officer.
- 31.5 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:
- 31.5.1 Delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*;
 - 31.5.2 Defer the matter to a later meeting; or
 - 31.5.3 Not decide the matter and take no further action in relation to the matter.
- 31.6 All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 31.7 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 conflict of interest in the matter.
- 31.8 If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the conflicted Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.
- 31.9 If during the conduct of a meeting, the Chairperson becomes aware that a quorum is no longer present, the meeting will be adjourned for 30 minutes. If after 30 minutes a quorum is still not present, the meeting will be adjourned to a date and time to be determined by the Chairperson but no later than 14 days from the date of the adjournment.
- 31.10 However, the meeting may be adjourned to a later time on the same day.
- 31.11 When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.
- 31.12 A decision by eligible Councillors may be made under section 150ER or 150ES, other than in relation to a matter mentioned in section 150EU even if—
- a) the number of eligible Councillors is less than a majority; or
 - b) the eligible Councillors do not form a quorum for the meeting.

32 PUBLIC PARTICIPATION AT MEETINGS

- 32.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson. (Invited in the moment, not by pre-agreed Deputation)
- 32.2 In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to Council. The time allotted shall not exceed twenty minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the

absolute discretion of Council.

- 32.3 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 32.4 For any matter arising from such an address, Council may take the following actions:
- 32.4.1 Refer the matter to a committee.
 - 32.4.2 Deal with the matter immediately.
 - 32.4.3 Place the matter on notice for discussion at a future meeting.
 - 32.4.4 Note the matter and take no further action.
- 32.5 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks using respectful and courteous language.
- 32.6 Any person who is considered by the Council or the Chair to be unsuitably dressed may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
- 32.7 Only Certified Guide Dogs, Hearing Dogs or Assistance Dogs, either in training or fully trained, with their approved handler have the right to enter Council Meeting space. Approved handlers, (including those who have an alternative handler helping them to physically control the dog) trainers, and puppy carers, accompanied by a certified dog or dog in training will be required to display an approved Guide, Hearing and Assistance Dogs identity card on their person.

33 TELECONFERENCING OF MEETINGS

- 33.1 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 or Standing committee meeting by teleconference.
- 33.2 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 (section 254K(3) of *Local Government Regulation 2012*). The attendance of the Councillor must be recorded in the minutes as present at the Meeting via audio link or audio-visual link.
- 33.3 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.

34 REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than two years.

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General Meeting	28 November 2018	Adopted
2	General Meeting	24 February 2021	Revised
3	Councillor Workshop	16 May 2021	Administrative revision – added Appendix 2 – Motions Flowcharts
4	General Meeting	23 November 2022	Revised
5	Department Update	30 August 2023	Administrative revision – changes to the Local Government Act 2009 pinpoint reference numbers.
6	General Meeting	TBA	Revised

DRAFT

Best practice standing orders for local government and standing committee meetings

February 2024

Adopted by Council Resolution <Day/Date/2024

Last updated:

Date	Version number	Officer's Name	Approved
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30 November 2023	005	P Cameron	Director G & C
22 January 2024	006	P Cameron	Director G & C
12 February 2024	007	P Cameron	Director G& C



**Queensland
Government**

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this document is available on the Department of Housing, Local Government, Planning and Public Works website at www.statedevelopment.qld.gov.au/local-government

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Intent

To assist local governments, the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the meeting procedures that deal with matters during local government meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the DHLGPPW [model meeting procedures](#) and the meeting provisions in the Local Government Regulation 2012 (LGA). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matters will be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

Procedures for meetings of local government

2. Presiding officer

- 2.1. The mayor will preside at a meeting of a local government.
- 2.2. If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3. If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside, another councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4. The local government will choose the chairperson for a committee meeting. This chairperson will preside over meetings of the committee.
- 2.5. If the chairperson of a committee is absent or unavailable to preside, another councillor chosen by the councillor's present will preside over the committee meeting.
- 2.6. Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3. Order of business

- 3.1. The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2. Unless otherwise altered, the order of business will be as follows:
- attendances
 - apologies and granting of leaves of absence
 - confirmation of minutes
 - business arising out of previous meetings
 - officers' reports.

Note: *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed. If the local government needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.*

4. Agendas

- 4.1. The agenda may contain:
- notice of meeting
 - minutes of the previous meetings
 - business arising out of previous meetings
 - business which the mayor wishes to have considered at that meeting without notice
 - matters of which notice has been given
 - committees' reports referred to the meeting by the chief executive officer (CEO)
 - officers' reports referred to the meeting by the CEO
 - councillor conduct breach investigation reports provided by the investigator
 - deputations and delegations from the community that are approved to attend
 - any other business the local government determines by resolution be included in the agenda.
- 4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any local government meeting unless permission for that purpose is given by the local government

at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

- 4.3. The notice of the meeting and the agenda must be given to each councillor at least 2 days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting unless it is impracticable to give the notice before that time. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports, including any summary investigation report for a conduct breach matter, for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.
- 4.4. Matters on the agenda that may require the meeting to be in a closed session consistent with the provisions under section 254J LGR, can be identified on the agenda as 'may be closed by resolution of the meeting for the matter to be debated'.

5. Quorum

- 5.1. A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum.
- 5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the chief executive officer.

6. Petitions

- 6.1. Any petition presented to a meeting of the local government will:
 - be in legible writing or typewritten and contain a minimum of ten (10) signatures
 - include the name and contact details of the principal petitioner (i.e., the key contact)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
 - that the petition be received
 - received and referred to a committee or officer for consideration and a report to the local government, or
 - not be received because it is deemed invalid.

- 6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

- 7.1. A deputation wishing to attend and address a meeting of the local government shall apply in writing to the CEO not less than seven (7) business days before the meeting.
- 7.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g., 15 minutes).
- 7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the local government meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 7.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the local government meeting, the chairperson may terminate the deputation.
- 7.5. The chairperson may terminate an address by a person in a deputation at any time where:
- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards councillors or others.
- 7.6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

8. Public participation at meetings

- 8.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 8.2. In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate time period will be allowed (e.g., 15 minutes) and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government chairperson.
- 8.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 8.4. For any matter arising from such an address, the local government may take the following actions:
- refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting

- note the matter and take no further action.
- 8.5. Any person addressing the local government shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language.
- 8.6. Any person who is considered by the local government or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

9. 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 or committee meeting (other than ordinary business matters as prescribed under section 150EF of the LGA or section 177C of the *City of Brisbane Act 2019* (COBA)). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

- 9.1. A councillor who has notified the chief executive officer in writing, including all the particulars, 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 dealt with.
- 9.2. 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 and the particulars.
- 9.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:
- for a gift, loan, or contract—the value of the gift, loan, or contract
 - for an application for which a submission has been made—the matters the subject of the application and submission:
 - the name of the entity, other than the councillor, that has an interest in the matter,
 - the nature of the councillor's relationship with the entity,
 - details of the councillor's, and any other entity's, interest in the matter.
- 9.4. 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 for Local Government (the Minister) to participate in deciding the matter in a meeting including participating in the discussion and the vote.

Note: *Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a prescribed conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.*

- 9.5. Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the local government can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their

belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each councillor individually. If the councillor with the suspected declarable conflict of interest considers there is no conflict of interest, then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA or section 177U(2) of the COBA applies.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA or section 177L of the COBA and ordinary business matters prescribed under section 150EF of the LGA or section 177C of the COBA.

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 councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA or section 177O of the COBA, will apply. If more than one councillor is reported by another councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each councillor individually. The eligible councillors must then make a decision under section 150EX(2) of the LGA or section 177U(2) of the COBA.

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

- 10.1. A councillor who has notified the chief executive officer 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 dealt with.
- 10.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.
- 10.3. 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 details must be provided:
 - the nature of the declarable conflict of interest.
 - if it arises because of the councillor's relationship with a related party:
 - the name of the related party to the councillor; 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;
 - 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.
- 10.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 10.5. 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 as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only eligible councillors (those who do not have a prescribed or declarable conflict of interest in the matter) can participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority or do not form a quorum for the meeting or is a single eligible councillor, consistent with section 150ET of the LGA section 177Q of the COBA. 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 of the LGA or section 177P of the COBA.*

- 10.6. The eligible councillor/s 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 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 and any 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.
- 10.7. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring about their ability to participate and can answer questions from the chairperson to assist the eligible 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.

- 10.8. 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 particular circumstances of the matter including, but not limited to;
- how does the inclusion of the councillor in the deliberation affect public trust,
 - how close or remote is the councillor's relationship to the related party,
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received,
 - 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,
 - how the benefit or detriment the subject councillor stands to receive compares to others in the community,
 - how this compares with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting,
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 10.9. If the eligible councillors cannot decide about the councillor's participation in the meeting with 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 as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.
- 10.10. A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, 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 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.
- 10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 10.12. 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.

11 Reporting a suspected conflict of interest

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 a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists 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. If more than one councillor is reported by another

councillor to have a suspected personal interest in a matter, the meeting must deal with each councillor individually.

- 11.1. The chairperson then should ask the 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 meeting procedures above for prescribed and declarable conflicts of interest.
- 11.2. 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.
- 11.3. The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting 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.
- 11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section 177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about a councillor participating in the meeting applies to the matter 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 subject 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.
- 11.5. 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.

Note: *The minutes must include details of how the conflict of interest was dealt with, being (section 150FA of the LGA or section 177X of the COBA):*

- *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 local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision*
- 11.6. The minutes of the meeting must record the name of each eligible councillor who voted on the matter and how each voted.
- ... The eligible councillors include a councillor who has either been granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g. the eligible councillors in this subsection means all councillors who were entitled to vote on the matter). 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:*
- *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.*
- 11.7. Where a decision has been made under section 150ES of the LGA or section 177P of the COBA – the minutes must include:
- The decision and reasons for the decision, and
 - The name of each eligible councillor who voted, and how each eligible councillor voted.

12 Loss of quorum

- 12.1. 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 local government must resolve to:
- delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection 3 of both sections because an Act says it must be decided by resolution of the local government
 - decide by resolution to defer the matter to a later meeting
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 12.2. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:
- The mayor or chief executive officer, or
 - A standing committee, or joint committee of the local government, or
 - The chairperson of a standing committee or joint standing committee of the local government (does not apply to Brisbane City Council), or
 - Another local government for a joint government activity,
 - The Establishment and Coordination Committee (only applies to Brisbane City Council).

- 12.3. 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.
- 12.4. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
 - The mayor or
 - A standing committee.
- 12.5. 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:
 - The mayor, or
 - The Establishment and Coordination Committee, Brisbane City Council, or
 - A standing committee of the local government.
- 12.6. 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.

Motions

13 Motion to be moved

- 13.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the local government and cannot be withdrawn without the consent of the local government meeting.
- 13.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
 - A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
 - The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
 - The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 13.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.
- 13.5 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

14 Absence of mover of motion

- 14.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:
- moved by another councillor at the meeting, or
 - deferred to the next meeting.

15 Motion to be seconded

- 15.1 A motion or an amendment to a motion will not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 15.2 Procedural motions are an exception to this rule and do not need to be seconded.

16 Amendment of motion

- 16.1 An amendment to a motion should maintain or further clarify the intent of the original motion and does not contradict the motion.
- 16.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 16.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

17 Speaking to motions and amendments

- 17.1 The mover of a motion or amendment will read it and state that it is moved but will not speak to it until it is seconded.
- 17.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- 17.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.
- 17.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 17.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.
- 17.6 Where two or more councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 17.7 In accordance with section 254H of the LGR or section 242H(2) of the *City of Brisbane Regulation 2012(COBR)*, if a decision made at the local government meeting is inconsistent with a recommendation or advice given to the local government by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: *If a report contains distinct recommendations, the decision of the local government may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.*

18 Method of taking vote

- 18.1 The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection.
- 18.2 A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- 18.3 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 18.4 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

19 Withdrawing a motion

- 19.1 A motion or amendment may be withdrawn by the mover with the consent of the local government, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the local government meeting for its withdrawal.

20 Repealing or amending resolutions

- 20.1 A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation (5 business days).
- 20.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three (3) months.

21 Procedural motions

- 21.1 A councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
 - that the question/motion be now put before the meeting
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceeds to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the chairperson's decision
 - that this report/document be tabled
 - to suspend the rule requiring that (insert requirement)
 - that the meeting stands adjourned.

- 21.2 A procedural motion that ‘the question be put’ may be moved and, where the procedural motion is carried, the chairperson will immediately ‘put the question to the motion’ or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.
- 21.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
- a further motion may be moved to specify a time or date; or
 - the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.
- 21.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- 21.5 A procedural motion that the question lie on the table will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the local government will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 21.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- has failed to comply with proper procedures;
 - is in contravention of the legislation; or
 - is beyond the jurisdiction power of the local government meeting.

Note: *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*

- 21.7 Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.
- 21.8 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made.
- 21.9 For example: Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite

ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

- 21.10 The motion that a report/document be tabled may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 21.11 A procedural motion 'to suspend the rule requiring that' may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.
- 21.12 A procedural motion that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the local government meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

22 Questions

- 22.1 At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 22.2 Questions will be asked categorically and without argument and no discussion will be permitted at the local government meeting in relation to a reply or a refusal to reply to the question.
- 22.3 A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 22.4 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 22.5 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

23 Process for dealing with Unsuitable Meeting Conduct

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:

- 23.1 When an instance of unsuitable meeting conduct has been engaged in by a councillor at a meeting the following must occur:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- 23.2 The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting. The chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.
- 23.3 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:
- ceasing and refraining from exhibiting the conduct
 - apologising for their conduct
 - withdrawing their comments.
- 23.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 23.5 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 for unsuitable meeting conduct being issued.
- 23.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 23.7 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 23.2 the chairperson may make one or more of the orders below:
- an order reprimanding the councillor for the conduct
 - an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 23.8 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.
- 23.9 Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):
- Note:** *Details of any order issued is recorded in the minutes of the meeting. 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 suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.*
- 23.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

24 Process for dealing with Unsuitable Meeting Conduct by a Chairperson

- 24.1 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.
- 24.2 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). The councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 24.3 The chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and 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 above for declarable conflict of interest.
- 24.4 For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 24.5 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.
- 24.6 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).
- 24.7 If it is decided that the chairperson has engaged in unsuitable meeting conduct, the councillors can decide to make an order reprimanding the chairperson for the conduct.
- 24.8 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.
- 24.9 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 local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the chairperson, on 3 occasions within a 12- month period, 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 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.

25 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 Independent Assessor (the Assessor) must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply – see section 150SD of the LGA. If the Assessor finds 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, 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 of three instances of unsuitable meeting conduct orders within a 12 month period.*

25.1. In relation to matters referred by the Assessor to the local government, the local government may decide:

- not to start or discontinue an investigation if the complainant withdraws the complaint, or
- the complainant 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 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. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

25.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless the decision has been delegated 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. Under the LGA and COBA decisions about a conduct breach can only be delegated

to the Mayor or a standing committee and under COBA to the Establishment and Coordination Committee.

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

- 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 City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.
- No resolution for a decision can be made in the closed session including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.
- 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.
- 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 the eligible councillors 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 about the conduct breach provided by the councillor to the local government.
- 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.
- 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. 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 eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest. The complainant councillor can be required 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 under section 150AH of the LGA.

Note: *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.

- 25.4. 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:
- 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
 - Decide, by resolution, to defer the matter to a later meeting 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 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 it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be delegated to the mayor or a standing committee, or the matter can be deferred to a later meeting when a quorum can be maintained.*

If the conduct breach referral notice is about the suspected conduct breach by the mayor, then the matter will need to be delegated to a standing committee for a decision.

The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters. The standing committee must be in existence before receiving the referral notice from the Assessor, 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 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 a conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

- 25.5. 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 150AH of the LGA, if any, to impose on the councillor. In deciding what penalty to impose the local government 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 local government is reasonably satisfied is true.

- 25.6. The local government may order that no action be taken against the councillor or make one or more of the following:
- an order that the councillor make a public apology, in the way decided by the local government, for the conduct

- an order reprimanding the councillor for the conduct
 - an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
 - an order that the councillor be excluded from a stated local government meeting
 - an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor
 - an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
- 25.7. A local government may not make an order in relation to a person who has vacated their office as a councillor.
- 25.8. 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.

Note: *The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the Assessor 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.*

26 General conduct during meetings

- 26.1 After a meeting of the local government has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.
- 26.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 26.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
- 26.4 When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

27 Disorder

- 27.1 The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor.

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

Attendance and non-attendance

28 Attendance of public and the media at a local government meeting

- 28.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 28.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

29 Closed session

- 29.1 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 242J(3) of the COBR:
- Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees;
 - industrial matters affecting employees;
 - the local governments budget which does not include the monthly financial statements;
 - rating concessions;
 - Legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government;
 - matters that may directly affect the health and safety of an individual or a group of individuals;
 - Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
 - negotiations relating to the taking of land by the local government under *the Acquisition of Land Act 1967*;
 - A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
 - A matter relating to the consideration of an investigation report for a conduct breach matter given to the local government by the Assessor under the LGA chapter 5A, part 3, division 5.
- 29.2 A local government or 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.

- 29.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the local government must;
- 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,
 - decide by resolution to defer the matter to a later meeting when a quorum may be available,
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 29.4 None of the above will be considered, discussed, voted on or made during a closed session.
- 29.5 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).
- 29.6 To take a matter into a closed session the local government must abide by the following process:
- pass a resolution to close the meeting
 - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
 - if it 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.
 - no resolution can be made while in a closed meeting (other than a procedural resolution).

30 Teleconferencing of meetings

- 30.1 If a councillor wishes to be absent from a local government meeting place during a meeting, the councillor must apply to the local government to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a local government or committee meeting by teleconference.

Note: *There is no legislative requirement for a resolution by a local government to allow a councillor to participate by audio link or audio-visual link. This means the local government may delegate the matter. For example, the local government may delegate to the chairperson of the local government or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.*

- 30.2 The councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

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

Model Meeting Procedures

Conduct of local government meetings and its committee meeting

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**Queensland
Government**

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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 the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

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.

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. If there is any inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

The model meeting procedures include the following:

- 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 sections 1-8 below of these 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 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:

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

nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under 1.7 below.

- 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. Ceasing and refraining from exhibiting unsuitable meeting 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 request 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. 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.

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

***Note:** Details of any order issued is recorded in the minutes of the meeting. 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 suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government'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, 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.
- 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 local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.*

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 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.

