



**Longreach
Regional Council**
Ilfracombe Isisford Longreach Yaraka

**Address all correspondence to:
Chief Executive Officer
PO Box 472, Longreach QLD 4730
Tel: (07) 4658 4111
Email: council@longreach.qld.gov.au
ABN: 16 834 804 112**

21 March 2024

Dear Councillors

Re: Meeting Notice for Post Election Meeting to be held on 28 March 2024

Notice is hereby given that the Post Election Meeting of the Longreach Regional Council will be held in the Council Chambers, 96 Eagle Street, Longreach on Thursday 28 March 2024 commencing at 9.00am.

Your attendance at these meetings is requested.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brett Walsh'.

Brett Walsh
Chief Executive Officer

Enc



Longreach Regional Council

Post Election Agenda

Thursday 28 March 2024

Civic Centre, 96 Eagle Street, Longreach

- 1. Pre-meeting matters**
- 2. Opening of Meeting and Acknowledgement of Country**
- 3. Declaration of any Prescribed / Declarable Conflicts of Interest by Councillors**
- 4. Chief Executive Officer's Report**
 - 4.1 Appointment of Deputy Mayor..... 2
 - 4.2 Standing Orders for Council Meetings Policy 4
 - 4.3 Adoption of Meeting Days and Times 53
 - 4.4 Appointment of Standing Committees 56
 - 4.5 Council Membership of Bodies..... 58
 - 4.6 Register of Interest - Councillors and Councillor's Related Persons 60
 - 4.7 Appointment of Chair and Deputy Chairperson of Local Disaster Management Group..... 66
 - 4.8 Appointment of RAPAD Director 68
 - 4.9 Longreach Regional Council - Land and Pest Management Advisory Committee 70
 - 4.10 Longreach Regional Council - Plant Working Group 78
- 5. Finance Report**
 - 5.1 Longreach Regional Council - Audit and Risk Committee 82
- 6. Communities Report**

**LONGREACH REGIONAL
COUNCIL POST ELECTION
AGENDA**

6.1 Longreach Regional Council Regional Arts Development Fund Advisory
Committee 94

7. Closure of Meeting

Vision:

Connecting Council and Community

Mission:

Delivering Excellent Service

**LONGREACH REGIONAL
COUNCIL POST ELECTION
AGENDA**

1. Pre-meeting matters

Declaraton of Office

Each person duly elected as a Councillors MUST make the Declaration of Office prior to acting as a Councillor. This declaration is to be taken by the Chief Executive Officer and will be undertaken prior to commencement of the meeting.

Local Government Regulation 2012

254 Declaration of Office – Act, Sec. 169

For Section 169(2) of the Act, the declaration of office prescribed is –

“I, <insert name of Mayor/Councillor>, having been elected/appointed as a Councillor of the Longreach Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the Local Government principles under the *Local Government Act 2009*, to the best of my judgement and ability.”

2. Opening of Meeting and Acknowledgement of Country

3. Declaration of any Prescribed / Declarable Conflicts of Interest by Councillors

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.1 - Appointment of Deputy Mayor

4. Chief Executive Officer's Report

4.1 Appointment of Deputy Mayor

In accordance with Section 175 of the *Local Government Act 2009*, that Council must by resolution appoint a Deputy Mayor from its Councillors at the first meeting after the conclusion of the quadrennial Local Government elections.

Council Action

Deliver

Applicable Legislation

Local Government Act 2009

175 Post-election meetings

- (1) A Local Government must hold a meeting within 14 days after—
 - (a) the conclusion of each quadrennial election; and
 - (b) the conclusion of a fresh election of its Councillors.

- (2) The Local Government must, by resolution, appoint a Deputy Mayor from its Councillors (other than the Mayor)—
 - (a) at that meeting; and
 - (b) at the first meeting after the office of the Councillor who is the Deputy Mayor becomes vacant.

Policy Considerations

N/A

Corporate and Operational Plan Considerations

N/A

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2020-04-069)

Moved Cr Smith seconded Cr Martin

That Cr Leonie Nunn be appointed as Deputy Mayor.

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors*

Background:

Section 175 of the Local Government Act 2009 states that a Local Government must, by resolution, appoint a Deputy Mayor from its Councillors (other than the Mayor) at the Post-election meeting.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.1 - Appointment of Deputy Mayor

Council appoints its Deputy Mayor by resolution i.e. "That Cr <insert name> be appointed as Deputy Mayor". Provided this motion is moved, seconded and carried, the appointment is made. The method with which Council arrives at the point of such a resolution is left to the decision of Council.

For example, Council may allow a vote on the election of Deputy Mayor to be conducted either by a show of hands or secret ballot. Whichever method is used, the appointment occurs through the making of a resolution, not through the process undertaken.