3. 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 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, 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 1.9.2 of 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 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 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. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

- 3.2. 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.
- 3.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:
 - 3.3.1. 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 City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.
 - 3.3.2. 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.

- 3.3.3. 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.
- 3.3.4. The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), 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.
- 3.3.5. 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.
- 3.3.6. 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 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 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.
- 3.3.7. 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, or any councillor who declared a COI in the matter.

3.4. 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:

3.4.1. 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

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

3.4.3. 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: *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.*

3.5. 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 local government 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 local government is reasonably satisfied is true.

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

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

3.6.2. An order reprimanding the councillor for the conduct breach

- 3.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- 3.6.4. An order that the councillor be excluded from a stated local government meeting
- 3.6.5. 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)
- 3.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- 3.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
- 3.6.8. A local government may not make an order in relation to a person who has vacated their office as a councillor.
- 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 decision made by the local government and if relevant any orders made by resolution.
- 3.8. 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.

4. 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,

- 4.1. 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.
- 4.2. 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.
- 4.3. When notifying the meeting of a prescribed conflict of interest, the following particulars 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 for which a submission has been made, the matters the subject of the application and 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 3.3.3 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 of approval from the Minister to participate in the matter.
- 4.5. 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.

5. 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 COB, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

- 5.1. 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 COBA applies.
- 5.2. When dealing with a declarable conflict of interest, a councillor must abide by the following procedures:
- 5.2.1. 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.
- 5.2.2. 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.
- 5.3. 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:
- 5.3.1. The nature of the declarable conflict of interest
- 5.3.2. 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.
- 5.3.3. 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.

- 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.
- 5.4.1. 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.
- 5.4.2. 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.
- 5.4.3. 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 under an approval by the minister for local government under section 150EV of the LGA.
- 5.4.4. 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 COBA.
- 5.5. 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.

- 5.6. 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:
- 5.6.1. How does the inclusion of the councillor in the deliberation affect the public trust
 - 5.6.2. How close or remote is the councillor's relationship to the related party
 - 5.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - 5.6.4. 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
 - 5.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - 5.6.6. 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
 - 5.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?
- 5.7. 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.
- 5.8. 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.

5.9. 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).

5.10. 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.

6. Reporting a Suspected Conflict of Interest

6.1. 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.

6.2. 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.

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 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 or suspicion of a COI relates to more than one councillor. The parts 5.1 to 5.5 of these procedures must be complied 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 a quorum for deciding the matter, all the councillors including the conflicted councillors must resolve to:

7.1.1. 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

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.

7.2. 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.

7.3. 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.

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

7.4.1. The mayor or chief executive officer, or

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

- 7.4.3. The chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or
 - 7.4.4. Another local government for a joint government activity.
 - 7.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council
- 7.5. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- 7.5.1. The mayor or
 - 7.5.2. A standing committee.
- 7.6. 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:
- 7.6.1. The mayor, or
 - 7.6.2. The Establishment and Coordination Committee, or
 - 7.6.3. A standing committee of the local government.
- 7.7. 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.

8. Recording Prescribed and Declarable Conflicts of Interest

- 8.1. 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):
- 8.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest

- 8.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor
 - 8.1.3. 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
 - 8.1.4. Any decision then made by the eligible councillors
 - 8.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
 - 8.1.6. The local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision
 - 8.1.7. The name of each eligible councillor who voted on the matter and how each voted.
- 8.2. 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:
- 8.2.1. 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.
- 8.3. Where a decision has been made under section 4 above – the minutes must include:
- 8.3.1. The decision and reasons for the decision, and
 - 8.3.2. The name of each eligible councillor who voted, and how each eligible councillor voted.

9. Closed Meetings

- 9.1. 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:

- 9.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees
- 9.1.2. Industrial matters affecting employees
- 9.1.3. The local government's budget, which does not include the monthly financial statements
- 9.1.4. Rating concessions
- 9.1.5. 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
- 9.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals
- 9.1.7. 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
- 9.1.8. Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*
- 9.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
- 9.1.10. 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.
- 9.2. 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.
- 9.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the local government meeting, and the local government must resolve to:

- 9.3.1. 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:
- 9.3.2. Defer the matter to a later meeting when a quorum may be available.
- 9.3.3. 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.
- 9.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 9.5. 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).
- 9.6. To take a matter into a closed session the local government must abide by the following:
 - 9.6.1. Pass a resolution to close all or part of the meeting
 - 9.6.2. 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 section 8.1)
 - 9.6.3. If it 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.
 - 9.6.4. Not make a resolution while in a closed meeting (other than a procedural resolution).

9.3 AUDIT AND RISK COMMITTEE MEMBER APPOINTMENT - COUNCILLOR**Doc Id:** 1219500**Author:** Jess Marteene, Administration Officer (Executive Services)**Authoriser:** Margot Stork, Chief Executive Officer**Attachments:** 1. **Audit and Risk Committee Policy [1219585]**
2. **Audit and Risk Committee Charter [1219583]****EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider the appointment of at least one (1), but not more than two (2) Councillors as standing members on the Audit and Risk Committee.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, pursuant to section 264 of the *Local Government Regulation 2012*, appoint two (2) Councillors to the Audit and Risk Committee, as follows:

- Cr [enter name]
- Cr [enter name]

REPORT

On 28 September 2022, Council resolved to establish an Audit and Risk Committee.

At the General Meeting held on 23 August 2023, Council resolved that:

RESOLUTION 2023/154

Moved: Cr Dael Giddins

Seconded: Cr Michael Dingle

That Cr Jones be appointed to the Audit and Risk Committee.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Dael Giddins, Michael Dingle and Kingsley MesnerAgainst: Cr Susan Payne**CARRIED 6/1****RESOLUTION 2023/155**

Moved: Cr Melinda Jones

Seconded: Cr Michael Dingle

That Cr Giddins be appointed to the Audit and Risk Committee.

In Favour: Crs Leslie Hotz, Melinda Jones, Dael Giddins and Michael DingleAgainst: Crs Robert Radel, Susan Payne and Kingsley Mesner**CARRIED 4/3**

With the commencement of the new term of Council, the Audit and Risk Committee Charter requires at least one (1), but not more than two (2) Councillors to be appointed as standing members of the Committee.

A Councillor appointed to the Committee will not receive any additional remuneration.

CONSULTATION

The matter is tabled for discussion at the scheduled Councillor Information Workshop to be held on Monday 22 April 2024.

RISK IMPLICATIONS

Reputation / Political

The Audit and Risk Committee provides a further level of assurance that North Burnett Regional Council's strategic objectives are realised and achieved through effective and efficient measures within the standard framework of internal control and risk management.

Occupational Health & Safety (WHS)

The charter of the Audit and Risk Committee will enable review of compliance with legislation and assist Council in fulfilling compliance obligations related to daily activities and service provisions, including workplace health and safety (WHS) legislation.

Financial Impact

It is proposed that the Audit and Risk Committee will provide oversight, monitoring, review, and advisory activities with respect to financial statements and reporting, external audit, internal audit, fraud and corruption control, risk management, as well as legislative and policy compliance.

External Independent Members will be remunerated on a fee per meeting basis. Councillors nominated to the Committee Membership will receive no additional remuneration.

Legal & Regulatory

Whilst it is not a statutory requirement for a Category 1 Local Government to have an Audit and Risk Committee, it is Council opinion that the audit committee will fulfill a key role in assisting this Council to fulfil its governance and oversight responsibilities in relation to, financial reporting, the internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit function.

Environmental

Not Applicable.

Property & Infrastructure

The Audit and Risk Committee will assist in monitoring Council's enterprise risk management framework and associated procedures. This will enable consideration of inherent and residual risks, as well as remedies associated with major projects, programs and services incorporating Council property and infrastructure.

Human Resources

It is intended that the Committee meet quarterly, and other times as required. The meetings will be formally structured with an Agenda and Minutes.

Existing staff resources will be utilised.

Information Communications Technology

The Audit and Risk Committee will consider approaches taken in adopting Information Communications Technology tools, establishing business continuity planning and disaster management arrangements, ensuring these plans are periodically updated and tested.

Service Delivery

Improved internal controls and monitoring of financial performance and risk management will assist with the provision of efficient and effective essential services delivery.

Climate

Not Applicable.

KEY MESSAGE

Establishment of an Audit and Risk Committee forms part of Council's governance framework through the provision of independent assurance oversight for Council and the Chief Executive Officer on matters relating to fraud and corruption control, risk management, internal control, compliance, audit, financial statement preparation and financial management.

1109 Audit and Risk Committee

Statutory Policy



PURPOSE

Council's Audit and Risk Committee (ARC) (the 'Committee') is to operate in accordance with the requirements of the *Local Government Act 2009*, *Local Government Regulation 2012*, and the Audit and Risk Committee Charter (Attachment A).

The ARC has authority to review and make recommendations to Council on any matters within the scope of its responsibilities, as outlined in the Audit and Risk Committee Charter.

The Committee is a fundamental component of good corporate governance. It plays a key role in assisting Council to fulfil its governance and oversight responsibilities in relation to a number of areas including, financial reporting, internal control systems, risk management, legal and regulatory compliance and audit functions.

The Committee is an advisory body only and must keep Council informed of its activities.

The Committee does not diminish management or a Councillor's individual or overall responsibilities.

SCOPE

- 1) The scope of the Committee's assurance, oversight and advisory responsibilities is outlined in the Audit and Risk Committee Charter.

DEFINITIONS

Term	Definition
Council	Means North Burnett Regional Council (NBRC)
Audit Committee	Means a committee that – <ol style="list-style-type: none"> (a) Monitors and reviews – <ol style="list-style-type: none"> i. the integrity of financial documents; and ii. the internal audit function; and iii. the effectiveness and objectivity of the local government's internal auditors; and (b) Makes recommendations to the local government about any matters that the audit committee considers need action or improvement.
Charter	A document which outlines the role, responsibilities, operational requirements and reporting obligations of the audit committee.
Independent external member	A professional, experienced individual appointed to the audit committee by Council, who is independent of Council and Councillors.

POLICY

OBJECTIVES

- 2) This policy and the attached Audit and Risk Committee Charter, outline the purpose, operation and reporting obligations of the North Burnett Regional Council (Council) Audit and Risk Committee.

POLICY STATEMENT

Local government bodies are expected to meet high standards of governance and accountability. There are a number of statutory duties, regulations, and standards relating to financial reporting, governance, and audit that Council must comply with, and an Audit and Risk Committee is best placed to oversee these requirements.

- 3) The Committee will assist Council to fulfil its responsibilities for accountability to the local community, whilst meeting the expectations of partners, regulators, and other stakeholders.

ROLES AND RESPONSIBILITIES

- 4) The Committee's primary duties are to:
- a) Provide reasonable assurance that NBRC's strategic objectives are realised and achieved through effective and efficient measures within the standard framework of internal control and risk management
 - b) Oversee the internal audit and risk management functions to enhance NBRC's governance, internal control systems and decision-making processes
 - c) Monitor and review the integrity of financial documents
 - d) Monitor the implementation of risk management plan and strategy to ascertain that control measures are adopted to manage significant operational risks
 - e) Promote transparency, integrity and ethical conduct within NBRC
 - f) Ensure that adequate resources are allocated for the efficient and effective performance of internal audit and risk management functions.

APPLICABLE LEGISLATION AND REGULATION

- a) *Local Government Act 2009*
- b) *Local Government Regulation 2012*
- c) *Financial Accountability Act 2009*

RELATED DOCUMENTS

- a) Attachment A – Audit and Risk Committee Charter
- b) 1110 Internal Audit Policy
- c) 1176 Fraud and Corruption Prevention Policy
- d) 2213 Enterprise Risk Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

NEXT REVIEW DATE

November 2027

It is the responsibility of the Office of the CEO to monitor the adequacy of this policy and implement and approve appropriate administrative changes. This policy will be formally considered by Council every four (4) years or as required at law.

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General Meeting	8 April 2008	New Policy
2	Policy and Planning	7 June 2011	Revised
3	Policy and Planning	2 October 2012	Revised
4	General Meeting	15 December 2015	Revised
5	General Meeting	15 August 2018	Revised
6	General Meeting	28 September 2022	Revised
7	General Meeting	13 December 2023	Revised

Audit and Risk Committee Charter



Audit and Risk Committee Charter

November 2023

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1. PURPOSE

This charter sets out the objectives, authority, responsibilities, composition, tenure, reporting and administrative arrangements associated with the Audit and Risk Committee (ARC) (the 'Committee') of the North Burnett Regional Council (Council).

2. LEGISLATIVE MANDATE

The ARC is an advisory Committee of Council, established and governed in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*, which require each local government to establish an efficient and effective internal audit function and that each large local government must establish an Audit Committee.

3. OBJECTIVE

The primary objective of the ARC is to promote good corporate governance through the provision of independent assurance, oversight and advice to Council and the Chief Executive Officer on matters relating to fraud and corruption control, risk management, internal control, governance, compliance, audit, financial statement preparation and financial management.

4. SCOPE

The scope of the Committees responsibilities under this charter include the operations and activities of the Council.

5. AUTHORITY

The Committee has authority to review and make recommendations to Council on any matters within its scope of responsibility as outlined in this charter. In doing so the Committee is empowered to:

- seek any information it requires from management and staff and controlled entities, all of whom are required to cooperate with the Committee's requests;
- meet and discuss matters with Council officers, internal auditors and external auditors as required;
- seek resolution of any disagreements between management and auditors regarding audit matters and the financial statements;
- request the attendance of any employee, including the Chief Executive Officer, at formal Committee meetings.

6. INDEPENDENCE

As an advisory Committee of Council, the ARC is independent of management and does not have any executive powers, delegated responsibility, or authority to implement actions over which management has responsibility. The Committee needs to liaise closely with management and internal and external auditors to carry out its responsibilities.

The Committee will be provided with adequate resources in order to fulfil its oversight responsibilities.

Whilst the primary responsibility for financial and other reporting, internal control and compliance with laws, regulations and ethics within Council rest with management, the Audit and Risk Committee exercises a monitoring, oversight, review and advisory role.

7. REPORTING LINE

The Committee through the Chair will report to Council.

8. COMPOSITION

Local Government Regulation 2012 section 210 requires the composition of the Committee to consist of at least three and no more than six members and include:

- at least one Councillor but no more than two Councillors nominated by Council; and
- between one and four independent external members as determined by Council.

Council may resolve from time to time to change the composition of the Committee.

The members, taken collectively, should have a broad range of skills and experience relevant to the Committee's responsibilities. At least one member will have significant accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment.

The Chief Executive Officer cannot be a member of the Audit and Risk Committee, but is a standing invitee to Committee meetings, as are Council's General Manager Corporate and Community, Manager Financial Services, Manager Strategic Relationships and Governance Policy and Risk Advisor.

Other management and staff may be invited to attend meetings as required.

A representative of the Queensland Audit Office (and/or its nominated contracted audit firm) may be invited to attend meetings of the Committee to contribute where relevant and appropriate.

9. APPOINTMENT AND TENURE

Councillor members will generally be appointed to the Committee for the full Council term unless otherwise determined by Council.

External members will be recruited via a publicly advertised merit-based selection process and will be appointed for the period determined by Council - generally between two and four years. Appointments of external members to the Committee will be staggered to ensure appropriate continuity and succession planning.

External members may be recommended for appointment for subsequent terms following a review of their performance by the Chief Executive Officer and discussion with the Chair of the Committee. External members may serve on the Committee up to a maximum of two Council terms (8 years), unless otherwise determined by Council.

Remuneration of external independent members of the Committee is set by Council in recognition of the skills and experience, time commitment and responsibilities assumed and required to fulfil the role.

Current remuneration is as follows:-

- Independent Audit and Risk Committee Member - \$750.00 (Per Meeting) plus reimbursement of mileage from the Members home address to location of the meeting, return.
- Audit and Risk Committee Chair - \$1,250.00 (Per Meeting) plus reimbursement of mileage from the Members home address to location of the meeting, return.

Milage will be calculated on the [Cents per kilometre method at the rate published by the Australian Taxation Office \(ato.gov.au\)](#) for travel within that financial year

10. CHAIR

Council will nominate one of the independent external members as the Committee Chair. The Chair will receive additional remuneration as determined by Council in recognition of the additional time and responsibilities associated with this role.

Appointment to the position of Chair may be rotated so as to ensure appropriate continuity and succession planning.

11. COMMITTEE RESPONSIBILITIES

The Audit and Risk Committee will provide oversight, monitoring, review and advisory activities in the following responsibility areas:

11.1 Financial Statements and Reporting

- Monitor and assess progress against agreed financial statement preparation and auditing milestones.
- Review Council's draft annual financial statements (including draft financial sustainability statements) prior to their provision to the external auditors including for compliance with relevant accounting standards and other relevant policies.
- Monitor and review asset revaluation programs, processes, policies, activities and outcomes including the quality and timeliness of preparation.
- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- Monitoring management's readiness/planning for forthcoming changes in accounting standards.
- Provide guidance to management in relation to the simplification and readability of Council's financial statements.
- Review with management and the external auditors any significant adjustments or changes between draft and final financial statements.
- Review Council's final financial statements (including final financial sustainability statements) and provide advice to the Chief Executive Officer on whether appropriate action has been taken in response to audit recommendations and adjustments.
- Recommend the signing of the draft financial statements by the Mayor and Chief Executive Officer.
- Review with management and the external auditors all matters required to be communicated to the Committee under generally accepted auditing Standards.
- Satisfy itself about the adequacy of key internal controls supporting the timeliness and integrity of Council's financial statement preparation process.
- Consider management representations made in accordance with Council's Management Representation Policy.
- Consider the processes in place designed to ensure that financial information included in Council's annual report is consistent with the signed financial statements.
- Review the draft annual report before release and consider the consistency of financial information being reported.
- Review, evaluate and provide advice on Council's significant accounting and financial management policies including any substantive changes to these policies.

11.2 External Audit

- Review the external auditor's proposed audit scope, approach and client strategy for the ensuing year, including coordination of audit effort with internal audit.
NB: The Council's external auditors are the Queensland Audit Office (QAO) or its nominated contractors.

- Review the external auditor's closing reports, long form audit reports and observation reports relating to Council's interim and final audit and monitor management's responsiveness to external audit recommendations and the timeliness of implementation of agreed actions with particular emphasis given to recommendations where a Significant Deficiency has been identified.
- Provide input and feedback on financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Monitor the undertaking of QAO Performance Audits where Council is a participant in that audit.
- Review Auditor-General observation reports issued to Council's controlled entities and monitor management's responsiveness in addressing recommendations.
- As required, meet separately with the external auditors to discuss any matters that the Committee or external auditors believe should be discussed.
- Monitor and review the effectiveness, independence, and objectivity of Council's external auditors.
- Provide advice to the Chief Executive Officer on action to be taken on significant issues raised in relevant external audit reports or better practice guides.
- Monitor sector wide Auditor-General reports, including management's response to those with relevant observations and recommendation for Council.

11.3 Internal Audit

- Contribute to the development of internal audit plans and resourcing through participation in annual planning workshops.
- Review and if appropriate, endorse the risk-based annual Internal Audit Plan and three-year Strategic Audit Plan prepared by the Internal Audit Unit, and monitor implementation of the Internal Audit Plan and approve any changes thereto.
- Assess opportunities to support the development, review and oversight of the internal control environment by identifying appropriate business improvement activities.
- Monitor and assess the adequacy of the activities, staffing and resource levels, independence and organisational placement of the internal audit function.
- Review internal audit progress reports for the current and preceding financial years and monitor management's progress and timeliness in addressing audit recommendations and actions.
- Monitor and assess the effectiveness of the internal audit function, with reference to the Institute of Internal Auditors' International Professional Practices Framework for Internal Auditing.
- Review internal audit reports and provide advice to the Chief Executive Officer on significant issues identified in audit reports and action to be taken, including identification and dissemination of good practice.
- As required, meet separately with the Governance Policy and Risk Advisor to discuss any matters that the Committee or Internal Audit Unit believe should be discussed.
- Review the Internal Audit Charter, resources, and budget annually such that the Charter maintains and enforces Internal Audit's independence from management.

11.4 Governance and Internal Controls

- Monitor management's approach to maintaining an effective internal control framework, including external parties such as contractors, suppliers, business partners and advisers.
- Consider how management identifies any required changes to the design or implementation of key internal controls.

- Monitor whether management has taken steps to embed a culture that promotes the proper use of Council resources and is committed to ethical and lawful behaviour.
- Understand the scope of internal and external auditors' review of internal controls, and obtain reports on significant findings and recommendations, together with management's responses including the timeliness of implementation of agreed actions.
- Review and consider the relevance of better practice guidance and reports released by external review agencies.
- Recommend governance and internal control improvements for management consideration.

11.5 Fraud and Corruption Control

- Contribute to the identification or potential fraud and corruption matters and possible mitigation and/or management strategies.
- Monitor and assess whether management has in place a current and comprehensive fraud and corruption control strategy, including Council's policy, plan, actions and targets together with self-assessment tools.
- Monitor the process of developing and implementing fraud and corruption control arrangements including mechanisms in place to identify, assess and manage fraud and corruption risks.
- Consider reports on fraud and/or corruption that outline any identified allegations of fraud and/or corruption, the status and/or outcomes of significant investigations and any changes to identified fraud and/or corruption risk profiles.
- Assess whether there are adequate responsibility structures in place, with roles, responsibilities and accountabilities clearly defined.
- Assess the adequacy of fraud and/or corruption reporting systems and reporting to capture, monitor and report on fraudulent and/or corrupt activities including Public Interest Disclosures in an efficient, effective and timely manner.

11.6 Risk Management

- Monitor whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification, assessment, management and reporting of key business and financial risks.
- Consider whether a sound and effective approach has been followed in managing key risks including those associated with major projects, programs, services and activities, major economic, social and health events.
- Consider reports on changes in the corporate and directorate risk profile, including consideration of emerging risk areas.
- Consider whether a sound and effective approach has been followed in establishing business continuity planning and disaster management arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.
- Consider risk and probity matters associated with significant procurement activities.
- Consider opportunities which have been identified to improve the efficiency and effectiveness of the Council's operations.
- Consider factors and risks affecting the effectiveness of Council operations, for example, supply chain issues, culture across the organisation, no. of vacancies, etc.

11.7 Legislative and Policy Compliance

- Consider whether management has in place an overall compliance and accountability framework

together with relevant policies and procedures which reflect legislative, regulatory and policy requirements, and that these are periodically reviewed and updated.

- Monitor the effectiveness of the system and structure for ensuring compliance with laws and regulations, with particular focus on the Local Government Act and other legislative requirements relevant to the Committee's areas of focus.
- Monitor the effectiveness of regulatory and compliance activities associated with the Council's democratically elected representatives.
- Review the findings of any examinations by external regulatory agencies and monitor management's implementation of improvement recommendations including timeliness of implementation.
- Monitor the process for communicating the code of conduct to Council personnel and to external parties where appropriate, and for monitoring compliance therewith.
- Obtain and review regular updates from management regarding compliance matters.
- Consider whether management has appropriately considered legal and compliance risks as part of Council's enterprise risk management plan.
- Monitor compliance with relevant regulations for Council's activities including statutory regulations.

12. MEMBER RESPONSIBILITIES

Members of the Committee are required to observe the legal requirements of the *Local Government Act 2009*, and the *Local Government Regulation 2012*.

Members are required to at all times:

- Act in the best interest of Council.
- Apply good analytical skills, objectivity and judgement.
- Monitor external environments to identify and raise matters which are of relevance to the work and responsibilities of the Committee.
- Maintain confidentiality of information and documentation considered by the Committee.
- Participate by expressing opinions constructively and openly, raise issues that relate to the Committee's responsibilities and pursue independent lines of enquiry.
- Contribute the necessary time required to review agenda papers prior to attending meetings.

13. REPORTING

Following each meeting of the Committee a report (minutes) is to be provided to the next Council meeting round, outlining the:

- matters reviewed by the Committee
- recommendations to Council relating to the matters reviewed by the Committee
- any additional recommendations that the Committee wishes to bring to the attention of Council.

Consistent with the Local Government Regulation 2012 (Chapter 8, Part 2) this non- confidential report is tabled and discussed in an open session of Council.

Upon receipt of the Auditor-General's certification of Council's financial statements each year, the Committee will present a written annual report to Council on the operation and activities of the Committee, including such matters as:

- A summary of work the Committee performed in the discharge of its responsibilities during the preceding year.
- A summary of Council's progress in addressing the findings and recommendations made in internal and external audit and Auditor-General reports to parliament.

- The outcomes of the external auditor's report on the financial statements of the Council and its controlled entities and subsequent inclusion in the Council's Annual Report.
- An assessment of Council's risk, control and compliance framework, including details of any significant emerging risks and issues or legislative changes affecting Council.
- Details of meetings, including the number of meetings held during the relevant period, and the number of meetings each member attended.

The Chair will attend Council to present the annual report of the Audit and Risk Committee.

The Committee may, at any time, report to the Chief Executive Officer on any other matter it deems of sufficient importance.

14. ADMINISTRATIVE ARRANGEMENTS

14.1 General

The Committee will maintain and update an Audit and Risk Committee Forward Meeting Schedule that includes the dates, location and proposed agenda items for each meeting for the forthcoming year to demonstrate how it intends to discharge its responsibilities under this Charter.

14.2 Meetings

- 14.2.1 The Committee will meet at least four times a year, with authority to convene additional meetings as required to consider financial statement and annual planning matters.
- 14.2.2 Meetings are closed to the public due to the sensitive nature of items that are considered by the Committee. Information disclosed to members of the Committee is confidential to the Committee.
- 14.2.3 Council management may be invited by the Audit and Risk Committee to attend meetings, as and when required, to discuss any item affecting their respective roles.

14.3 Attendance at Meetings and Quorums

A quorum of the Audit and Risk Committee meeting will be four members of the Committee. If the Chair is absent, the member chosen by the members present as Chair for the meeting presides.

14.4 Agenda Papers and Minutes

- 14.4.1 Meeting agendas will be prepared and provided to members one week in advance of each meeting. The Chair of the Committee will be given the opportunity to contribute to the development of the agenda.
- 14.4.2 Minutes of Committee meetings will be reviewed and signed-off by the Chair and circulated within two weeks of the meeting to each member. Notes of actions arising will be maintained with appropriate timelines.
- 14.4.3 Meeting agendas are deemed confidential due to the sensitive nature of the items that are included in the papers.
- 14.4.4 The Committee will provide Council with a written report (minutes) about the matters reviewed at each meeting and the Committee's recommendations about the matters as soon as practicable after the meeting.
- 14.4.5 Council's Executive Support staff will provide secretariat support to the Committee.

14.5 Conflicts of Interest

- 14.5.1 Members of the Committee are required to provide declarations declaring any potential or actual conflicts of interest or related parties they may have in relation to their responsibilities. Initial declarations will be recorded in the minutes of the relevant meeting.

- 14.5.2 As they arise between meetings, or at the beginning of each Committee meeting, members are required to declare any new or changed potential or actual conflicts of interest or related parties that may apply to specific matters on the meeting agenda.
- 14.5.3 Where there is an actual, potential or perceived conflict of interest or where it may be otherwise required and as agreed by the other members of the Committee present, the member will be excused from the meeting or from the Committee's consideration of the relevant agenda item(s). Details of potential or actual conflicts of interest declared by members and action taken will be appropriately recorded.

14.6 Performance Review and Assessment

The Chair of the Audit and Risk Committee, in consultation with the Chief Executive Officer, will initiate a review of the performance of the Committee at least annually.

14.7 Induction of New Members

- 14.7.1 New members of the Audit and Risk Committee will be provided with induction material to allow the members to familiarise themselves with the organisation and to facilitate their understanding of its principal operations and activities, corporate governance arrangement, corporate practices and culture.
- 14.7.2 New members will receive relevant information and briefings upon their appointment to assist them to understand and meet their responsibilities under this Charter. Further training may be made available if required.

14.8 Review of Charter

- 14.8.1 Every two years, (or as necessary) due to Council, legislative and regulatory changes, the Committee will review and confirm the appropriateness of the Audit and Risk Committee Charter every 2 years, or at any other time considered to be necessary.
- 14.8.2 Any substantive changes to the charter will be recommended by the Committee for consideration and, if appropriate, adoption by Council.
- 14.8.3 The Chief Executive Officer will continue to monitor the Charter and is authorised to make administrative changes where appropriate to ensure consistency with Council operations.

15. RELATED DOCUMENTS

Documents

Audit and Risk Committee – Forward Meeting Schedule

16. RESPONSIBLE OFFICER

Chief Executive Officer

17. REVIEW DATE

It is the responsibility of the Office of the CEO to monitor the adequacy of this Charter and implement and approve appropriate administrative changes.

This Charter, in conjunction with the Policy, will be formally considered by Council every four (4) years or as required at law.

Revision History

Version	Meeting	Approval Date	History
1	General	28 September 2022	New
2	General	13 December 2023	Revised

9.4 COUNCILLOR PORTFOLIOS

Doc Id: 1219523

Author: Jess Marteene, Administration Officer (Executive Services)

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. 2212 - Governance Policy: Councillor Portfolios [1219520]

EXECUTIVE SUMMARY

At the General Meeting of Council held on 26 October 2022, Council resolved to establish a portfolio system as part of its decision-making framework for the purpose of Council meetings.

Portfolio activities permit a nominated Councillor to be assigned specific responsibilities relative to a core pillar of Council's Strategic Planning framework. The portfolio system does not constitute a Committee of Council pursuant to section 264 of the *Local Government Regulation 2012*.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council appoints the following Councillors as Portfolio and Proxy / Assistant Portfolio Councillors:

Portfolio	Portfolio Councillor	Proxy / Assistant Councillor
Water and Waste	Cr [enter name]	Cr [enter name]
Roads and Infrastructure	Cr [enter name]	Cr [enter name]
Arts, Sports and Recreation	Cr [enter name]	Cr [enter name]
Economic Development, Community and Tourism	Cr [enter name]	Cr [enter name]

REPORT

At the General Meeting held on 26 October 2022, Council introduced Councillor portfolios as part of its decision-making framework for the purpose of Council meetings. A portfolio provides for a nominated Councillor to be assigned specific responsibilities relative to a core pillar of Council's Strategic Planning framework.

Portfolio Councillors will be expected to:

- Liaise with the community and attend meetings, forums etc as required regarding their portfolio;
- Liaise with other portfolio Councillors relating to matters affecting their portfolio area; and
- Generally, champion the advancement of Council's key priorities and decisions relevant to the portfolio area.

As prescribed in the *Local Government Act 2009* (the Act), a Councillors responsibilities, endeavours, interest and influence must be focused at the strategic level of issues, and not the day-to-day operational matters that fall under the domain of the administration. In addition, section

12 of the Act states that when performing their responsibilities, a Councillor must serve the overall public interest of the whole local government area.

Portfolio Terms of Reference - Powers and Authorities

- a) The portfolio system provides no formal delegated authority to the Portfolio Councillor. It only provides the Councillor with an opportunity to develop and maintain a heightened level of knowledge and strategic leadership across the region in a specified field within Council's strategic plan.
- b) The portfolio system in no way overrides or impinges on the requirements of the Act that requires corporate decisions on policies and resources to be made at properly constituted Council meetings.
- c) The portfolio system cannot conflict with any of the provisions of the Councillors Code of Conduct especially in relation to the provisions of the Act preventing Councillors from giving directions to staff on how they shall undertake their duties.
- d) The portfolio system also does not override the Councillor Acceptable Requests Guidelines and Staff Interaction Policy in relation to communication between Councillors and staff.
- e) The portfolio system must not eventuate in a Portfolio Councillor assuming any of the roles normally prescribed to the Mayor (as per the Act).
- f) The Mayor is the spokesperson for the Council.

Media Protocols

- a) The Mayor acts as the media spokesperson for the whole of Council.
- b) The Council's Chief Executive Officer is the only person who can comment on specific staff matters to the media.
- c) If the Mayor is not available to comment on an issue and/or project, the Deputy Mayor will be the spokesperson in media and communications material unless the Mayor specifies otherwise.
- d) The Mayor may delegate their spokesperson role to another Councillor for media purposes.
- e) The Mayor is to be quoted in all media response and releases unless otherwise decided by the Mayor.
 - I. Where a matter is not a regional or strategic issue, but essentially local, the Mayor may determine that the Divisional Councillor could be quoted, similar to practices adopted by State and Federal Governments.
 - II. Portfolio Councillors are not quoted in press releases and have no media role. Their function is to administer business within the chamber specific to their allocated responsibilities. This is in line with the role of committee chairperson in Parliament.
- f) Councillors can promote the work undertaken by Council through their own Facebook page in accordance with the Office of the Independent Assessor's Social Media Guidelines for Councillors.

CONSULTATION

A discussion regarding Councillor Portfolio's is tabled for the upcoming Councillor Information Workshop scheduled for Monday 22 April 2024.

RISK IMPLICATIONS

Reputation / Political

The development of a portfolio structure which provides for community accessibility and open and transparent decision making, will increase effective participation and enhance the reputation of the North Burnett Regional Council as an inclusive and engaging Council.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

A Councillor will not be entitled to any additional remuneration if appointed as a Portfolio Councillor.

Legal & Regulatory

As prescribed in the *Local Government Act 2009*, a Councillor's responsibilities, endeavours, interest and influence must be focused at the strategic level of issues of their portfolio, and not the day-to-day operational matters that fall under the domain of the administration.

Section 170(3) of the Act prescribes that a Councillor may not direct a Council employee, including the Chief Executive Officer, members of the Executive Leadership Team, departmental Managers and the Communications & Media team. Contravention of this provision is specifically included in the definition of "misconduct" in the Act.

In addition, section 12 of the Act states that when performing their responsibility, a Councillor must serve the overall public interest of the whole local government area.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

Not Applicable.

Information Communications Technology

Not Applicable.

Service Delivery

Appropriate consideration of risk impacts and mitigations provides a platform to respond to social needs and ensures community benefits are part of Council's decision-making process.

Climate

Not Applicable.

KEY MESSAGE

Councillor portfolios provide an opportunity for Council to effectively utilise the knowledge and expertise of its Councillors in supporting optimal strategic and policy decision-making. Councillor Portfolios also provide an opportunity for individual Councillors to deepen their knowledge of portfolio areas, and to develop their skills and capabilities to support effective governance.

2212 Councillor Portfolios

Governance Policy



PURPOSE

- 1) The purpose of this policy is to guide the functioning of Councillor portfolios as a means of developing appropriate relationships across Council on key strategies and focus areas.

SCOPE

- 2) This policy applies to all Councillors responsible for a portfolio activity.
- 3) Portfolio activities will align to Council's Corporate Plan and will advance Council's strategic planning framework.
- 4) The creation of a Portfolio system does not constitute a Committee of Council pursuant to section 264 of the *Local Government Regulations 2012*.

DEFINITIONS

Term	Definition
Corporate Plan	Council's 5 year outline of the strategic direction of the local government as required pursuant to the <i>Local Government Regulation 2012</i> .
Council Meeting	means a meeting of the local government as detailed in Chapter 8, Part 2, Division 1 of the Regulation, other than meetings of its committees.
Media	includes television, print, radio, online and social media, as well as Council-branded or sub-branded social media, mastheads, magazines and media releases.
Portfolio (activity)	means the specific responsibilities relative to the delivery of key functions and services to the community along the three pillars of sustainability outlined in Council's Strategic Planning framework
Portfolio Councillor	means a Councillor who has been allocated responsibility for a portfolio activity by Council.
Operational Plan	The annual plan adopted by Council pursuant to the <i>Local Government Regulation 2012</i> .

POLICY

OBJECTIVES

- 5) The objectives of this Policy are to:
 - a) Enhance Councillors engagement with the broader community;
 - b) Strengthen Council's decision making by ensuring Councillors have in-depth knowledge of areas of portfolio focus;
 - c) Identify portfolios and the strategic focus of each respective portfolio; and
 - d) Facilitate an information flow to the Mayor and other Councillors regarding strategic matters of relevance to the portfolio.

PRINCIPLES

- 6) Assigning a Councillor with a portfolio activity will ensure an alignment of portfolios with the core pillars of Council's strategic planning framework:-

A prosperous future for generations built on a solid foundation of customer focused, efficient, and effective service delivery.

 - i. *Essential Service Delivery - Getting The Basics Right*
 - ii. *Sustainable Communities – To Retain Population and Attract Investment*
 - iii. *Prosperous Future – To Ensure Economic Growth for Future Generations*

POLICY STATEMENT

- 7) This policy highlights Councils commitment to the characteristics and requirements of good governance with a view to providing transparent and accountable processes.