Issue:

Under section 165 of the Local Government Act 2009:

- (1) the Deputy Mayor acts for the Mayor during -
- a) the absence or temporary incapacity of the Mayor; or
 - b) a vacancy in the office of Mayor

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Unlikely
Consequence: Moderate
Rating: Medium (6)

Community Consultation:

N/A

Environmental Management Factors:

N/A

Other Comments:

Nil

Recommendation:

That Cr <insert name> be appointed as Deputy Mayor.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.2 - Standing Orders for Council Meetings Policy

4.2 Standing Orders for Council Meetings Policy

Consideration of revisions to the Standing Orders for Council Meetings Policy, following an update to the Queensland Government model meeting procedures.

Council Action

Recognise
Deliver

Applicable Legislation

Local Government Act 2009
Local Government Regulation 2012

Policy Considerations

03-02 Standing Orders for Council Meetings Policy

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2023-09-240)

Moved Cr Hatch seconded Cr Bignell

That Council adopts the Standing Orders of Council Meetings Policy No. 3.2, as amended.

CARRIED 7/0

Officer Comment

Responsible Officer/s:

Brett Walsh, Chief Executive Officer

Simon Kuttner, Manager of Governance and Economy

Background:

The Department of Housing, Local Government, Planning and Public Works publishes 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*.

The procedures are available for Queensland local governments to adopt or as a guide to develop their own compliant meeting procedures. The department also publishes a set of

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.2 - Standing Orders for Council Meetings Policy

best practice example standing orders for local government and standing committee meetings.

From time to time the department will update its model meeting procedures, prompting local governments to review their standing orders to ensure that they remain aligned with best practice.

Issue:

The *Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023* was passed by the Queensland Parliament on 15 November 2023. As such the department recently published an update to the model meeting procedures to align with the updated provisions of this Bill.

In response, officers have reviewed Council's Standing Orders for Council Meetings Policy, and the marked up version is attached for consideration.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood:	Possible
Consequence:	Minor
Rating:	Medium (6/25)

Risk has been calculated based on proceeding as recommended.

Community Consultation:

Nil

Environmental Management Factors:

Nil

Other Comments:


Also presented is the amended Model Meeting procedures document for Councillors reference.

Appendices

1. 03-02 Standing Orders for Council Meetings Policy-- Review Mar 2024.pdf [↓](#)
2. model-meeting-procedures.pdf [↓](#)

Recommendation:

That Council adopts the Standing Orders of Council Meetings Policy No. 3.2, as presented.

Standing Orders for Council Meetings Policy		 Longreach Regional Council <small>Ilfracombe Isisford Longreach Yaraka</small>
Policy Number:	3.2	
Policy Category:	Council Meeting	
Authorised by:	Res-XXXX-XX-XXX	
Date approved:		
Review Date:		

OBJECTIVE

The Standing Orders for Council Meetings Policy is to provide a best practice guide and written rules for the orderly conduct of Council Meetings.

SCOPE

These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.

Any provision of these standing orders may be suspended by resolution of any meeting of Council except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.

Where a matter arises at a Council meeting which is not provided for in these Standing Orders, the matters will be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these standing orders.

LEGISLATION

Local Government Act 2009

Local Government Regulation 2012

DEFINITIONS

Council – means Longreach Regional Council.

Chairperson – means the Mayor, Deputy Mayor or other person appointed by Council (or the Committee) to preside over the meeting.

CEO – means the Chief Executive Officer of Longreach Regional Council.

Meeting - includes a meeting of Council including an Ordinary Meeting, Special Meeting, Advisory Committee meeting and a meeting of any other Committees constituted by Council under the *Local Government Act 2009*. It does not include a meeting of the Audit Committee.

Member – means the elected or appointed people to constitute the Council or Committee.

PROCEDURES FOR MEETINGS OF COUNCIL

1. Presiding officer

- 1.1 The Mayor will preside at a meeting of Council.
- 1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 1.3 If both the Mayor and the Deputy Mayor, or the Mayors' delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 1.4 The members of a Committee will choose the Chairperson for a Committee meeting. This Chairperson will preside over meetings of the Committee.
- 1.5 If the Chairperson of a Committee is absent or unavailable to preside, the members present will choose another Committee member to preside over the Committee meeting.
- 1.6 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by Council.

2. Order of business

- 2.1 The order of business for Council's Ordinary Meetings shall be as follows:
 - Opening of Meeting including acknowledgements
 - Apologies and granting of leave of absence
 - Prayer
 - Condolences
 - Notification of Prescribed Conflicts of Interest or Declarable Conflicts of Interest
 - Confirmation of minutes of previous meetings
 - Mayoral report
 - Notified motions
 - Petitions
 - Deputations
 - Chief Executive Officer's report
 - Chief Financial Officer's report
 - Director of Communities' report
 - Director of Works' report
 - Mayoral minute
 - Late items
 - Closed matters
 - Closure of meeting

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 2.2 The order of business for other meetings of Council, including Advisory Committees, shall be as follows:
- Opening of meeting
 - Attendances
 - Apologies and granting of leave of absence
 - Notification of any Conflicts of Interest
 - Confirmation of minutes of previous meetings
 - General Business
- 2.3 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.
- 2.4 The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed. No discussion shall be permitted with respect to such 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.