ROLES AND RESPONSIBILITIES

- 8) Specific Roles and Responsibilities can be located within this Policy Annexure 1 – Protocols.
- 9) General
- a) In accordance with the provisions of the Act, Councillors:
 - Cannot direct employees;
 - Must abide by Council decisions; and
 - Must abide by Council policies.
 - b) Have a thorough understanding of the objectives and strategies in the Corporate Plan that relate to activities within the portfolio.
 - c) Liaise with the community and attend meetings, forums etc as required regarding their portfolio.
 - d) Liaise with other portfolio Councillors relating to matters affecting their portfolio area.
 - e) Generally, champion the advancement of Council's key priorities and decisions relevant to the portfolio area.

APPLICABLE LEGISLATION AND REGULATION

- 10) Applicable legislation and regulation:
- a) *Local Government Act 2009*
 - b) *Local Government Regulation 2012*

RELATED DOCUMENTS

- 11) Related documents are:
- a) Councillor Code of Conduct
 - b) Councillor Acceptable Requests Guidelines and Staff Interaction Policy
 - c) North Burnett Regional Council Corporate Plan
 - d) North Burnett Regional Council Operational Plan

RESPONSIBLE OFFICER

Chief Executive Officer

REVIEW DATE

October 2026 (Standard four year term)

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	26 October 2022	New

ANNEXURE 1 – PROTOCOLS

ANNEXURE 2 – PORTFOLIOS

ANNEXURE 1: PROTOCOLS

1. Purpose

Council has agreed to the establishment of a Portfolio system as part of its decision-making framework for the purpose of Council meetings. This Portfolio system does not constitute a Committee of Council pursuant to section 264 of the *Local Government Regulation 2012*.

Portfolios provides for a nominated Councillor to be assigned specific responsibilities relative to a core pillar of Council's Strategic Planning framework. By resolution, the Council will appoint a Portfolio Councillor to each Portfolio, and these appointments may be amended by resolution from time to time.

Assigning a Councillor with a Portfolio ensures:

- Alignment to Council's corporate planning framework;
- Informed discussion is generated by the whole of Council with different Councillors facilitating the conduct of their respective sessions of the Council meeting; and
- Councillors act as elected community representative "sounding boards" for strategic issues and suggestions from senior management, local business and community members, and other Councillors relating to their portfolio.

These protocols provide details of the Portfolio system including the roles and responsibilities of the Portfolio Councillor, as well as establishing a framework for official spokespersons of Council including at meetings of Council and other forums including media.

Where there is any inconsistency between these Protocols and a provision in any Local Government Act as amended from time to time, the provision of the Act shall prevail to the extent of any inconsistency.

2. Portfolios

Each Portfolio will directly align with a core pillar of Council's Strategic Planning framework:

- Essential Service Delivery - Getting The Basics Right
- Sustainable Communities – To Retain Population and Attract Investment
- Prosperous Future – To Ensure Economic Growth for Future Generations

As prescribed in the *Local Government Act 2009*, a Councillors responsibilities, endeavours, interest and influence must be focused at the strategic level of issues, and not the day-to-day operational matters that fall under the domain of the administration. In addition, section 12 of the Act states that when performing their responsibility, a Councillor must serve the overall public interest of the *whole* local government area.

The "sounding board" role of a Portfolio Councillor does not contradict this legislative framework, as elected representatives of the community, Portfolio Councillors have a legitimate role in providing advice to the Executive Management Team regarding the communities' views and opinions on issues being brought to Council.

2.1 Terms of Reference - Powers and Authorities

- a) The Portfolio system provides no formal delegated authority to the Portfolio Councillor. It only provides the Councillor with an opportunity to develop and maintain a heightened level of knowledge and strategic leadership across the region in a specified field within Council's strategic plan.
- b) The Portfolio system in no way overrides or impinges on the requirements of the Act that requires corporate decisions on policies and resources to be made at properly constituted Council meetings.
- c) The Portfolio system cannot conflict with any of the provisions of the Councillors Code of Conduct especially in relation to the provisions of the Act preventing Councillors from giving directions to staff on how they shall undertake their duties.
- d) The Portfolio system also does not override the Councillor Acceptable Requests Guidelines and Staff Interaction Policy in relation to communication between Councillors and staff.
- e) The Portfolio system must not eventuate in a Portfolio Councillor assuming any of the roles normally prescribed to the Mayor (as per the Act).
- f) The Mayor is the spokesperson for the Council.

- g) A Portfolio Councillor does not receive any additional media or spokesperson roles otherwise ordinarily assigned to a Councillor.

3. Roles, Responsibilities and Protocols

The following guidelines define the role, responsibilities and operating protocols of a Councillor appointed as a Portfolio Councillor.

3.1 Role of Portfolio Councillor

- a) The Portfolio Councillor must ensure they accurately represent the view of the whole of Council at Council meetings rather than their own personal view, except for opportunities provided in debate and voting.
- b) Where the order of business for a local government meeting includes consideration of Officers' reports as referred by the CEO, this part of the meeting will be conducted in sessions that reflect the adopted Councillor Portfolios.
- c) Portfolio Councillors will facilitate the conduct of the respective session of the local government meeting, under the direction of the Mayor (Chairperson), noting that the Mayor (as the presiding Officer for local government meetings) retains the casting vote entitlement.
- d) Councillors are responsible for being reasonably informed of issues reported on within their assigned portfolio at Council meetings.
- e) Portfolio Councillors do not hold any specific statutory or governance responsibilities related to their portfolio beyond those which they ordinarily hold as a Councillor.
- f) Subject to a resolution of Council, a Councillor may be nominated as an Assistant Portfolio Councillor to assist a Portfolio Councillor. The areas of responsibility may span the whole portfolio, or may be targeted at a specific element of the portfolio and should be specified. The Portfolio Councillor will provide details to the Assistant Portfolio Councillor and/or invite them to any meeting or briefing in relation to the relevant Portfolio they deem necessary.

3.2 Responsibility of Portfolio Councillor

In relation to the ambit of the respective Portfolios, the Portfolio Councillors have responsibilities to:

- a) Facilitate the conduct of their relevant portfolio section of a Council meeting. Speak to any reports tabled at Council meetings and provide verbal updates to workshops as required to ensure all Councillors have equal access to information.
- b) Provide an elected viewpoint and to act as a sounding board for the Executive Management Team and key staff on issues relating to the portfolio.
- c) Be a point of contact and engagement with external stakeholders relevant to the areas of strategic focus within their assigned Portfolio.
- d) Maintain a focus on strategic issues relevant to the Portfolio and not the day-to-day operational matters.
- e) Liaise with the community and attend meetings, forums etc as required regarding their Portfolio.
- f) Familiarise themselves with the Corporate Plan and Operational Plan, in particular the objectives, strategies, issues and activities which are relevant to their Portfolio.
- g) Liaise with other Portfolio Councillors regarding matters that may affect their respective Portfolio Area.
- h) Keep the Mayor and the relevant divisional Councillor (as appropriate) fully informed on Portfolio matters.
- i) Generally, champion the advancement of Council's key priorities and decisions relevant to the portfolio area.

3.3 Operating Protocols

- a) In support of commitments to inclusive teamwork and co-operation between elected members and Council staff, the Portfolio Councillors are encouraged to establish clear and open communication with Senior Management.
- b) Equally, Senior Management are required to recognise the role formally allocated to the Portfolio Councillor and to offer engagement and support in a practical and open manner.
- c) To maximise the effectiveness of the portfolio system, each Councillor has an obligation to undertake such steps as necessary to gain a reasonable knowledge and understanding on the principal issues of the portfolio.
- d) Senior Management are to provide reasonable assistance to enable a Portfolio Councillor to gain increased knowledge and experience in the specific portfolio area.

- e) General Managers will ensure Portfolio Councillors are made aware of any operational matters that may have strategic impact on the Council's performance in the portfolio area including matters relating to key staff and Council budget.
- f) Portfolio Councillors must direct any operational enquiries received from the community through the appropriate Council channels in accordance with Councillor Acceptable Requests Guidelines and Staff Interaction Policy.
- g) Only the Mayor can give a direction to the Chief Executive Officer in accordance with section 170 of the Act. No Councillor, including the mayor, may give a direction to any other local government employee.

3.4 Media Protocols

- a) The Mayor acts as the media spokesperson for the whole of Council.
- b) The Council's Chief Executive Officer is the only person who can comment on specific staff matters to the media.
- c) If the Mayor is not available to comment on an issue and/or project, the Deputy Mayor will be the spokesperson in media and communications material unless the Mayor specifies otherwise.
- d) The Mayor may delegate their spokesperson role to another Councillor for media purposes.
- e) The Mayor is to be quoted in all media response and releases unless decided by the Mayor otherwise.
- f) Where a matter is not a regional or strategic issue, but essentially local, the Mayor may determine that the Divisional Councillor could be quoted, similar to practices adopted by State and Federal Governments.
- g) Portfolio Councillors are not quoted in press releases and have no media role. Their function is to administer business within the chamber specific to their allocated responsibilities. This is in line with the role of committee chairperson in Parliament.
- h) Councillors can promote the work undertaken by Council through their own Facebook page in accordance with the Office of the Independent Assessor's Social Media Guidelines for Councillors.

ANNEXURE 2 – PORTFOLIOS

Portfolio	Strategic Focus	Portfolio Councillor	Proxy / Assistant Councillor
Water and Waste	Produce water that meets the Australian Drinking Water Guidelines Health Standards. Develop a regional waste facility that meets community and legislative requirements. Waste and Resource Recovery are managed in line with State legislation and policies.	Cr Susan Payne	Cr Kingsley Mesner
Roads and Infrastructure	Roads that provide connection across the region. Bridges are safe and appropriate to road requirements.	Cr Michael Dingle	Cr Kingsley Mesner Mayor Les Hotz
Arts, Sports and Recreation	Key Council events are delivered effectively across the region and community events are promoted and successful. Museums, historical societies and art galleries are supported to ensure rich cultural precincts.	Cr Dael Giddins	Cr Melinda Jones
Economic Development, Community and Tourism	Planning and Support so Local groups are able to effectively operate and complete key projects and programs for the benefit of community. The North Burnett Transport Service continues to deliver service excellence and public transport options for residents and travellers. Community grants budget is effectively delivered in line with endorsed policy to enrich community events and projects. Community facilities are well maintained and utilised. Leverage promotional opportunities and promote the regions tourism product through appropriate channels.	Cr Melinda Jones	Cr Dael Giddins

9.5 ELECTION OF THE LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND'S (LGAQ) POLICY EXECUTIVE DISTRICT REPRESENTATIVES 2024-2028

Doc Id: 1219505

Author: Kat Bright, Senior Executive Assistant to the CEO and Mayor

Authoriser: Margot Stork, Chief Executive Officer

Attachments:

1. LGAQ Policy Executive - LGAQ Corporate Governance Charter []
2. LGAQ Policy Executive - Fees, Reimbursements and insurance []
3. LGAQ Policy Executive - Nomination Form []

EXECUTIVE SUMMARY

In accordance with Rule 5.4 of the Local Government Association of Queensland's (LGAQ) Constitution and Rules, nominations are now being called for the election of District Representatives to the Association's Executive for the period 2024 – 2028. Councillors and Mayors from 3 neighbouring Councils are seeking endorsement to nominate as the Wide Bay Burnett District 3 representative.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council:

1. Endorse the nomination of [enter name] of [enter Council] as LGAQ's Policy Executive representative for the Wide Bay Burnett District; or
2. Endorse the nomination of Cr [enter name] of North Burnett Regional Council as LGAQ's Policy Executive representative for the Wide Bay Burnett District our district.

REPORT

Nominated and voted for by members, the LGAQ Policy Executive (PE) is comprised of 16 members – including the President – representing all member councils. The PE meets six times per year to determine LGAQ policy and guide advocacy activities. Members are encouraged to keep in touch with district representative on matters that are important to your community.

CONSULTATION

Councillors were provided a copy of each nomination from Mayor Hartwig of Gympie Regional Council, Cr Ros Heit of South Burnett Regional Council and Mayor Seymour of Fraser Coast Regional Council.

RISK IMPLICATIONS

Reputation / Political

The LGAQ Policy Executive is a preeminent advocacy body for Local Government in Queensland. The member elected will provide representation on behalf of the whole of the Wide Bay Burnett Region.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

The current payments to Policy Executive Members attending Policy Executive and Committee Meetings and other approved meetings, for which payment is not made by the outside board, committee, or body, are as follows:

Daily Allowance: \$560.00

Accommodation Allowance: \$283.00

Travel Costs – Actual airfare (economy class), and/or motor vehicle expenses at current ATO rate ie 85c a kilometre, and/or actual taxi fares, and/or parking fees.

These rates are reviewed annually in the Budget in May. Payments of fees and reimbursements is made at the meeting attended upon completion of a claim form.

A personal accident insurance scheme operates for all Policy Executive Members whilst travelling or involved in Association activity.

Legal & Regulatory

Not Applicable.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

There may be some impact on Human Resources if a North Burnett Regional Council representative is appointed and staff are required to provide greater levels of administrative support to the Councillor.

Information Communications Technology

Not Applicable.

Service Delivery

Not Applicable.

Climate

Not Applicable.

KEY MESSAGE

The LGAQ Policy Executive is a preeminent advocacy body for Local Government in Queensland. The member elected will provide representation on behalf of the whole of the Wide Bay Burnett Region from June 2024 to June 2028.

Attachment 1B

CORPORATE GOVERNANCE CHARTER

FEBRUARY 2024



1 Background

The purpose of the Local Government Association of Queensland (LGAQ) is to be the peak body for local government in Queensland with a vision of strong and effective local government. Our mission is to strengthen the ability and performance of local government to better serve the community.

This Corporate Governance Charter defines the role, responsibilities and authorities of the Policy Executive and the Board of the LGAQ, along with the role and function of individual Executive Representatives and Directors.

LGAQ is committed to effective governance practices which reflect accountability, transparency, and professional integrity within an inclusive framework based on trust and intellectual honesty.

The Board approved 4 strategic objectives as part of the Strategic Plan

- ✘ Advocate for the collective interests of members, and action all endorsed annual conference motions.
- ✘ Advance members financial sustainability.
- ✘ Assist with the positive promotion of local government.
- ✘ Connect members with daily support services that help with matters of local concern or difficulty.

Together these elements provide the foundation for the Association's policy initiatives and activities.

This Charter is intended to assist the Policy Executive and Board by:

- ✘ Providing clear guidelines on roles, responsibilities and relationships of the Policy Executive, Board, Directors and Executive Representatives;
- ✘ Identifying key principles for effective corporate governance to allow "best practice" performance;
- ✘ Ensuring appropriate accountability of the Policy Executive and Board to LGAQ members;
- ✘ Ensuring that the link between the Association's corporate objectives and values and the activities of members of the Board and Policy Executive is identified and understood.

The Charter also provides valuable information for new Directors and Executive Representatives, facilitating the induction process. As stipulated in the LGAQ Constitution (Rule 6.7(17)), Directors and Executive Representatives are required to comply with this Charter.

2 Corporate Governance Principles and Structure

Within the private sector, corporate governance is regarded as the system by which companies are directed and managed. It influences how the objectives of the company are set and achieved, how risk is monitored and assessed, and how performance is optimised. Good corporate governance structures encourage companies to create value (through entrepreneurship, innovation, development and exploration) and provide accountability and control systems commensurate with the risks involved.

Corporate Governance for LGAQ is broadly defined as the processes used to represent member interests, including the way in which decisions are made on policies and strategies and how these are actioned to obtain an optimal return for members as the key stakeholders of the Organisation.

Corporate Governance arrangements for LGAQ include:

- ✘ The role of Annual Conference;
- ✘ The election of Executive Representatives;
- ✘ The role of the Policy Executive;
- ✘ The role of the President of the Board ("President");
- ✘ The role of the Board;
- ✘ The role of the CEO.

Whilst Directors and Executive Representatives are encouraged to refer to the Constitution of LGAQ for details of the role of Annual Conference, the composition and election of the Policy Executive and Board, the powers and duties of the Policy Executive and Board, and the powers and functions of the CEO and other officers, the following is a brief summary of the key points.

LGAQ's Annual General Meeting of member councils (Annual Conference) is the Association's supreme decision-making body responsible for setting the overall policy direction of LGAQ and electing the President (Rule 6.3 of the Constitution). In a separate process, LGAQ's member councils elect 15 District Representatives (Rule 5.1 of the Constitution) who, together with the President, form the Association's Policy Executive. The President is the only member of the Policy Executive who does not represent a district.

The Policy Executive is responsible for: appointing three Directors to join the LGAQ President in forming the LGAQ Board; appointing the CEO; approving the annual budget of the Organisation; and determining the Association's policy on behalf of member councils (in line with the overall direction set at Annual Conference). The Policy Executive may delegate any of its powers to a Committee appointed out of its number (Rule 5.13 of the Constitution).

The LGAQ Board is responsible for the operation of the business of the company (Rule 6.7 of the Constitution). It is authorised to exercise all of the Organisation's powers that are not required to be exercised by Annual Conference. The Board is responsible for adopting a strategic plan before the end of each financial year. The Board may delegate any of its powers to a Committee appointed out of its number (Rule 6.15 of the Constitution).

The President is the highest elected official of the LGAQ and chairs General Meetings, including the Annual General Meeting, and meetings of the Board and Policy Executive.

The CEO is responsible for day-to-day management of the Organisation, subject to the Board's instructions (Rule 6.7 of the Constitution). The CEO's powers may only be exercised after full consultation with the President; and the President must be kept fully informed on an ongoing basis of all action taken pursuant to the CEO's powers. Consistent with normal corporate practices, the President and CEO are the official spokespersons for the Board, Policy Executive and LGAQ.

3 Director Role

The general qualification for becoming and remaining a Director is outlined in Rule 6.1 of the Constitution.

As Directors are appointed out of the ranks of the Policy Executive, a Director must have the skills and the time to be able to perform both roles.