3. Agendas

- 3.1 The Chief Executive Officer must prepare an agenda for each meeting.
- 3.2 The agenda must be given to each Councillor or Committee member at least two days before the meeting but preferably five days prior to the meeting.
- 3.3 The Council meeting agenda may contain:
- Notice of meeting
 - Minutes of the previous meetings
 - Matters of which notice has been given
 - Officers' reports to Council referred to the meeting by the CEO
 - Details of deputations (if any)
 - Petitions (if any)
- 3.4 Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any meeting unless permission for that purpose is given by Council at such meeting. Business of Committees must be in accordance with the adopted Terms of Reference for each Committee.
- 3.5 The agenda for the Council meeting must be made publicly available by 5pm on the business day after the notice of meeting is given to the Councillors. The related reports for

the Council meeting must also be included and available to the public excluding confidential reports. Any related reports provided to Councillors after the notice of meeting is given must be made available to the public as soon as practicable after it is made available to the Councillors.

- 3.6 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified on the agenda including the reasons why the session will be closed.

4. Quorum

- 4.1 A quorum at a Council meeting is a majority of its Councillors. If the number of Councillors is even, then one half of the number is a quorum.
- 4.2 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 the Councillors present, or if only one Councillor is present, then that Councillor, or if no Councillors are present, then the CEO.

5. Petitions

- 5.1 Any petition presented to a meeting of Council shall:
- be in legible writing or typewritten and contain a minimum of ten signatures
 - include the name and contact details of the principal petitioner
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 5.2 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 the petition be received, or
 - that the petition be received and referred to a committee or officer for consideration and a report to Council, or
 - that the petition not be received because it is deemed invalid.
- 5.3 Council will respond to the principal petitioner in relation to a petition deemed valid.

6. Deputations

- 6.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven business days before the meeting.
- 6.2 The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO 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 for the deputation.

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 6.3 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.
- 6.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- 6.5 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, or
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or others.
- 6.6 The CEO is responsible for the deputation including that the appointed speakers are notified in writing of developments or future actions as appropriate.

7. Public participation at meetings

- 7.1 A member of the public may take part in the proceedings of a meeting only when invited to do so by the Chairperson.
- 7.2 In each meeting, time may be required to permit members of the public to address the Council on matters of public interest related to the local government. An appropriate time will be allowed in the agenda 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 the Chairperson.
- 7.3 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 7.4 For any matter arising from such an address, Council may take the following actions:
- refer the matter to a committee, or
 - deal with the matter immediately through a Mayoral minute, or
 - place the matter on notice for discussion at a future meeting, or
 - note the matter and take no further action.
- 7.5 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- 7.6 Any person who is considered by 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

8. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting. When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 8.1 A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting before the matter is dealt with.
- 8.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council meeting must immediately inform the meeting of the conflict of the interest.
- 8.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
 - for a gift, loan or contract - the value of the gift, loan or contract
 - for an application or submission - the subject of the application or submission
 - the name of any 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.
- 8.4 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister for Local Government to participate in deciding the matter.
- 8.5 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.

9. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest.

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 Councillors may disclose their belief or suspicion to the Chairperson and the duty to report another Councillor's conflict of interest process 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 Local Government Act 2009.**

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

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 9.1 A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
- 9.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must stop participating in the decision on the matter and inform the meeting of the conflict of interest.
- 9.3 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 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
 - the nature of the relationship of the related party to the Councillor
 - 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
 - the nature of the relationship of the other person to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
- 9.4 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.
- 9.5 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.
- 9.6 In deciding on a Councillor's declarable conflict of interest in a matter, 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 (eligible Councillors). The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting. If there is a single Councillor deciding, a seconder for the resolution is not required.
- 9.7 The 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 they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the eligible Councillors. **The councillor must not participate in the decision unless authorised in**

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

compliance with section 150ES of the *Local Government Act 2009* or under an approval by the minister for local government under section 150EV.

- 9.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 9.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the 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 Council 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.
- 9.10 If the eligible 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.
- 9.11 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 unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.
- 9.12 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).
- 9.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

10. Reporting a suspected Conflict of Interest

- 10.1 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. **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.**
- 10.2 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 for prescribed or declarable conflicts of interest.
- 10.3 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.
- 10.4 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 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.
- 10.5 If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the Councillor's participation.
- 10.6 If the eligible Councillors at the meeting cannot make a decision about, whether a Councillor has a declarable conflict of interest, or whether the Councillor may or may not participate in the decision despite the subject Councillor's declarable conflict of interest, then they are taken to have determined that the Councillor must leave the meeting and stay away while the matter is decided.
- 10.7 A decision under these provisions about a Councillor participating 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 council meeting about the same matter e.g. briefing sessions or workshops.