The powers and duties of the Directors are spelt out in detail in Rule 6.7 of the Constitution. In summary, the Directors:

- ✘ Are responsible for setting the strategic direction and monitoring of the business;
- ✘ Must adopt an annual strategic plan for the Association and ensure that LGAQ conducts its business in accordance with it;
- ✘ Are not directly involved in the day-to-day management of the Organisation but issue the CEO with instructions for the day-to-day management;
- ✘ Make decisions that are not items of day-to-day management of the Organisation;
- ✘ Must ensure that LGAQ maintains its property in good working order and condition, complies with all agreements to which it is a party, pays its debts as and when they fall due, maintains relevant insurance, complies with the requirements of all relevant legislation, maintains books and records, etc.;
- ✘ Have oversight of the financial management of LGAQ and are responsible for major financial decisions (although the annual budget is approved by the Policy Executive);
- ✘ May grant a power of attorney;

To effectively perform their role, a Director requires:

- ✘ Competency in modern corporate and financial management standards and practices;
- ✘ An ability to provide a holistic focus on local government issues;
- ✘ An ability to put the interests of their own council behind those of the Association;
- ✘ Capacity to devote sufficient time to both Board and Policy Executive responsibilities;
- ✘ Legitimacy and confidence in the eyes of members and fellow Executive Representatives;
- ✘ Ability to exercise objective judgement on corporate affairs independent from management;
- ✘ Access to accurate, relevant and timely information.

A Director has a duty to:

- ✘ Act consistently in the best interests of LGAQ as a whole;
- ✘ Act honestly and in good faith;
- ✘ Not gain advantage by improper use of their position;
- ✘ Not misuse information;
- ✘ Act with due care and diligence;
- ✘ Disclose real or perceived conflicts between personal interests, or the interests of any associated person, and the interests of LGAQ to the other Directors in accordance with the LGAQ Conflict of Interest Policy;
- ✘ Not allow such interests to conflict with the interests of LGAQ.

A Director has no individual authority to participate in the day-to-day management of LGAQ, including making any representations or agreements with member councils, suppliers, customers, employees or other parties or organisations.

Directors are expected to regularly attend Board, Policy Executive, Committee and other meetings organised as part of the Director role. According to Rule 6.1(5) of the Constitution, a Director vacates that office at the conclusion of the third consecutive Board meetings that the person has failed to attend, without the Board's leave.

Directors are supported in their role by secretariat services provided by LGAQ.

4 Conduct of Board meetings

A Board meeting is the main opportunity for a Director to:

- ✘ Obtain and exchange information with the senior management team;
- ✘ Obtain and exchange information with each other;
- ✘ Make decisions.

A Director shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings. This will include, but not be limited to:

- ✘ Behaving in a business-like manner;
- ✘ Acting in accordance with policy resolutions of the Association;
- ✘ Addressing issues in a courteous manner;
- ✘ Using judgement, common sense and tact when discussing issues;
- ✘ Avoiding distractive behaviour such as email, text, chatter and irrelevant remarks during meetings;
- ✘ Ensuring that others are afforded a reasonable opportunity to put forward their views.

5 Review of Board's Effectiveness and Training Needs of Director

The President shall conduct a biennial review of the Board's effectiveness, one year and three years into the Board's term. As part of the review, the President shall consult with each Director separately. The review thus provides an opportunity for each Director to discuss any concerns about the Board's operation with the President. A report on the review must be prepared and submitted to the Policy Executive for consideration.

Directors are encouraged to raise any request or need for independent expert advice, training or guidance with the President at any time. Furthermore, the President shall discuss Directors' training and professional development needs during the biennial review of the Board's effectiveness and pass any needs identified to the secretariat for action.

6 Executive Representative Role

The General Qualification for becoming and remaining an Executive Representative is outlined in Rule 5.2 of the Constitution.

To be able to fulfill its role, it is important that the Policy Executive incorporates a breadth of experience. This requires capacity to present an appropriate balance of district, member-wide and external viewpoints.

The primary responsibility of an Executive Representative is to LGAQ members as a whole. In fulfilling this responsibility, an Executive Representative should, where appropriate, have regard to the interests of stakeholders, both internal and external. Policy Executive decisions will be distributed in the public realm unless the Policy Executive makes an express decision to keep the matter confidential.

An Executive Representative therefore requires an extensive knowledge of and connection to local government related issues. It is expected that an Executive Representative will develop an appreciation of the scope, policy and activities of the Association.

The key roles of an Executive Representative can be broadly defined as:

- ✘ Representing the overall interests of local government within Queensland;
- ✘ Representing each district's interests on the Policy Executive;
- ✘ Contributing to Policy Executive decision-making;
- ✘ Assisting in relationships between councils at a district and regional level.

In representing, liaising with and informing member councils at a district level, the reasonable expectation of an Executive Representative as the District Representative is that they will:

- ✘ Attend and represent LGAQ at meetings of regional groupings of councils, such as District LGAs and/or ROCs (and/or, where appropriate, other relevant bodies);
- ✘ Undertake direct communication with member councils within their electoral district including on key issues and matters before the Policy Executive for consideration;
- ✘ Develop a full understanding of the scope and scale of the activities of the Association to enable referral of member councils to relevant solutions and support services;
- ✘ Familiarise themselves with and provide input into LGAQ segment1 plans and segment activities relevant to the councils within their district.

In order to be an effective District Representative, an Executive Representative is expected to engage in a process of two-way representation, i.e. reporting regional advocacy issues and council support needs and opportunities to the Policy Executive and reporting outcomes back to the district. Executive Representatives are instrumental in ensuring transparent and inclusive LGAQ decision-making on policy positions by feeding views from members in their district into the decision-making process and communicating the rationale behind the decision-making back to members.

It is up to each Executive Representative to identify and develop appropriate methods of engagement with the councils in their district. Where active District LGAs or ROCs exist, the meetings of these groupings provide an established platform for regional engagement in relation to LGAQ policy-making. Attending meetings of other regional groupings involving councils, may also be an option. Executive Representatives should also undertake regular one-on-one engagement with

individual councils in their district.

In recognition of the workload involved, Executive Representatives receive appropriate support from LGAQ in the conduct of their duties as District Representatives. Executive Representatives are supported by senior LGAQ officers who, whenever possible, accompany Executive Representatives to ROC and other regional meetings. LGAQ also has a Policy Executive Support Coordinator who acts as the central point of contact and clearing house for all communications material, information and enquiries related to Policy Executive activities and who coordinates and arranges attendance of Executive Representatives and senior LGAQ staff at meetings of regional groupings of councils.

There will also be a CEO Reference Group comprising the CEOs of Executive Representatives. This group will both support Executive Representatives and provide strategic advice and input to LGAQ. It is important that elected members who are considering nominating for the Policy Executive understand that their involvement on the Policy Executive will be supported by participation of their CEO in the CEO Reference Group.

To effectively perform their role, an Executive Representative requires:

- ✘ An ability to provide a holistic focus on local government issues;
- ✘ An ability to put the interests of their own council behind those of their electoral district and those of the Association;
- ✘ Capacity to devote sufficient time to Policy Executive responsibilities;
- ✘ Legitimacy and confidence in the eyes of members;
- ✘ Ability to exercise objective judgement on corporate affairs independent from management;
- ✘ Access to accurate, relevant and timely information.

7 Conduct of Policy Executive Meetings

An Executive Representative has a duty to:

- ✘ Act consistently in the best interests of LGAQ as a whole;
- ✘ Act honestly and in good faith;
- ✘ Not gain advantage by improper use of their position;
- ✘ Not misuse information;
- ✘ Act with due care and diligence;
- ✘ Disclose real or perceived conflicts between personal interests, or the interests of any associated person, and the interests of LGAQ to the other Executive Representatives in accordance with the LGAQ Conflict of Interest Policy;
- ✘ Not allow such interests to conflict with the interests of LGAQ

An Executive Representative has no individual authority to participate in the day-to-day management of LGAQ, including making any representations or agreements with member councils, suppliers, customers, employees or other parties or organisations.

Executive Representatives are expected to regularly attend Policy Executive, Committee and other meetings organised as part of the Policy Executive role. According to Rule 5.2(2)(d) of the Constitution, an Executive Representative vacates that office immediately upon the conclusion of the third consecutive Policy Executive meeting that the Executive Representative has failed to attend, without the Policy Executive's leave.

A Policy Executive (or Committee) meeting is the main opportunity for an Executive Representative to:

- ✘ Report to the Policy Executive on engagement with their district on LGAQ policy and advocacy issues;
- ✘ Obtain and exchange information with the senior management team;
- ✘ Obtain and exchange information with each other;
- ✘ Make decisions.

An Executive Representative shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings. This will include, but not be limited to:

- ✘ Behaving in a business-like manner;
- ✘ Acting in accordance with policy resolutions of the Association;
- ✘ Addressing issues in a courteous manner;
- ✘ Using judgement, common sense and tact when discussing issues;
- ✘ Minimising distracting behaviour such as email, text, chatter and irrelevant remarks during meetings;
- ✘ Ensuring that others are afforded a reasonable opportunity to put forward their views.

Unless prevented by extenuating circumstances, Executive Representatives are expected to attend Policy Executive meetings for the full duration of the meeting.

Executive Representatives should be forthright in Policy Executive meetings and have a right to question, request information, raise an issue, fully canvass all aspects of any policy issue confronting LGAQ and to cast their vote on any resolution according to their own judgment.

Outside Policy Executive meetings, an Executive Representative will support the spirit of all Policy Executive decisions in discussions with member councils, staff and other parties when acting in their capacity as an Executive Representative. Executive Representatives are expected to advocate the position of their district constituency at Policy Executive meetings and the position of LGAQ back to their district constituency. However, as mentioned earlier, the President and CEO are the official public spokespersons for the Policy Executive and LGAQ.

8 Ethical Practices

Directors and Executive Representatives will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Organisation.

Directors and Executive Representatives must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Directors and Executive Representatives must not use Association information for any personal gain for themselves or their immediate families or in any manner that would be contrary to law or detrimental to the welfare and goodwill of the Association.

Further, Directors and Executive Representatives must not publicly comment on matters relative to activities of the Board or Policy Executive, other than as authorised by the Board or Policy Executive.

Finally, Directors and Executive Representatives must not engage in conduct, whether in the course of undertaking LGAQ business or otherwise, tending to bring the LGAQ or local government in the State of Queensland into disrepute or to cause damage to the public standing and reputation of either of them.

9 Code of Conduct

LGAQ has adopted a Code of Conduct and maintains service standards for the Association's employees. Although not LGAQ employees, Directors and Executive Representatives are encouraged to familiarise themselves with this document and, in light of the leadership role and responsibility of the Board, lead by example in following it.

Information published on social media sites by Directors and Executive Representatives

Directors and Executive Representatives must behave in a manner which promotes and protects the interests of LGAQ. Directors and Executive Representatives must not publish information on social media which:

- ✘ In any way disparages or harms LGAQ's business or reputation;
- ✘ Disparages or personally criticises fellow Directors, Executive Representatives or LGAQ employees;
- ✘ Includes any information which may offend or embarrass fellow Directors, Executive Representatives or LGAQ employees;
- ✘ Contains defamatory statements in relation to fellow Directors, Executive Representatives, LGAQ employees, elected representatives of members or employees of members;
- ✘ Breaches a Directors' or Executive Representatives' obligations to keep information confidential
- ✘ Breaches a Directors' or Executive Representatives' obligations with respect to Anti-Discrimination, Sexual Harassment or Bullying;
- ✘ Could be perceived as representing the viewpoint or official position of LGAQ on any issue, in circumstances where the Director or Executive Representative has no LGAQ authority to publish that information on the LGAQ's behalf.

10 Use of Social Media



What is social media?

Social media is the use of on-line or internet based technologies to communicate interactively with other people. There are several well-known internet sites which are used for social media, including but not limited to, Facebook, Twitter and LinkedIn.

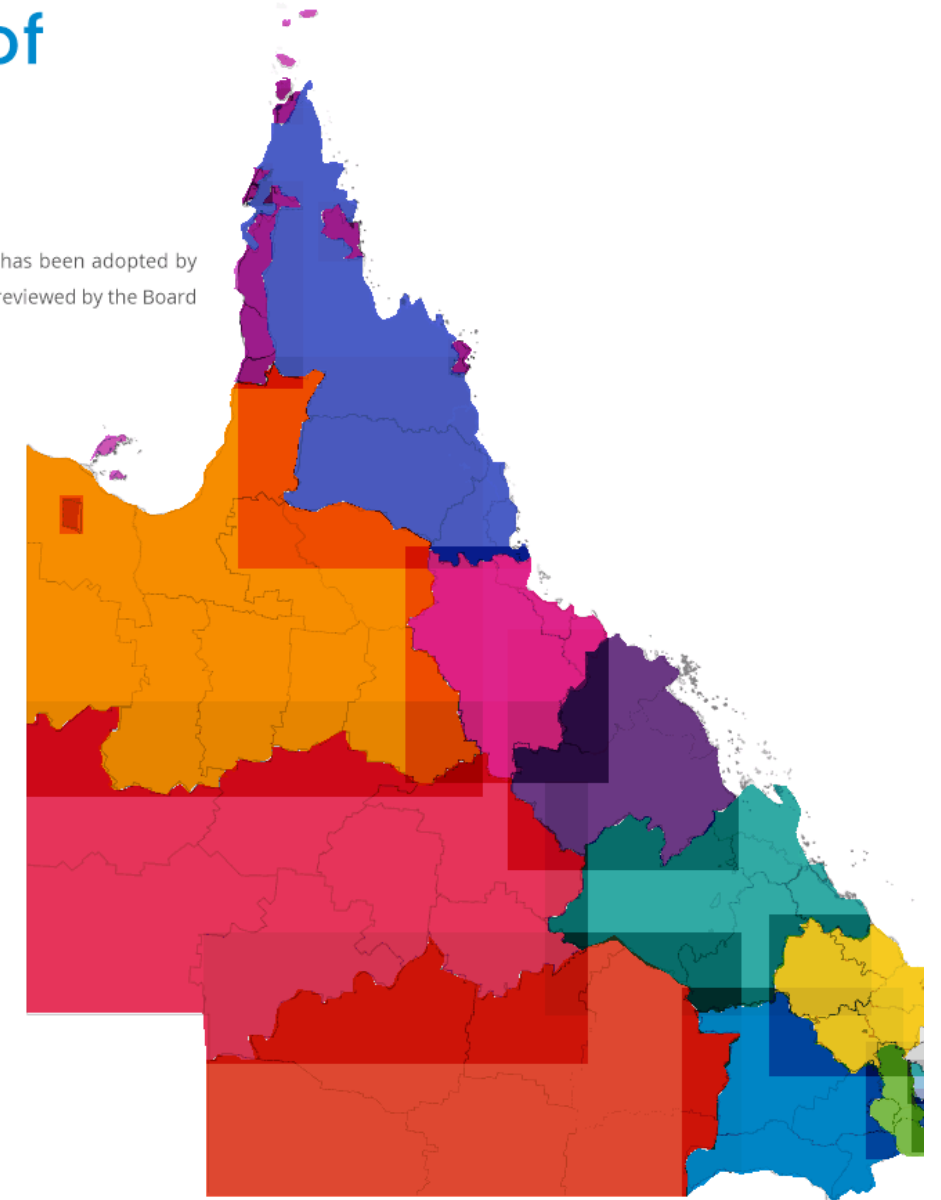
The LGAQ and social media

The LGAQ embraces the use of social media for the promotion, development and delivery of services and that of its members.

LGAQ encourages all Directors and Executive Representatives to communicate online in many ways, such as through social media, professional networking sites, blogs and personal web sites. However, all Directors and Executive Representatives need to use good judgment about what material appears online, and in what context.

11 Review of Charter

This Corporate Governance Charter has been adopted by the LGAQ Board and will be formally reviewed by the Board on an annual basis.



Legend Key			
● District 1	● District 3	● District 7	● District 11
● District 2 North	● District 4	● District 8	● District 12
● District 2 South	● District 5	● District 9	
● District 2 West	● District 6	● District 10	

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For all enquiries, call or text our
Members' Hotline on 1300 542 700

Local Government House
25 Evelyn St, Newstead QLD 4006

Local Government Association
of Queensland

—
www.lgaq.asn.au



ATTACHMENT 1C

FEES, REIMBURSEMENTS AND INSURANCE

The current payments to Policy Executive Members attending Policy Executive and Committee Meetings and other approved meetings, for which payment is not made by the outside board, committee, or body, are as follows:

Daily Allowance	\$560.00
Accommodation Allowance	\$283.00

Travel Costs – Actual airfare (economy class), and/or motor vehicle expenses at current ATO rate ie 85c a kilometre, and/or actual taxi fares, and/or actual parking fees.

These rates are reviewed each year in the Budget in May. Payment of fees and reimbursements is usually made at the meeting attended upon completion of a claim form.

A personal accident insurance scheme operates for all Policy Executive Members whilst travelling or involved in Association activity.

1 April 2024

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Local Government Association Of Queensland Ltd.
ABN 11 010 883 293 **ACN** 142 783 917

**LOCAL GOVERNMENT ASSOCIATION OF
LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ)
POLICY EXECUTIVE 2024-2028**

NOMINATION FORM – District 3-11

Dist 3	Dist 4	Dist 5	Dist 6	Dist 7	Dist 8	Dist 9	Dist 10	Dist 11
Bundaberg Fraser Gympie N Burnett S Burnett	Goondiwindi S. Downs Toowoomba W. Downs	Balonne Bulloo Maranoa Murweh Paroo Quilpie	Banana Central Highlands Gladstone Livingstone Rockhampton	Isaac Mackay Whitsunday	Barcaldine Barcoo Blackall Tambo Boulia Diamantina Longreach Winton	Burdekin Charter Towers Hinchinbrook Townsville	Cairns Cassowary Cook Douglas Mareeba Tablelands Torres Shire	Burke Carpentaria Cloncurry Croydon Etheridge Flinders McKinlay Mount Isa Richmond

DISTRICT NO. 3

The City Council of **Choose an item.**

Hereby nominates Cr.

To represent **District Number 3** on the Association’s Policy Executive in accordance with Rule 5.4 of the Constitution and Rules of the Association for the period 2024-2028.