11. Recording a Conflict of Interest in the Minutes of the Meeting

- 11.1 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:

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 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 the prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
 - The Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
 - The name of each eligible Councillor who voted on the matter and how each voted.
- 11.2 If the Councillor has a declarable conflict of interest and the meeting is informed of the Councillor's personal interest by someone other than the Councillor, the following additional information must be recorded in the minutes of the meeting:
- 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.
- 11.3 Where a decision has been made to allow or not allow a Councillor to participate in the decision despite the subject Councillor's declarable conflict of interest, 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 Council must resolve to:
- (a) delegate the consideration and decision on the matter, as described in section 257 of the *Local Government Act 2009*, 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
 - (b) decide by resolution to defer the matter to a later meeting
 - (c) decide by resolution not to decide the matter and take no further action in relation to the matter unless the *Local Government Act 2009* or another Act provides that the local government must decide the matter.
- 12.2 The Council may, by resolution, delegate the decision in (a) above to:
- The Mayor; or
 - The Chief Executive Officer; or
 - A standing committee, or joint committee of Council; or
 - The chairperson of a standing committee or joint standing committee of Council; or

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- Another local government for a joint government activity.
- 12.3 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 12.4 The local government may only delegate a power to make a decision about a councillor's conduct under section 150AG of the *Local Government Act 2009* pursuant to section 257(2) of the *Local Government Act 2009*, to:
- The mayor; or
 - A standing committee.
- 12.5 The conflicted Councillors, may participate in the decision or be present during the consideration and vote on the decision in 12.1, despite their conflict of interest.
- 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 The Chairperson will call the notices of motion in the order in which they appear on the agenda.
- 13.2 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 Council and shall not be withdrawn without the consent of the Council meeting.
- 13.3 A motion shall not be debated at a meeting unless or until the motion has been seconded. Procedural motions are an exception to this rule and do not need to be seconded.
- 13.4 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.
- 13.5 Where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- 13.6 Not more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 13.7 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 moved by another Councillor at the meeting, or deferred to the next meeting.

14. Amendment of Motion

- 14.1 Any Councillor may propose amendments to the motion which must be voted on before voting on the final motion.
- 14.2 An amendment to a motion, shall be received and put to the meeting by the Chairperson.
- 14.3 The Chairperson may require an amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 14.4 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.
- 14.5 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 14.6 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been voted on.
- 14.7 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to that amended motion.

15. Speaking to Motions and Amendments

- 15.1 The Chairperson may request the CEO and/or the officer submitting the agenda item to provide a verbal explanation of the background to the motion prior to commencement of debate on the motion.
- 15.2 The Chairperson will manage the debate by allowing the Councillor who moved the motion the option of speaking first. The Chairperson will then call on any other Councillor who wishes to speak to the motion, until all Councillors who wish to speak have had the opportunity.
- 15.3 A Councillor may make a request to the Chairperson for further information during discussion on the motion.
- 15.4 The mover of a motion or amendment shall have the right to reply. Once the right of reply has been delivered the debate ends.
- 15.5 Each speaker shall be restricted to not more than five minutes unless the Chairperson rules otherwise.

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 15.6 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.

16. Method of Taking Vote

- 16.1 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.
- 16.2 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 minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative.
- 16.3 The Chairperson shall declare the result of a vote or a division as soon as it has been determined. The minutes shall record the number of Councillors who voted in favour of and against each motion.
- 16.4 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request when voting other than by Division.
- 16.5 The resolution will not be discussed after the vote has been declared.
- 16.6 If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, and the requirements of section 254H of the *Local Government Regulation 2012* are met, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation.

17. Withdrawing a Motion

- 17.1 A motion or amendment may be withdrawn by the mover with the consent of the Council, 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 Council meeting for its withdrawal.

18. Repealing or Amending Resolutions

- 18.1 A resolution of Council may not be amended or repealed unless a notice of intention to propose the repeal or amendment is given to each Councillor at least five days before the meeting at which the proposal is to be made.
- 18.2 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.

19. Procedural Motions

- 19.1 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:
- That the question/motion be now put
 - That the motion or amendment now before the meeting be adjourned

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 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 standing orders to (*insert requirement*)
 - That the meeting stand adjourned.
- 19.2 A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall 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 shall resume.
- 19.3 The 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:
- A further motion may be moved to specify such a time or date; or
 - The matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 19.4 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 shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- 19.5 A procedural motion, that the question lie on the table, shall 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 Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The 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.
- 19.6 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 or
 - Is in contravention of the legislation or
 - Is beyond the jurisdiction power of the Council meeting.

Where a 'point of order' is raised, consideration of the matter to which the motion was moved shall be immediately suspended. The Chairperson shall then determine whether the point of order is upheld.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 19.7 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 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.

- 19.8 The 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.
- 19.9 A procedural motion, "to suspend standing orders", 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.
- 19.10 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 shall 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 shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

20. Questions

- 20.1 A Councillor may, at a Council meeting, ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting.
- 20.2 A question may 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.
- 20.3 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.
- 20.2 A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 20.3 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 shall allow such question.

21. Mayoral Minute

- 21.1 The Mayor may direct the attention of the Council at a meeting of the Council to an emerging or urgent matter or subject not on the agenda by a minute (a mayoral minute) signed by the Mayor.
- 21.2 The Mayor must deliver a copy of the mayoral minute for a meeting of the Council to the Chief Executive Officer.
- 21.3 The motion comprising the mayoral minute may be put by the Mayor –
- (a) to the meeting of Council without being seconded, and
 - (b) at any stage of the meeting of Council considered appropriate by the Mayor.
- 21.4 If the motion comprising the mayoral minute is passed by the Council the mayoral minute becomes a resolution of the Council.

CONDUCT

22. Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- 22.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 22.2 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. 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 22.7 below.
- 22.3 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:
- Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
- 22.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 22.5 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.

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 22.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 22.7 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 section 22.3, 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.
- 22.8 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.
- 22.9 Following the completion of the meeting, the Chairperson must ensure:
- 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 meeting of the Council as a suspected conduct breach
 - The Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor conduct register
- 22.10 Any Councillor aggrieved with an order issued by the chairperson can move a motion of dissent for section 22.1, 22.7 and 22.8 above.

23. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

- 23.1 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.
- 23.2 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.
- 23.3 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.
- 23.4 For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

23.5 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.

23.6 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).

23.7 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.

23.8 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.

23.9 The chairperson then resumes the role of chairperson, and the meeting continues.

24. 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 *Local Government Act 2009*, 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 *Local Government Act 2009*. 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.*

24.1 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.

24.2 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 *Local Government Act 2009*. Under the *Local Government Act 2009* decisions about a conduct breach can only be delegated to the Mayor or a standing committee.

24.3 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 *Local Government Regulation 2012* 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 *Local Government Regulation 2012* 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 *Local Government Act 2009*.

Note: After making a decision under section 150AG of the *Local Government Act 2009*, 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.

24.4 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 *Local Government Act 2009* to the mayor 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 *Local Government Act 2009*. 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 *Local Government Regulation 2012* 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 *Local Government Act 2009* due to conflicts of interest. The standing committee will decide about the mayor's conduct. While section 12(4)(f) of the *Local Government Act 2009* 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.

24.5 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 *Local Government Act 2009*, 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.

24.6 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.

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

24.8 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.*

25. General Conduct during Meetings

- 25.1 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from the meeting without first notifying the Chairperson.
- 25.2 Councillors shall speak to each other or about each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official title and shall confine their remarks to the matter under consideration.
- 25.3 No Councillor who is speaking will be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

- 25.4 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 preserve strict silence so that the Chairperson may be heard without interruption.

26. Disorder

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

ATTENDANCE AND NON-ATTENDANCE

27. Attendance of Public and the Media at Meeting

- 27.1 An area shall 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 shall be permitted to attend the meeting.
- 27.2 When the Council is sitting in Closed Session, the public and representatives of the media will be excluded from the meeting.

28. Closed Session

- 28.1 A Council meeting, standing committee meeting or advisory committee meetings 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 *Local Government Regulation 2012*:
- appointment, dismissal or discipline of the CEO
 - industrial matters affecting employees
 - the Council's budget which does not include the monthly financial statements
 - rating concessions
 - legal advice obtained by the Council or legal proceedings involving the Council that may be taken by or against the council
 - matters that may directly affect the health and safety of an individual or a group of individuals
 - negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council
 - negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
 - a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state

4.2 - Standing Orders for Council Meetings Policy --Appendix 1

- 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 *Local Government Act 2009* chapter 5A, part 3, division 5.
- 28.2 A Council 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.
- 28.3 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:
- delegate the consideration and decision on the matter
 - decide by resolution to defer the matter to a later meeting
 - decide by resolution not to decide the matter and to take no further action in relation to the matter unless the *Local Government Act 2009* or another Act provides that the local government must decide the matter.
- 28.4 None of the above will be considered, discussed, voted on or made during a closed session.
- 28.5 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 *Local Government Act 2009*).
- 28.6 To take a matter into a closed session the Council must abide by the following:
- 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 the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
 - not make a resolution while in a closed meeting (other than a procedural resolution).
- 28.7 To take a matter out of closed session the Council 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).