Date at this day of 2024


 CHIEF EXECUTIVE OFFICER
 2 April 2024

I hereby support this nomination
 Signed by: Council CEO

PLEASE RETURN THIS FORM BY EMAIL TO THE RETURNING OFFICER BY NO LATER THAN 12:00pm on Wednesday, 1 May 2024

RETURNING OFFICER: Alison Smith
 RETURNING OFFICER
 LOCAL GOVERNMENT ASSOCIATION OF QLD LTD
 PO BOX 2230
 FORTITUDE VALLEY BC QLD 4006
Email: returning_officer@lgaq.asn.au
N.B FAXED NOMINATIONS WILL NOT BE ACCEPTED

9.6 LOCAL AUTHORITY WASTE MANAGEMENT ADVISORY COMMITTEE (LAWMAC) MEMBERSHIP & DELEGATE NOMINATION

Doc Id: 1219567

Author: Jess Marteene, Administration Officer (Executive Services)

Authoriser: Margot Stork, Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

Waste management is a significant issue for many Australian communities, including the North Burnett Regional Council (NBRC). NBRC has been an active member of the Local Authority Waste Management Advisory Committee (LAWMAC) since 2021. LAWMAC currently has twenty-nine (29) Member Councils, four (4) Honorary Members and forty-nine (49) Corporate Members dedicated to best practice waste management. The committee aims to provide sustainable solutions through its regional forum and interactive participation across the LAWMAC region on current and future Waste Management Practices and Technologies.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council:

1. Continue its membership with the Local Authority Waste Management Advisory Committee (LAWMAC);
2. Endorse the attendance of Cr Payne, as the representative for North Burnett Regional Council at four quarterly meetings of the LAWMAC, commencing with a meeting on 20 & 21 June, 2024 in Cairns; and
3. Support Cr Payne's nomination for a position on the LAWMAC Management Committee.

REPORT

LAWMAC is a 'not for profit' group.

LAWMAC General Meetings are held quarterly with the Annual General Meeting scheduled after the end of each financial year (or as close as possible). A Waste Management Conference is held Bi- Annually.

Officers of the Northern Alliance of Councils, Local Government Association of Queensland, Department of Environment & Science Qld, Queensland Health, Waste Industry Groups and Waste Management related representatives are encouraged to attend meetings and provide input and information but are not entitled to vote.

Association membership is available to members of Industry, Commerce, State Agencies and other non-government organisations, but are not entitled to vote.

Cr Payne has previously represented NBRC at LAWMAC.

RESOLUTION 2022/159

Moved: Cr Susan Payne

Seconded: Cr Robert Rade]

That Council endorse the attendance of Councillor Susan Payne, as the representative for North Burnett Regional Council at four quarterly meetings of LAWMAC, commencing with a meeting on 17 and 18 November 2022.

In Favour: Crs Leslie Hotz, Robert Radel, Susan Payne and Kingsley Mesner

Against: Crs Melinda Jones, Dael Giddins and Michael Dingle

CARRIED 4/3

LAWMAC upcoming meetings and workshops:

- 20 & 21 June 2024 - Host Cairns Regional Council (AGM)
- 22 & 23 August 2024 - Host Rockhampton Regional Council
- 21 & 22 November 2024 - Host Mackay Regional Council & Awards Dinner Event

CONSULTATION

Nil.

RISK IMPLICATIONS**Reputation / Political**

Membership of LAWMAC will enforce Council's commitment to best practice waste management.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

The membership fee for the period of 2024-2025 remains undetermined as we await receipt of the invoice. However, historical data indicates that membership rates are typically calculated using a base fee of \$440.00, with an additional charge correlating with the resident population, amounting to \$866.24.

Legal & Regulatory

Not Applicable.

Environmental

Council is committed to supporting the North Burnett community to responsibly dispose of its waste. Membership to LAWMAC will support Council in this effort.

Property & Infrastructure

Not Applicable.

Human Resources

Not Applicable.

Information Communications Technology

Not Applicable.

Service Delivery

Not Applicable.

Climate

Not Applicable.

KEY MESSAGE

Council is committed to best practice in waste management. Membership to LAWMAC will provide Council with up to date and relevant information about waste management.

9.7 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CIVIC LEADERS SUMMIT 2024 AND PROPOSED CHANGE TO MEETING DATE FOR THE MAY 2024 GENERAL MEETING

Doc Id: 1219750

Author: Kat Bright, Senior Executive Assistant to the CEO and Mayor

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. LGAQ Civic Leaders Summit Brochure May 2024 [1219464]

EXECUTIVE SUMMARY

Every year, the Local Government Association of Queensland (LGAQ) hosts a distinctive event within the Australian local government landscape – the Civic Leaders Summit. Scheduled for 21-22 May 2024, on the Gold Coast, this year's summit focuses on the theme of Enhancing Local Leadership. Attendees will delve into various strategies for fostering trust, influence, and liveability within Queensland communities of all sizes.

The timing of the summit, coinciding with the commencement of the new term for Councillors, presents an opportune moment to lay a robust foundation for achieving their priorities over the next four years. It offers a platform to refine objectives, chart pathways to success, and unify councils and communities for collective progress.

This event coincides with Councils Ordinary Meeting scheduled for Wednesday 22 May 2024. This report seeks Council endorsement to change the date of this meeting to allow the Mayor and delegates to attend the Summit for the purposes of professional development.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, in accordance with Statutory Policy *1003 Reimbursement and Provision of Facilities for Mayor and Councillors*:

1. Appoint the Mayor, Councillors and CEO or delegate as representatives to attend the Civic Leaders Summit 2024 on the Gold Coast 21-22 May 2024; and
2. Agree to pay for the necessary costs directly associated with representation at this conference. Such expenses may include registration fees, travel costs, accommodation, parking and meals.

That Council, in accordance with provisions of Section 254B(4) of the *Local Government Regulation 2012*:

3. Reschedule the Ordinary Meeting of Council from Wednesday 22 May 2024, to Wednesday 29 May 2024; and
4. That the Ordinary Meeting of Council will be held in the Eidsvold Boardroom, commencing at 9.00am.

REPORT

Councillor Participation

The Civic Leaders Summit 2024 Program is attached for further information.

As outlined in Statutory Policy Reimbursement and Provision of Facilities for Mayor and Councillors, the Mayor attends the LGAQ & ALGA as the primary Delegate - and may attend any other Local Government hosted Conference/Seminar/Workshop/Forum if required and as resolved by the Council. The Mayor may be accompanied by any other Councillor as deemed necessary by the Council.

Registration: Full program registration is **\$1,500 per person**. Optional dinner registration is **\$150 per person**. *All quoted prices are inclusive of GST.*

Expressions of Interest: Mayor to call for expressions of interest.

Proposed Change to the May 2024 Ordinary Council Meeting Date

Of all the meetings elected members attend, Ordinary Council Meetings are arguably the most important. Due to a conflict of the event dates and the holding of the Ordinary Meeting of Council, it is suggested that the Ordinary Meeting be moved so as to maintain an effective contribution to and representation at meetings by elected members which improves the quality of Council decisions.

The Local Government Regulation 2012 establishes the requirements for Local Government meetings generally:

- a) A local government must meet at least once in each month (s.257(1));
- b) Must meet at 1 of the local government's public offices; or for a particular meeting—at another place fixed by the local government, by resolution, for the meeting. (s.257(3));
- c) Must, at least once in each year, publish a notice of the days and times when— (a) its ordinary meetings will be held (s.254B(1));
- d) The notice must be published on the local government's website, and in other ways the local government considers appropriate (s.254B(2));
- e) A local government must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held.

Notwithstanding the requirements above, a local government must, as soon as practicable, notify any change to the days and times of the meeting in the same way as the days and times were previously notified (s.254B(4)).

CONSULTATION

A discussion regarding Councillor attendance at the Summit is tabled for the upcoming Councillor Information Workshop scheduled for Monday 22 April 2024.

RISK IMPLICATIONS

Reputation / Political

Council meetings are of direct relevance to ratepayers and the community. Meetings must be programmed and held in accordance with legislative and statutory compliance.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

Council maintains a low-risk appetite for decisions that have a significant negative impact on Council's long-term financial sustainability. A change to Council's meeting date will have no material impact on Council's financial position.

Attendance at the Civic Leaders Summit has been budgeted for as outlined in Statutory Policy Reimbursement and Provision of Facilities.

Legal & Regulatory

Council maintains a low-risk appetite for non-compliance with legal and regulatory requirements.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

Not Applicable.

Information Communications Technology

Not Applicable.

Service Delivery

Councillor participation in formal Local Government Association Queensland events ensures greater capacity to suitably represent rate payers and the broader community.

Climate

Not Applicable.

KEY MESSAGE

Conferences convened by Local Government Association Queensland provide an invaluable platform for education, debate and collaboration. The conferences enable North Burnett Regional Council Elected Members to liaise with counterparts from across Queensland and become more equipped with regard to representing rate payers and the broader community.



CIVIC LEADERS SUMMIT

Enhancing local leadership

Summit program

21 – 22 MAY 2024
HOTA, GOLD COAST



Every Queensland community deserves to be a liveable one



CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

President's invitation



Every year, the LGAQ conducts an event that is unique in Australian local government – the Civic Leaders Summit. There's nothing else remotely like it and it's the embodiment of the LGAQ credo – Connect.Innovate.Achieve.

In 2024 at the Gold Coast, as our theme denotes, we will be giving you the tools aimed at enhancing your local leadership.

The timing, as you begin the new term, could not be better for setting a strong foundation for how to achieve your priorities for the next four years, how to sharpen aims, map out what you need to achieve and how to bring your

council and community together for the journey.

We have a program packed with guest speakers and sector experts along with mayors, deputy mayors and CEO colleagues sharing their personal stories. There will also be plenty of time and opportunity to get together with your council colleagues and peers to thrash out sector challenges and to swap ideas and solutions.

It's going to be a terrific event.

Mark Jamieson
LGAQ President

Thank you to our sponsors

Hastings Deering



right by your side



Day ONE

Tuesday 21st May

Time	Session
8:30 am	Registration Arrival tea & coffee
9:00 am	Welcome & housekeeping
9:05 am	President's welcome Mark Jamieson, President, LGAQ
9:15 am	Liveability The journey so far, and where we are Alison Smith, Chief Executive Officer, LGAQ
9:30 am	Liveability Why it's our most important ask Mayoral Panel: Facilitated by Alison Smith, CEO, LGAQ
	Key session takeaways <ul style="list-style-type: none"> Understand why the LGAQ is focusing on liveability as an advocacy priority. Consider how the liveability agenda fits with your council's own advocacy agenda. Identify how liveability can be incorporated into your local community engagement activities.
10:00 am	How do you sell your story Hannah Statham, Founder, Media Mortar
	Key session takeaways <ul style="list-style-type: none"> Gain insights into the changing communications landscape and the lessons and opportunities for councils. Learn strategies and tactics for better engagement and communication with residents and ratepayers. Hear why the positive promotion of local government is increasingly important and why all councils need to play a role.
10:30 am	Partner address - Telstra

CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

Time	Session
10:35 am	<p>Business networking & morning tea <i>Have one-on-one discussions with the team from the LGAQ and our subsidiaries.</i></p> <ul style="list-style-type: none"> - Alison Smith, CEO, LGAQ - Advocacy - Governance - Workforce & Employment - LGMS - Digital - Peak Services - Local Buy
11:10 am	<p>Excellence in advocacy</p>
11:40 am	<p>Case study reflections and Q&A with panellists Hannah Statham, Founder, Media Mortar</p>
12:00 pm	<p>Campaign kitchen Samantha Dean, Campaign Manager, LGAQ</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> ▪ Hear successful case studies from other councils. ▪ Identify strategic opportunities for your council to leverage the collective power of the sector – for local benefit - in a State Election year. ▪ Hear sector insights benchmarking what successful advocacy looks like in 2024 – across councils of all sizes and operational capacity. ▪ Learn how to achieve cut through with your issue with best practice campaign strategy – as well successfully taking your community along the journey.
12:30 pm	<p>Business networking & lunch</p>

CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

Time	Session
1:30 pm	<p>Concurrent workshops Stream A – Future-proofing the LG workforce Elle Ackland, Manager, Workforce, and Industrial Relations, LGAQ</p> <p><u>Key Session Takeaways</u></p> <ul style="list-style-type: none"> How to showcase your workforce, and distinguish your council from competitors to attract top talent by implementing an Employee Value Proposition. Steps you can take now to develop a Workforce Plan, and why it is in your council's best interest to have one. Future trends including councils ageing workforces and measures your council can proactively put in place now to mitigate the forecasted impacts of this trend. <p>Stream B – Leadership in risk management</p> <p><u>Key Session Takeaways</u></p> <ul style="list-style-type: none"> Leadership and culture determine whether management lives or dies: how to make yours thrive. Risk management enables strategy and realises opportunities: reframing risk management to take risks. The only certainty is increasing uncertainty: using risk management to achieve organisational and community resilience. <p>Stream C – Tech it or leave it: Embracing digital in local government Tracy Whitelaw, Chief Digital Officer, LGAQ Kate Zubrinich, Manager Data and Analytics, LGAQ Fredy Lievano, Digital Delivery Lead, LGAQ Chris Krosch, Digital Business Lead, LGAQ</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Digital transformation is not optional. Learn from case studies of those already on the journey. Innovation as a culture, not a project. How to evaluate, adopt and succeed while avoiding “shiny object chasing”. Citizen-Centric Digital Services. Discuss toolkits for successful digital that serves your community.
2:30 pm	Business networking & afternoon tea

CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

3:00 pm	Concurrent workshops (repeated)
4:00 pm - 4:25 pm	<p>Disaster readiness and the role of Local Leaders Major General Jake Ellwood, CEO, QRA Acting Assistant Commissioner John Bosnjak, QPS Assistant Commissioner Ben Marcus, Deputy State Recovery Coordinator, QPS</p>
4:25 pm - 4:50 pm	<p>Lessons on local leadership during disasters</p> <p><u>Key Session Takeaways</u></p> <ul style="list-style-type: none"> ▪ Hear from local leaders who have led their communities through challenging disasters. ▪ Learn about the roles and responsibilities of councils and elected members during disasters. ▪ Understand the importance of local leadership and community communications.
4:50 pm - 5:00 pm	Wrap & close
6:45 pm	<p>Summit dinner Sponsored by King & Company JW Marriott</p> <p>Keynote speaker Warwick Squire, CEO, GasFields Commission Queensland</p>

Day TWO

Wednesday 22nd May

Time	Session
8:30 am	Arrival tea & coffee
9:00 am	Welcome to day two
9:10 am	<p>Liveability Financial sustainability Damon Olive, Assistant Auditor-General, Queensland Audit Office Sri Narasimhan, Local Government Lead, Queensland Audit Office Tom Gole, Executive Director, Local Government and Strategic Operations, Queensland Treasury Corporation</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Understand the financial challenges facing the local government sector in Queensland. Identify the sustainability factors impacting council financial performance. Acquire insight into the financial forecasts for the term ahead.
9:50 am	Partner address - Brighter Super
9:55 am	<p>Re-thinking council services Neil Glentworth, Managing Partner, DunneMedforth and Founder and Chair, GWI</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Consider opportunities to improve services to ratepayers and enhance councils' efficiency and productivity. Hear about some case studies that highlight opportunities for innovation. Understand and avoid the common mistakes councils make when investing in digital transformation projects.
10:25 am	Partner address - Hastings Deering
10:30 am	<p>Business networking & morning tea Have one-on-one discussions with the team from the LGAQ and our subsidiaries.</p> <ul style="list-style-type: none"> - Alison Smith, CEO, LGAQ - Advocacy - Governance - Workforce - LGMS - Digital - Peak Services - Local Buy

CIVIC LEADERS SUMMIT
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Time	Session
11:00 am	<p>Concurrent workshops</p> <p>Stream A - An elected member’s guide to valuations & ratings Tim Fynes Clinton, Executive Partner, King & Company Kim Driver, Manager, Governance and Advisory Services</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Learn the foundations between property valuations and rating. Understand the considerations and limitations when setting a rating policy. Have reinforced the role of elected members in setting rates. <p>Stream B - Selling a council budget Jon Guarna, Communications Manager, LGAQ</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Learn about communication principles that can help aid community understanding. View examples of successful council budget communication strategies. Hear tips and tricks from local government communication professionals. <p>Stream C - An elected member’s guide to asset management Jan Xanthopoulos, Principal, Advisory Division, Queensland Treasury Corporation</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> Learn the principles behind effective asset management in a local government setting. Consider the elements of quality decision making regarding council and community assets. Gain an understanding of the financial imperatives behind striving for ‘good’ asset management.
11:45 am	Concurrent workshops (repeated)

CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

12:30 pm	Business networking & lunch
1:30 pm	<p>Excellence in governance Panel: Councillor relationships & culture</p> <p>Tim Fynes Clinton, Executive Partner, King & Company Glen Beckett, Head of Assist, LGAQ Kim Driver, Manager, Governance and Advisory Services, LGAQ</p>
2:00 pm	<p>Panel Q&A: What makes for a successful council</p> <p>Tim Fynes Clinton, Executive Partner, King & Company Bronwyn Blagoev, Acting Independent Assessor, OIA</p> <p><u>Key session takeaways</u></p> <ul style="list-style-type: none"> ▪ Identify the elements of corporate culture that support an effective chamber. ▪ Gain insight into the personal and group behaviours required under legislation and which are expected by your community. ▪ Understand the support and assistance available to help elected members and senior officers.
2:30 pm	<p>Leading with purpose</p> <p>Katarina Carroll, former QPS Commissioner</p>
3:15 pm	<p>Closing remarks</p> <p>Mark Jamieson, President, LGAQ</p>
3:30 pm	Close of conference

CIVIC LEADERS SUMMIT
ENHANCING YOUR LOCAL LEADERSHIP

Registration (GST Inclusive)

Full registration: \$1500 per person

Dinner registration: \$150 per person

Register 

Accommodation

JW Marriot

JW Marriott offered a special delegate rate.
The offer ends Sunday April 21, 2024

Book here

Please contact the reservation team directly on

[07 5592 9800](tel:0755929800) or via email reservations.goldcoast@jwmarriott.com should you require any assistance at all with your booking.



Every Queensland community deserves to be a liveable one

CONTACT US

ENQUIRIES
1300 542 700

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9.8 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) ANNUAL CONFERENCE AND PROPOSED CHANGE TO MEETING DATE FOR THE OCTOBER 2024 GENERAL MEETING

Doc Id: 1219466

Author: Jess Marteene, Administration Officer (Executive Services)

Authoriser: Margot Stork, Chief Executive Officer

Attachments: 1. LGAQ Annual Conference Date Claimer Oct 2024 [1219465]

EXECUTIVE SUMMARY

The Local Government Association of Queensland (the LGAQ) is hosting its Annual Conference 2023 in Gladstone 16-18 October 2023. The Conference is the peak annual event for Queensland Local Government. The event provides a unique opportunity for Local Government to engage directly with the State Government, to develop state policy and to influence the future direction of Councils and their communities.

The intention of this report is to enable the nomination and endorsement of North Burnett Regional Council (NBRC) representation at the Local Government Association Queensland (LGAQ) Annual Conference 2024 to be held in Brisbane on 21-23 October 2024.