29. Teleconferencing of Meetings

- 29.1 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 Council may allow a Councillor to participate in a council or committee meeting by teleconference in extenuating circumstances.
- 29.2 A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.
- 29.3 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.
- 29.4 There is no legal requirement for a resolution by Council to allow a Councillor to participate by teleconference.

RELATED DOCUMENTS

Code of Conduct Policy No. 2.1

Department of State Development, Infrastructure, Local Government and Planning Documents

Model Meeting Procedures

Authorised by resolution as at 28 March 2024

Brett Walsh
Chief Executive Officer

Model Meeting Procedures

Conduct of local government meetings and its committee meeting

Revised March 2024

Last updated:

Date	Version Number	Name	Approved
20 June 2023	004	P Cameron	
28 November 2023	005	P Cameron	
13 March 2024	006	P Cameron	



**Queensland
Government**

Copyright

This publication is protected by the Copyright Act 1968.



This work is licensed by the Department of Housing, Local Government, Planning and Public Works under a Creative Commons Attribution (CC0) 4.0 Australia licence. To view a copy of this licence, visit creativecommons.org.au

You are free to copy, communicate and adapt this publication as long as you attribute it as follows:

© State of Queensland, the Department of Housing, Local Government, Planning and Public Works, March 2024.

Third party material that is not licensed under a Creative Commons licence is referenced within this document. All content not licensed under a Creative Commons licence is all rights reserved. Please contact Department of Housing, Local Government, Planning and Public Works/the copyright owner if you wish to use this material.

Translating and interpreting service



If you have difficulty understanding a document and need an interpreter, we provide access to a translating and interpreting service. You will not be charged for this service. To contact the Translating and Interpreting Service, telephone 131 450 and ask them to telephone the Department of Housing, Local Government, Planning and Public Works on +61 7 3328 4811.

Disclaimer

While every care has been taken in preparing this publication, to the extent permitted by law, the State of Queensland accepts no responsibility and disclaims all liability (including without limitation, liability in negligence) for all expenses, losses (including direct and indirect loss), damages and costs incurred as a result of decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

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.

Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

Contact us

☎ +61 7 3328 4811 or 13 QGOV (13 74 68)

@ info@dSDLGP.qld.gov.au

🌐 www.statedevelopment.qld.gov.au

✉ PO Box 15009, City East, Queensland 4002

🏠 1 William Street, Brisbane 4000



Queensland
Government

Contents

Purpose of the Model Meeting Procedures.....	4
Meeting Principles.....	4
Background.....	4
Application	5
Processes.....	5
1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting.....	5
2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting ...	7
3. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor.....	8
4. Prescribed Conflict of Interest.....	13
5. Declarable Conflict of Interest.....	14
6. Reporting a Suspected Conflict of Interest.....	17
7. Loss of Quorum	18
8. Recording Prescribed and Declarable Conflicts of Interest	20
9. Closed Meetings	21

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.

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 of the meeting 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 conduct breach. The local government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

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 chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 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, the chairperson 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 government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.*

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 IA refers the councillor's suspected conduct breach to the local government by giving a referral notice.

***Note:** Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances described in the above Note at end of section 2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting in this document.*

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

***Note:** The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in deciding on the outcome under section 150AG of the LGA. Before debating a matter to decide on the outcome, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the 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 CBR section 242], or the LGR section 254].
- 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 and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless they decide otherwise), during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.

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 5. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 5. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.

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

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

3.5. If it is decided that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 3.6, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous conduct breach of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

- 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 4.3.3 that has an interest in a matter
 - 4.3.5. details of the councillor's and any other entity's interest in the matter.
- 4.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice 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 section 177P of the COBA or under an approval by the minister for local government under section 150EV of the LGA or section 177S of the COBA.

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. Section 6 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 councillors 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
 - 7.5.3. if it is a decision about the conduct of the mayor, the decision must be delegated to 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. If it is a decision about the conduct of the mayor, the decision must be delegated to a standing committee.
- 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.

Note: Refer to note under 3.4

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 5 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 9.1)

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).

4. CHIEF EXECUTIVE OFFICER'S REPORT
4.3 - Adoption of Meeting Days and Times

4.3 Adoption of Meeting Days and Times

In accordance with the Section 256 (1) of the *Local Government Regulation 2012*, the Council must consider setting the location and dates for meetings.

Council Action

Deliver

Applicable Legislation

Local Government Regulation 2012

254B Public notice of meetings

- (1) A local government must, at least once in each year, publish a notice of the days and times when its ordinary meetings will be held.
- (2) The notice must be published on the local government’s website, and in other ways the local government considers appropriate.

256 Agenda of post-election meetings

- (1) The matters a local government must consider at a post-election meeting include the day and time for holding other meetings.

257 Frequency and place of meetings

- (1) A Local Government must meet at least once in each month.
- (2) However, the Minister may, after written application by a Local Government, vary the requirement under subsection (1) for the local government.
- (3) All meetings of a Local Government are to be held—
 - a) at 1 of the Local Government’s public offices; or
 - b) for a particular meeting—at another place fixed by the Local Government, by resolution, for the meeting.

Policy Considerations

03-02 Standing Orders for Council Meetings Policy

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2020-04-068)

Moved Cr Bignell seconded Cr Martin

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.3 - Adoption of Meeting Days and Times

That Council endorses the following meeting dates and venues for its Ordinary Meetings of Council in 2020. In addition to this, an assessment may be required in advance of each meeting to determine if a video conference is required for the meeting due to Covid-19 in accordance with section 277A of the Local Government Regulations 2012.

Any changes to the delivery of the meeting will be advertised accordingly and public access to the meeting will be promoted.

Officer Comment

Responsible Officer/s: Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors

Background:

In accordance with Section 257 (1) of the *Local Government Regulations 2012* a local government must meet at least once in each month. Longreach Regional Council has traditionally met on the third Thursday of each month, with meetings held across each community in the region throughout the year. Council is required to set its normal dates and to advertise them accordingly.

The below meeting dates were adopted by Council at its meeting held Thursday 26 October 2023:

Date	Place	Time
Thursday 11 April 2024	Longreach Council Chambers	9.00am
Thursday 16 May 2024	Isisford Council Chambers	9.00am
Thursday 20 June 2024	Longreach Council Chambers	9.00am
Thursday 18 July 2024	Yaraka Town Hall	9.30am
Thursday 15 August 2024	Ilfracombe Council Chambers	9.00am
Thursday 19 September 2024	Longreach Council Chambers	9.00am
Thursday 17 October 2024	Longreach Council Chambers	9.00am
Thursday 21 November 2024	Isisford Council Chambers	9.00am
Thursday 12 December 2024	Longreach Council Chambers	9.00am

Issue:

N/A

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: N/A

Consequence: N/A

Rating: N/A

Community Consultation:

Nil

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.3 - Adoption of Meeting Days and Times

Environmental Management Factors:

Nil

Other Comments:

Nil

Recommendation:

That Council endorses the following meeting dates and venues for the Ordinary Meetings of Council in 2024:

Date	Place	Time
Thursday 11 April 2024	Longreach Council Chambers	9.00am
Thursday 16 May 2024	Isisford Council Chambers	9.00am
Thursday 20 June 2024	Longreach Council Chambers	9.00am
Thursday 18 July 2024	Yaraka Town Hall	9.30am
Thursday 15 August 2024	Ilfracombe Council Chambers	9.00am
Thursday 19 September 2024	Longreach Council Chambers	9.00am
Thursday 17 October 2024	Longreach Council Chambers	9.00am
Thursday 21 November 2024	Isisford Council Chambers	9.00am
Thursday 12 December 2024	Longreach Council Chambers	9.00am

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.4 - Appointment of Standing Committees

4.4 Appointment of Standing Committees

Standing Committees may only have Councillors as members and are usually used when:

- A) a subset of Councillors is considered appropriate for the purpose of dealing with an ongoing area of Council business; and/or
- B) a standing committee of the full Council is considered appropriate to deal with particular issues on an ongoing basis.

Council Action

Deliver

Applicable Legislation

Local Government Regulation 2012

264 Appointment of committees

- (1) A Local Government may–
 - a) appoint, from its Councillors, standing committees or special committees; and
 - b) appoint advisory committees.
- (2) Two or more Local Governments may appoint, from their Councillors, a joint standing committee.

Policy Considerations

N/A

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2020-04-001)

Moved Cr Nunn seconded Cr Bignell

That Council continues to hold Briefing Sessions prior to the Ordinary Council Meetings each month but amend the commencement time to 9.00am.

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors*

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.4 - Appointment of Standing Committees

Background:

Council has not operated with standing committees in the past. Council's position was to hold briefing sessions on the Wednesday preceding the Ordinary Council Meeting and it is recommended this practice continues.

Issue:

N/A

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: N/A

Consequence: N/A

Rating: N/A

Community Consultation:

N/A

Environmental Management Factors:

N/A

Other Comments:

N/A

Recommendation:

That Council does not appoint any standing committees.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.5 - Council Membership of Bodies

4.5 Council Membership of Bodies

Consideration of retaining membership of bodies that relate to Local Government and Regional Development.

Council Action

Deliver

Applicable Legislation

Local Government Act

Policy Considerations

N/A

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
Corporate Plan Outcome	
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Provision of membership fees that will need to be made where applicable in the budget.