The LGAQ Annual Conference conflicts with Council's Ordinary Meeting scheduled to be held on Wednesday 23 October 2024. This report seeks Council endorsement to change the date of this meeting to allow delegates to attend for the purposes of professional development.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, in accordance with Statutory Policy *1003 Reimbursement and Provision of Facilities for Mayor and Councillors*:

1. Appoint two (2) Councillors and the CEO as formal representatives to attend the Local Government Association Queensland Annual Conference in Brisbane from 21 – 23 October 2024.
2. Agree to pay for the necessary costs directly associated with representation at conferences. Such expenses may include registration fees, travel costs, accommodation, parking and meals.

That Council, in accordance with provisions of Section 254B(4) of the *Local Government Regulation 2012*:

3. Reschedule the Ordinary Meeting of Council from Wednesday 23 October 2024, to Wednesday 30 October 2024; and
4. That the Ordinary Meeting of Council will be held in the Biggenden Boardroom, commencing at 9.00am.

REPORT

Councillor Participation

The LGAQ Annual Conference Save the Date is attached for further information as the program has not yet been released.

The theme of this event is unknown currently.

As outlined in Statutory Policy Reimbursement and Provision of Facilities for Mayor and Councillors, the Mayor attends the LGAQ & ALGA as the primary Delegate - and may attend any other Local Government hosted Conference/Seminar/Workshop/Forum if required and as resolved by the Council. The Mayor may be accompanied by any other Councillor as deemed necessary by the Council.

Registration: Registration costs have not yet been advertised.

Expressions of Interests: Mayor to call for expressions of interest.

Proposed Change to the October 2024 Ordinary Council Meeting Date

Of all the meetings elected members attend, Ordinary Council Meetings are arguably the most important. Due to a conflict of the event dates and the holding of the Ordinary Meeting of Council, it is suggested that the Ordinary Meeting be moved so as to maintain an effective contribution to and representation at meetings by elected members which improves the quality of Council decisions.

The Local Government Regulation 2012 establishes the requirements for Local Government meetings generally:

- a) A local government must meet at least once in each month (s.257(1));
- b) Must meet at 1 of the local government's public offices; or for a particular meeting—at another place fixed by the local government, by resolution, for the meeting. (s.257(3));
- c) Must, at least once in each year, publish a notice of the days and times when— (a) its ordinary meetings will be held (s.254B(1));
- d) The notice must be published on the local government's website, and in other ways the local government considers appropriate (s.254B(2));
- e) A local government must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held.

Notwithstanding the requirements above, a local government must, as soon as practicable, notify any change to the days and times of the meeting in the same way as the days and times were previously notified (s.254B(4)).

The LGAQ Annual Conference conflicts with Council's Ordinary Meeting scheduled to be held on Wednesday 23 October 2024. It is recommended that the Ordinary Meeting of Council be rescheduled to Wednesday 30 October 2024, enabling the Mayor, Councillors and Chief Executive Officer to attend the conference.

Motions

Closer to the event, Officers will table a report to Council when the LGAQ calls for Local Governments to put forward motions to be debated at the State conference. All motions must be passed at a Council meeting prior to submission and the resolution number provided.

Motions from Councils inform the LGAQ's advocacy agenda and guide the work undertaken to achieve outcomes on behalf of councils and communities. Motions are proposed by, voted on and endorsed by councils.

Matters raised through this process focus on local government issues, are strategic, relevant to the business of local government and have a state-wide impact. The LGAQ invites councils to think big and tap into state-wide advocacy on major issues that will help make every Queensland community a liveable one.

CONSULTATION

A discussion regarding Councillor attendance at the conference is tabled for the upcoming Councillor Information Workshop scheduled for Monday 22 April 2024.

At last year's conference, Resolution 2023/67 designated three (3) Councillors and the CEO to attend:

- Formal representatives included Deputy Mayor, Cr Radel, and Margot Stork, CEO.
- Observers included Cr Mesner and Cr Jones.

RISK IMPLICATIONS

Reputation / Political

Local Government Association Queensland conferences provide Elected Members with an opportunity to information share and engage with counterparts from across the state. Professional conferences equip Councillors to undertake duties and responsibilities on behalf of rate payers and the broader community.

Council meetings are of direct relevance to ratepayers and the community. Meetings must be programmed and held in accordance with legislative and statutory compliance.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

Council maintains a low-risk appetite for decisions that have a significant negative impact on Council's long-term financial sustainability. A change to Council's meeting date will have no material impact on Council's financial position.

Attendance at the LGAQ Annual Conference has been budgeted for as outlined in Statutory Policy Reimbursement and Provision of Facilities.

Legal & Regulatory

Council maintains a low-risk appetite for non-compliance with legal and regulatory requirements.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

Not Applicable.

Information Communications Technology

Not Applicable.

Service Delivery

Councillor participation in formal Local Government Association Queensland events ensures greater capacity to suitably represent rate payers and the broader community.

Climate

Not Applicable.

KEY MESSAGE

Conferences convened by Local Government Association Queensland provide an invaluable platform for education, debate and collaboration. The conferences enable North Burnett Regional Council Elected Members to liaise with counterparts from across Queensland and become more equipped with regard to representing rate payers and the broader community.



**LGAQ
ANNUAL
CONFERENCE**

21–23 October

Brisbane Convention and
Exhibition Centre

Lock the dates in your diary.
More information about the
event coming soon.

Get in touch
Members hotline

9.9 2023-2024 (FY24) - QUARTERLY PROGRESS REPORT (Q3)**Doc Id:** 1219769**Author:** Rhys Habermann, Acting Strategic Relationships Manager**Authoriser:** Margot Stork, Chief Executive Officer**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to provide updates for Council and the community regarding progress of projects and business as usual (BAU) activities currently underway, as well as those activities outlined in the 2023-2024 (FY24) Operational Plan, for the period 1 January 2024 – 31 March 2024 (Q3). This report satisfies the Chief Executive Officer's obligation under Section 174(3) of the *Local Government Regulation 2012 (Qld)*.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council receive the 2023-24 (FY24) Q3 Progress Report for the period 1 January 2024 – 31 March 2024.

REPORT

Please note: The 2023-24 (FY24) Q3 Progress Report for the period 1 January 2024 – 31 March 2024, as a *related report* for the 2024 April Council General Meeting (hereunder referred to as the attached report or the attachment), will be circulated and made publicly available in the *relevant period*, as defined under Section 254D(5) of the *Local Government Regulation 2012 (Qld)*.

The quarterly progress report is developed shortly after the conclusion of each quarter to provide an update on Council's progress, performance and operational outcomes. While it covers many aspects of operations, in a legislative context, it also provides updates on Council's progress towards implementing the annual Operational Plan.

An Operational Plan is a legislative requirement under the *Local Government Act 2009 (Qld)* and the *Local Government Regulation 2012 (Qld)*. It is a strategic document that details the operational direction for Council over a twelve-month period and facilitates the conversion of strategic intent into operational action.

As part of its strategic planning, during early 2021, Councillors and staff worked together to create the North Burnett Regional Council Corporate Plan 2021-2026, "A plan for generations". In developing the FY24 Operational Plan, attention has been given to ensuring projects, programs of work and BAU activities align with strategic objectives detailed in the overarching Corporate Plan.

The Operational Plan itemises Council's significant projects, as well as BAU activities for the year. It can include:

- Programs that the organisation has in place
- Ongoing activities that will deliver the strategies outlined within the Corporate Plan
- Significant projects and activities to be undertaken within the financial year
- Success measures to track progress and identify milestones, achievements and any at risk items

The Chief Executive Officer, in consultation with the executive and senior management teams, has assessed the organisations progress towards implementing the annual Operational Plan and in turn, the strategies set out in the 2021-2026 Corporate Plan. Of the collective 67 activities detailed in Council's FY24 Operational Plan, most are deemed on track in line with their expected timelines. The majority of these items relate to continuing BAU activities or multi-year ongoing programs that will continue into future quarters and financial years.

During the quarter, while marginally improved from previous periods, economic headwinds coupled with human resourcing challenges continued to place pressure on several deliverables. The organisation monitored and actively managed these challenges and minimal items were impacted.

Considering all information available, Officers believe the organisation is advancing the Corporate Plan strategies well, with work to continue into Q4 in accordance with the FY24 Operational Plan.

CONSULTATION

Council's Senior Management Team, in conjunction with the broader organisation, is involved in delivery of each Operational Plan project or activity and has provided input into periodic reporting.

For the period 1 January 2024 – 31 March 2024, and having regard for caretaker period regulations, sitting Councillors have been kept up to date regarding Operational Plan item progress via information workshops as appropriate. Topics of discussion are published in the Workshop Agendas on [Council's website](#).

RISK IMPLICATIONS

Reputation / Political

Most projects for Q3 are within budget allocations and anticipated timeframes. Key resourcing challenges have been identified against some projects, which has impacted timelines. Details of any impacted items can be found within the attached report (upon distribution).

Occupational Health & Safety (WHS)

There have been no significant WHS issues that presented a risk to delivering projects for Q3.

Financial Impact

Persistently high inflationary pressures at local, national and global levels present a continuing risk to actual project expenditure vs budgeted. While Council will continue to manage this risk, as an external factor, some impacts could become evident in future quarters.

Legal & Regulatory

This report satisfies the Operational Plan legislative reporting obligations, as required by Section 174(3) of the *Local Government Regulation 2012 (Qld)*.

Environmental

There have been no significant environmental issues that presented a risk to delivering projects for Q3.

Property & Infrastructure

There are no significant identified property or infrastructure challenges associated with the delivery of projects for Q3.

Human Resources

Persistent human resourcing constraints are placing pressure on some areas of the organisation. While every effort continues to be made to alleviate these constraints in a timely manner, it is possible that some timelines may be impacted.

Information Communications Technology

No significant ICT challenges have presented a risk to the delivery of projects for Q3.

Service Delivery

The level of service delivery for projects during Q3 has been consistent with service levels set as a part of the 2023-2024 budget. Unavoidable and/or external factors have resulted in occasional service disruptions, with the public being advised of these as appropriate and as promptly as possible.

Climate

The North Burnett experienced significant bushfires in October 2023. In order to respond to this (and other) emergency event(s), Council rapidly reallocated resources from BAU activities to various disaster response and/or recovery efforts. Consequently, some timelines have been impacted, particularly those in the Disaster Management and Civil Works departments.

Continued climatic factors, such as rain and minor flood events, have diverted resources from planned projects and BAU work, potentially further impacting timeframes. These risks will be closely monitored.

KEY MESSAGE

Projects identified within Council's Operational Plan and Capital Works program have been progressing mostly as intended. Project planning and risk management have been undertaken to streamline delivery and budget management. The broader community is able to keep up to date with initiatives as well as Council's responsible financial management and reporting by reviewing quarterly reports.

10 CORPORATE AND COMMUNITY

10.1 FINANCE REPORT TO 31 MARCH 2024

Doc Id: 1217416

Author: Michelle A. Burns, Senior Accountant

Authoriser: Kim Mahoney, General Manager Corporate & Community

Attachments: 1. Finance Report March 2024.pdf [1219284]

EXECUTIVE SUMMARY

This report provides a summary of Council's financial performance against budget, for the financial year to 31 March 2024.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, in accordance with section 204 *Local Government Regulation 2012*, receives the Finance Report for the period ended 31 March 2024.

REPORT

The monthly financial report includes a Statement of Financial Performance, Statement of Financial Position and Rates Debtor Analysis. Exception reporting is noted within the reports comparing actual performance against budget. Key highlights as at the end of March 2024 include:

- Rates, Levies and Charges recorded in March 2024 totalling \$21.183m, are lower than the budget year-to-date figure of \$21.620m, resulting in a \$437,680 or 02.02% variance. Rates overdue have increased from February 2024 \$869,922 to March 2024 \$1,866,364 as rates for the period 1 January to 30 June 2024 became due.
- Employee Benefits – The result in employee benefits has been impacted by the current level of vacancies, as compared to budget, from a forecast figure of \$11.870m to \$11.283m; with a \$586,677 or 4.94% variance.
- Materials and Services – Materials and Services balance of \$13.793m is higher than YTD budgeted amount of \$13.101m (variance of \$692,738 equivalent to 4.74%).
- Depreciation is above the forecast budget of \$14.075m, at \$14.202m (resulting in a \$126,865 variance and 5.29% difference).
- The expense coverage ratio has been included as recommended by the Queensland Audit Office as an indicator of Council's short-term liquidity. A target range is between three (3) and six (6) months. The ratio needs to be monitored as cost control measures need to increase to maintain the ratio at acceptable levels. The ratio currently is at a cash management level of Four (4 months, which is within the target range, calculated allowing for restricted funds as follows:
 - Internally restricted for building infrastructure of \$7,920
 - Externally Restricted funds including:
 - unspent capital government grants and subsidies of \$10,226,318.
 - landfill management levy of \$8,287,087.
 - state government prepaid waste management levy of \$1,738,004.

- The current ratio is a liquidity ratio that measures an organisation's ability to pay short-term obligations, or those due within one (1) year. A current ratio above one (1) is considered a minimum. It is anticipated the current ratio will decrease in the latter half of the year as Council draws down on the operational assistance grants received. Council's current ratio at March 2024 is 2.60:1. After consideration of funds held for external and internal restrictions (as above), Council's current ratio at March 2024 is 1.54:1.
- Cash and investments as at 31 March 2024 totals \$39,872,000. After consideration of funds held for external and internal restrictions (as above), the total unrestricted cash balance available for operational purposes is currently \$19,613,000.

CONSULTATION

Report prepared with input from internal budget managers and delegation holders.

RISK IMPLICATIONS

Reputation / Political

Low risk if expenditure deviates slightly from budget or project delivery schedule.

Occupational Health & Safety (WHS)

The operational budget enables funding to improve Council's compliance with workplace, health and safety.

Financial Impact

Low risk as expenditure is broadly in line with budget. The report highlights the need to continue to closely monitor expenditure and incorporate identified efficiencies into operations.

Legal & Regulatory

Council is required under s170 *Local Government Regulation 2012* to have an adopted budget in place for each financial year and by resolution can amend the budget for a financial year at any time before the end of the financial year.

Environmental

Council is managing its landfill and quarry operations by completing closure plans for the end of their respective useful lives. This will enable compliance in accordance with environmental regulations.

Property & Infrastructure

The capital expenditure budget allows for a program in accordance with respective infrastructure asset management plans.

Human Resources

This operational budget enables resourcing to achieve Council's corporate plans and objectives.

Information Communications Technology

The capital expenditure budget includes an asset replacement program for information communication technology infrastructure to be maintained at a requires standard.

Service Delivery

Revenue is set at a level which considers the services which are to be provided to the community.

Climate

Not Applicable.

KEY MESSAGE

Council is presenting this monthly financial report to provide information on financial performance against budget and to comply with legislative requirements.

FINANCIAL PERFORMANCE (as at March 2024)

Areas to note

Overall, the council reported a YTD actual net operating loss before capital grants and contributions as at 31 March 2024 which is currently \$2,104,000 greater loss than predicted. The net difference is comprised of revenue lower than budget by \$1,587,000 and operating expenses higher than budget of \$517,000.

Operating Revenue

- Rates, levies, and charges revenue is below budget by \$437,680, *Natural Resource Management Levy* is higher than budget by \$36,900, *Local Disaster Management Levy* is higher than budget by \$30,425 and *Waste Management* has increased to budget by \$27,341. Whereas *Discounts* have increased to budget by \$369,375, *Other Levies* are lower than budget by \$78,548, *Water Consumption* is below budget by \$66,386, we are likely to accrue water consumption of approximately over \$500,000 at end of year. *General Rates* are lower than budget by \$11,789 *Sewerage* has decreased by \$1,644 to budget and *Water* has decreased to budget by \$4,604.
- Fees and Charges have increased to budget in February by \$200,197 due to additional *Caravan Park Takings* that are above budget by \$138,007 mainly due to increases in Mt Perry, Mingo Crossing and Biggenden, *Other Fees and Charges* have increased by \$56,199 mainly due to rates search fees & charges and aviation fuel sales, *Trade Waste & Recycling* revenue has increased by \$24,408 mainly relating to Biggenden, Monto and Mt Perry waste management facilities, *Building and Development Fees* have increase by \$39,218, *Community Service Fees* are above budget by \$15,503 Whereas *Licences and Registrations* have decreased to budget by \$53,276 and *Water and Sewer Fees* have decreased to budget by \$19,862 to budget.
- Interest received is favourable to budget due to higher levels of average investments to date, and a higher interest rate environment than forecasted.
- Other Income is higher than budget by \$247,641 due to insurance recovery of \$258,976 mainly relating to the settlement for a written off water truck, bus revenue being above budget by \$2,824 and Administration Sundry Income being above budget by \$9,062. Whereas *Washdown Bays* in Gayndah, Eidsvold, and Monto are below budget by \$24,122 and Reginal Murray Williams Centre is below budget by \$2,570, other varying small amounts make up the difference.
- Recurrent Grants, subsidies, contributions are below budget by \$980,171 due to timing of receipt of grant income as compared to forecast.
- Rental Income has decreased from budget by \$79,136, which relates to Council housing below budget of \$50,906 and Council Facilities below budget of \$28,230 mainly due to timing difference in invoicing.
- Sales revenue is below budget by \$1,272,558, which is due to Road Maintenance Performance Contract (RMPC) income being above budget by \$180,693, *Contract and Recoverable works* income is above budget by 17,282 whereas Roadworks Performance Contract (RPC) is below budget by \$1,475,828 there are outstanding claims in progress; other varying small amounts make up the difference.

Operating Expenditure

- Materials & Services is above budget by \$692,738 which will align more closely to budget as more work is completed on disaster recovery.
- Depreciation is above budget by \$417,738 as at 31st March 2024.

Capital revenue and expenses

- Capital Revenue is progressing as expected.

Financial Year 2023 - 2024

	Actual YTD	Budget YTD	Full Year Budget	Variance Actual Vs YTD	%	Impact on net result
	\$000	\$000		\$000		
Recurrent Revenue						
Rates, levies and charges	21,183	21,620	22,466	(437)	(2%)	
Fees and charges	1,300	1,100	1,538	200	18%	▲
Interest Received	1,196	462	714	734	>100%	▲
Other Income	744	496	1,185	248	50%	▲
Recurrent Grants, subsidies, contributions and donations	2,682	3,662	16,316	(980)	(27%)	▼
Rental Income	186	266	362	(79)	(30%)	▼
Sales Revenue	1,915	3,187	7,251	(1,273)	(40%)	▼
Total Operating Revenue	29,206	30,793	49,832	(1,587)	(5%)	
Recurrent Expenses						
Employee Benefits	(11,283)	(11,870)	(16,257)	587	5%	
Materials & Services	(13,793)	(13,101)	(20,973)	(693)	(5%)	
Depreciation	(14,202)	(13,784)	(16,583)	(418)	(3%)	
Finance Costs	(79)	(86)	(215)	7	8%	
Total Operating Expense	(39,358)	(38,841)	(54,028)	(517)	(1%)	
Operating Profit / (Loss)	(10,152)	(8,048)	(4,196)	(2,104)	(26%)	▼
Capital Revenue and Expenses						
Capital Revenue	6,697		8,460	0	0%	
Capital Expenses	0			0	0%	
Net Capital Income Gain / (Loss)	6,697		8,460	0	0%	
Net Result	(3,455)		4,264	(2,104)	0%	

Legend:
■ favourable movement
■ unfavourable movement

FINANCIAL PERFORMANCE (as at March 2024)

	YTD FY2024	FY 2024
	<i>Actual</i>	<i>Budget</i>
	\$000	\$000
Current Assets		
Cash and cash equivalents	39,872	26,134
Inventories	735	515
Trade and other receivables	3,903	2,626
Contract Assets	3,411	2,787
Other Assets	718	718
	47,921	32,780
Non-Current Assets		
Property, plant and equipment	966,231	941,171
	966,231	941,171
Total Assets	1,014,152	973,951
Current Liabilities		
Current Borrowings QTC	(34)	(170)
Contract Liabilities	(10,226)	(2,500)
Other Current Liabilities	(3,471)	(1,724)
Current Provisions	(2,390)	(2,274)
Trade and other payables	(2,298)	(2,620)
	(18,418)	(9,288)
Non Current Liabilities		
Borrowings Non Current	(1,513)	(1,333)
Other Non Current Liabilities	(891)	(876)
Provisions Non Current	(13,468)	(7,263)
	(15,872)	(9,472)
Total Liabilities	(34,290)	(18,760)
Net Community Assets	979,862	955,191
Community Equity		
Asset revaluation reserve	(239,795)	(176,757)
Retained surplus/(deficiency)	(740,068)	(778,434)
Total Community Equity	(979,862)	(955,191)

Areas to note

Assets

- YTD Cash and cash equivalents has increased from 29 February 2024 to 31 March 2024 by \$8,570,000. This is to be expected with rates being issued, there was also funding received from Disaster Recovery Funding Arrangements (DRFA) with the Queensland Reconstruction Authority (QRA).

- Trade and other receivables have decreased from 29 February 2024 to 31 March 2024 by \$6,679,000 which is due to most of rates, levies and charges being paid before the discount period for the second instalment for 2023/2024.

- Contract assets represent predominantly works carried out for flood recoveries to date and payable through Disaster Recovery Funding Arrangements (DRFA).

Liabilities

- Current Liabilities have increased from 29 February 2024 to 31 March 2024 by \$791,000 in line with recognition of revenue received and work completed for grant funded projects. Contract liabilities of \$10,226,318 relates to capital grants received in advance and as respective projects are completed, the revenue is therefore able to be recognised for these grants.

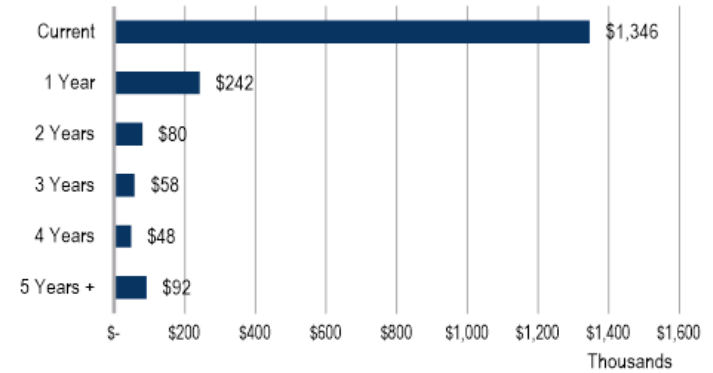
- Other non-current liabilities of \$891,535 relate to the prepayment of the state government waste levy charges for the years 2024-2025 to 2025-2026. These payments will be brought to account in their respective future years.

FINANCIAL PERFORMANCE (as at March 2024)

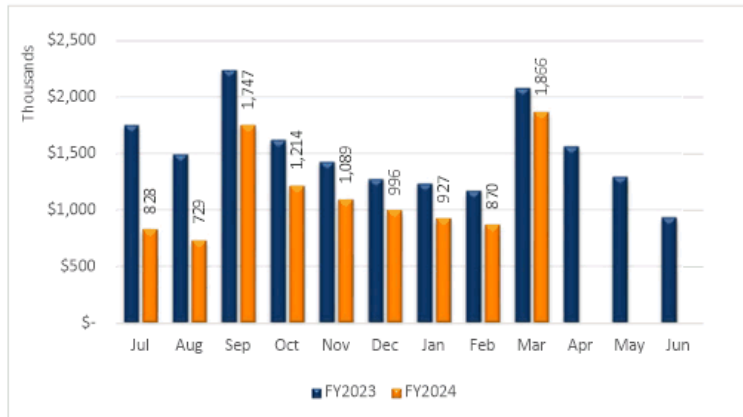
Areas to note

- In March 2024 the rates overdue has increased as rates for the period 1 January 2024 to 30 June 2024 became due.
- When comparing outstanding rates balances at the close of discount period in March 2024 (\$1,866,364) to the close of the discount period in March 2023 (\$2,074,684), same period last year, overdue rates have decreased by 10%.
- Approximately 85% of rates overdue as at 31 March 2024 are less than one year overdue.
- Discount take up for 23/24 year to date is 87.04% compared to discount take up in the 22/23 year of 89.44%.

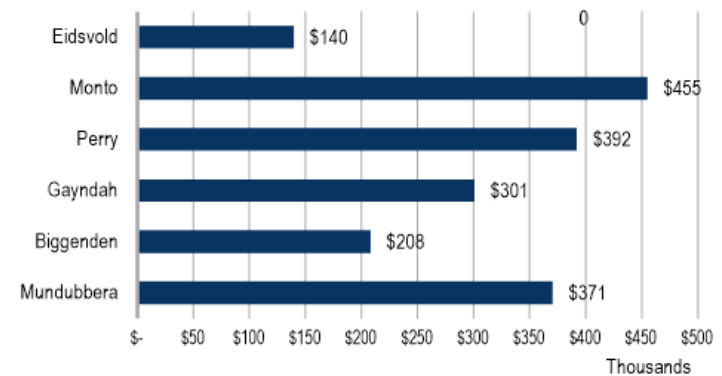
Overdue rates by age



Overdue rates balance



Overdue rates by location



11 WORKS

11.1 PARADISE DAM REFERENCE GROUP (PDRG) FEBRUARY MEETING SUMMARY

Doc Id: 1218728

Author: Marlene Carstens, Executive Assistant Works

Authoriser: Anna Scott, General Manager Works

Attachments: 1. PDRG_Meeting_No.6_2902024_Summary - 29 February 2024.pdf [1218729]

EXECUTIVE SUMMARY

Council to note the meeting summary provided by Sunwater following the 29 February 2024 Paradise Dam Reference Group Meeting.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

3. *Prosperous Future – to ensure economic growth for future generations*

OFFICERS RECOMMENDATION

That Council notes the draft meeting summary provided by Sunwater following the 29 February 2024 Paradise Dam Reference Group Meeting.

REPORT

The Mayor, Cr Hotz, and the General Manager Works attended the Paradise Dam Reference Group Meeting facilitated by Sunwater on 29 February 2024.

A detailed high-level summary of the meeting has been provided by Sunwater following the meeting and has been attached for wider dissemination amongst the North Burnett community.

Key points from the meeting include:

- Current project activities involve advancing the detailed business case (DBC), conducting geotechnical investigations, progressing design, and engaging with Traditional Owners.
- The Technical Review Panel's (TRP) purpose and expertise were outlined, alongside introductions to alliance partners and their roles.
- The alliance currently employs approximately 100 people, including designers and construction team members. Safety is paramount in developing construction methods, with an emphasis on integrating design and construction processes efficiently.
- Additional environmental approvals will be required due to the new dam wall being outside of the original approval footprints. It was also confirmed that the inundation area for the new dam will remain the same.
- Detailed timeframes for the new dam wall are currently unavailable due to project complexity. Scheduling will evolve from ongoing design and investigation phases.
- Sunwater proposed extending the forum's discussion scope to include the Bundaberg Scheme Distribution Capacity Upgrade (BSDCU) Project and committed to providing updates on BSDCU to the PDRG.

Sunwater has also provided an update on the project timelines, which is available in the attachment.

CONSULTATION

Sunwater is seeking to have an open and transparent relationship with the Reference Group and this was evident by the quality of information shared with members. The summary document may be shared with the North Burnett community.

RISK IMPLICATIONS**Reputation / Political**

By attending the Reference Group meetings, Council can share community feedback and provide updates to the community to mitigate any reputational risks.

Occupational Health & Safety (WHS)

Not applicable.

Financial Impact

Sunwater and their contractors are engaging with Council officers who are ensuring enabling works and other matters do not impact on Council's future sustainability.

Legal & Regulatory

Limited.

Environmental

Sunwater proposes a streamlined environmental impact assessment, leveraging existing information and the dam's long-standing presence in the area.

Property & Infrastructure

Sunwater are funding the upgrades required to Council controlled roads which may be impacted by the improvement project.

Human Resources

Limited.

Information Communications Technology

Not applicable.

Service Delivery

The proposed works have reduced the recreational activities/spaces provided by Council. Council has been working with Sunwater to reduce impacts.

Climate

Not applicable.

KEY MESSAGE

The meeting summary can be shared with the community.

Paradise Dam Reference Group (PDRG) Meeting
Meeting 6: Thursday 29 February 2024

FINAL Meeting Summary

This is a high-level summary of the meeting for PDRG members to share with their networks. It provides a summary of agenda items, discussion points, and meeting actions.

Agenda Item	Discussion Points
Welcome, Acknowledgment of Country, Introductions	Welcome and Acknowledgment of Country provided by the Chair.
Paradise Dam Improvement Project (PDIP) Update	<p>Current activities include progressing the detailed business case (DBC), geotechnical investigations, design, enabling road works, Traditional Owner engagement.</p> <p>An overview of the Technical Review Panel (TRP) purpose and expertise was provided.</p> <p>Alliance partners were introduced and gave an overview of their roles, the experience they bring to the alliance, their approach to the project and work currently underway.</p> <p>The alliance will bring together the best of the best including Australian experts with roller compacted concrete (RCC) experience and where there are gaps, or more experience is needed, the team is seeking international support from experts in Canada and America. It is important to make sure we are using the latest technology.</p> <p>The alliance partners noted a big challenge for this project is managing upstream river flows and understanding downstream irrigation demands. The alliance is thinking about the legacy it leaves behind and delivering an asset that will last the test of time.</p> <p>Project development activities currently being undertaken by up to 100 resources including 60 designers and 40 construction and alliance team members. Consideration of site layout, procurement, sustainability and legacy items is important now so that it can be built into project planning. Some elements remain the same as the reference project (dam improvement project), others need to be developed and worked through.</p> <p>Safety is a critical consideration for developing construction methods.</p> <p>The alliance will design with construction in mind and construct with design in mind.</p>
Environmental update	<p>Sunwater gave an update on the environmental approval requirements, noting that the inundation area or "lake" will remain the same in developing a new dam wall. The project remains relatively the same from an environmental perspective.</p> <p>Sunwater is liaising with the Queensland Government Department of State Development to request a modification to the state planning approval for the Ministerial Infrastructure Designation (MID).</p> <p>Because the project is planning to build a new structure, Commonwealth approvals will be required under the <i>Environment Protection and Biodiversity Conservation (EPBC) Act, 1999</i>.</p> <p>Sunwater is pitching to do a streamlined version rather than a full environmental impact statement (EIS), given the extent of existing information and the fact that a dam has been in this location for many years.</p>
Customer update	<p>Sunwater reiterated that maintaining supply to our customers is a key requirement of the project. Sunwater went through an extensive consultation process before changing the water-sharing rules and has been clear that we are not proposing permanent water sales or any change to the water-sharing rules at this time.</p> <p>Sunwater spoke to the difficulty in providing details about timeframes for the new dam wall at this point. We don't have the level of specificity at this stage. This is a complex project with many aspects. A schedule will come from the work we are doing now. Given where we are on design and investigations we will need to schedule in phases.</p>
Bundaberg Scheme Distribution Capacity Upgrade (BSDCU)	<p>Sunwater provided an overview of the issue, the DBC, the scope proposed for phases 1 and 2 for the project and the alignment this project has with the new dam wall project.</p> <p>Sunwater asked the PDRG if this group could also be a forum to discuss the Bundaberg Scheme Distribution Capacity Upgrade (BSDCU) Project.</p> <p>Sunwater will provide BSDCU updates to the PDRG.</p>
Other business	The Chair noted correspondence to and from member Bree Watson and members noted acceptance of the approach.

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Visit: sunwater.com.au/projects/paradise-dam-improvement-project/

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Paradise Dam Reference Group (PDRG) Meeting
Meeting 6: Thursday 29 February 2024

FINAL Meeting Summary

Timeline for recent & upcoming PDIP activities:

Upcoming activity targets	Timing
Concrete mix trials	Underway
Further geotechnical investigations	Underway
Paradise Dam Road upgrade (package one of three)	Construction commenced January 2024 – package one expected to be complete by end of 2024, weather permitting
Alliance formed	January 2024
Design for new dam wall	Underway
Detailed business case for new dam wall	Underway
New Degilbo Creek Crossing Bridge	Tenders expected to go out late March via panel
Tender for upgrades at the intersection of Bruce Highway and Booyal-Dallarnil Road	Tenders closed in late February 2024; evaluations underway

Actions noted at this meeting and pending from the previous meeting:

New actions			
Action		Responsibility	Status
#1 February 24	Alliance to ensure alliance hydrology team is aware of the Bradfield report information regarding climate change information for this region	Sunwater	Open
#2 February 24	Members to provide feedback to Emma Natty on content and format of draft “How dams are designed and built” fact sheet by 8 March	Sunwater	Open
#3 February 24	Sunwater to take on board engagement opportunity feedback – including a replica model in the community; short phase videos; hosting a public hall meeting in Biggenden to share a project update and how it will impact the community	Sunwater	Open
#4 February 24	Sunwater to raise the BSDCU with the Bundaberg Irrigation Advisory Committee and consider the engagement approach	Sunwater	Open
#5 February 24	Terms of Reference to be updated to consider guests	Sunwater	Open
#6 February 24	Future presentations to include information on traineeships and apprenticeships	Sunwater	Open
#7 February 24	PDRG to consider interest areas and topics for future meetings	Sunwater	Open
Existing actions			
Action		Responsibility	Action
June23	Sunwater to speak with Department of State Development and Infrastructure and seek information that can be shared with the PDRG about the co-ordination of major projects in the region and how opportunities for regional social benefit are maximised	Sunwater	Pending
June23	Sunwater to arrange for the selected construction partner to share information about strategies around local training and apprenticeships	Sunwater	Pending

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Paradise Dam Reference Group (PDRG) Meeting
Meeting 6: Thursday 29 February 2024

FINAL Meeting Summary

Action		Responsibility	Status
Feb23	Sunwater to share Bundaberg and Burnett Regional Water Assessment (BBRWA) findings with the PDRG as available	Sunwater	complete
June23	Sunwater to share photos and videos of the 2D and 3D new Paradise Dam wall models as they are developed.	Sunwater	For discussion during design phase
Jul22	Discuss public viewing opportunities and options to enable transparency during site works with the PDRG prior to works commencing on site	Sunwater	For discussion prior to construction phase
Nov22	Sunwater to consider recreation legacy options in consultation with North Burnett Regional Council as the project progresses	Sunwater	For discussion prior to construction phase
July22	Prepare a brief summary of each meeting that members can share with the groups they represent	Sunwater	Completed – part of ongoing meeting process
Jul22	Share results of the next rounds of environmental monitoring with interested parties once available	Sunwater	Completed
Nov22	Sunwater to ensure that potential road alignment considerations are shared in discussions with Traditional Owners regarding cultural heritage	Sunwater	Completed
Feb23	The Chair and Sunwater to organise for member presentations to commence	Chair, Sunwater	Completed
June23	Sunwater to provide information about TRP membership	Sunwater	Completed
Jan24	Sunwater to share summary draft BBRWA findings with information about channel upgrades	Sunwater	Completed
Jan24	Sunwater to share communications to and from Bree Watson regarding potential conflict of interest	Sunwater	Completed
Jan24	Agenda item at next PDRG meeting to seek confirmation regarding approach to potential for conflict of interest	Sunwater	Completed

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12 COUNCILLOR REPORTS

Nil.

Due to the recent commencement of this Council term, Councillor Reports have not yet been established. As members acclimate to their roles and responsibilities, reporting will resume at the next General Meeting of Council.

13 URGENT BUSINESS

As per the PRO-5005 Standing Order and Model Meeting Procedures, urgent business is business of such urgency that if it was deferred to the next Ordinary Council Meeting the delay could result in the Local Government, or an applicant or relevant stakeholder, being unfairly or unreasonably disadvantaged in some way.

A Councillor wishing to raise a matter of urgent business must provide a verbal report when an urgent business situation arises that does not allow time for a report to be prepared, and a summary will be included in the minutes that provides enough detail to give the reader a clear understanding of the information and advice upon which the Local Government based its deliberations.

As a general principle, all resolutions of Council should ordinarily only be made when Councillors have been given a written report with a recommendation and have had sufficient time to understand the issues involved before making a decision.

Having regard to the above, should a Councillor wish to raise a matter of urgent business, the Councillor must 'move' the following motion and another Councillor is required to 'second' the motion before a verbal report is heard.

Mover:

Seconder:

That the [insert matter] be tabled as an Urgent Matter of Business so that it may be considered by Council.

For:

Against:

14 CONFIDENTIAL REPORTS**OFFICERS RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

14.1 MONTO ADMINISTRATION BUILDING - DRAINAGE AND REMEDIATION WORKS THAT SUPPORT STRUCTURAL REPAIRS

This matter is considered to be confidential under 254J - 254J(3)(g) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

15 CLOSURE OF MEETING