Previous Council Resolutions related to this Matter

(Res-2020-04-071)

Moved Cr Emslie seconded Cr Smith

That existing memberships, as below, on Local Government and Regional Development related bodies be retained:

- *Local Government Association of Queensland*
- *Western Queensland Local Government Association*
- *Remote Area Planning and Development Board (RAPAD)*
- *Outback Queensland Tourism Authority*
- *Outback Regional Roads Technical Group (ORRTG)*
- *Remote Area Planning & Development Water & Sewerage Alliance (RAPADWSA)*
- *Central West Regional Pest Partnership Group*
- *Central West Regional Pest Management Group*

CARRIED

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor and Councillors*

Background:

Current bodies that Council is a member of are as follows:

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.5 - Council Membership of Bodies

Bodies	Annual Fees
Local Government Association of Queensland	Yes
Remote Area Planning and Development Board (RAPAD)	Yes
Western Queensland Alliance of Councils (WQAC)	No
Outback Queensland Tourism Association (OQTA)	Yes
Outback Regional Roads and Transport Group (ORRTG)	Yes
RAPAD Water & Sewerage Alliance (RAPADWSA)	Yes
Central West Regional Pest Management Group	Yes

These bodies provide a wealth of knowledge, strong advocacy and regional collaboration on a range of projects/ issues.

Issue:

N/A

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Possible
Consequence: Moderate
Rating: Medium (9)

Community Consultation:

Nil

Environmental Management Factors:

N/A

Other Comments:

N/A

Recommendation:

That Council retains membership of the following organisations:

- *Local Government Association of Queensland (LGAQ)*
- *Remote Area Planning and Development Board (RAPAD)*
- *Western Queensland Alliance of Councils (WQAC)*
- *Outback Queensland Tourism Authority (OQTA)*
- *Outback Regional Roads and Transport Group (ORRTG)*
- *Remote Area Planning & Development Water & Sewerage Alliance (RAPADWSA)*
- *Central West Regional Pest Management Group (CWRPMG)*

4. CHIEF EXECUTIVE OFFICER'S REPORT
4.6 - Register of Interest - Councillors and Councillor's Related Persons

4.6 Register of Interest - Councillors and Councillor's Related Persons

Advice to Councillors regarding the need to maintain a Register of Interest under the *Local Government Regulation 2012*.

Council Action

Deliver

Applicable Legislation

Local Government Regulation 2012

Part 5 - Register of interests

289 What this part is about

- (1) This part is about the register of interests of the following persons—
 - (a) a councillor;
 - (b) a chief executive officer;
 - (c) a councillor advisor;
 - (d) a senior executive employee;
 - (e) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

- (2) A person is related to a councillor, chief executive officer, councillor advisor or senior executive employee (the primary party) if—
 - (a) the person is the primary party's spouse; or
 - (b) the person is totally or substantially dependent on the primary party and—
 - i. the person is the primary party's child; or
 - ii. the person's affairs are so closely connected with the affairs of the primary party that a benefit derived by the person, or a substantial part of it, could pass to the primary party.

290 Who maintains registers of interests

- (1) The chief executive officer must maintain a register of interests of the following persons—
 - (a) a councillor;
 - (b) a councillor advisor;
 - (c) a senior executive employee;
 - (d) a person who is related to a councillor, councillor advisor or senior executive employee.

- (2) The mayor must maintain a register of interests of the following persons—
 - (a) the chief executive officer;
 - (b) a person who is related to the chief executive officer.

291 Contents of registers of interests

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.6 - Register of Interest - Councillors and Councillor's Related Persons

- (1) A register of interests consists of the forms or other documents used to inform the person required to maintain the register under section 290 about an interest that must be recorded in the register under subsection (2).
- (2) The register of interests of each of the following persons must contain the financial and non-financial particulars mentioned in schedule 5 for an interest held by the person—
 - (a) a councillor;
 - (b) a chief executive officer;
 - (c) a councillor advisor;
 - (d) a senior executive employee;
 - (e) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.
- (3) However, the register of interests of a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee need not include any interest that is—
 - (a) held jointly, or in common, with the councillor, chief executive officer, councillor advisor or senior executive employee; and
 - (b) included in the register of interests of the councillor, chief executive officer, councillor advisor or senior executive employee.
- (4) Nothing in subsection (2) requires a register of interests to include any of the following—
 - (a) the number or monetary value of shares;
 - (b) the monetary value of an investment or interest;
 - (c) the full street address of land;
 - (d) the amount of a liability, donation or other income;
 - (e) the account number of, or amounts held in, accounts held with a financial institution;
 - (f) the monetary value of accommodation, an asset, a gift or travel.
- (5) To remove any doubt, it is declared that a person holds an interest if the person holds the interest alone or jointly, or in common, with another person.

292 Obligation of chief executive officer and senior executive employees to correct register of interests

- (1) Subsection (2) applies if the chief executive officer knows—
 - (a) of an interest that must be recorded in a register of interests under section 291 in relation to the chief executive officer or a person who is related to the chief executive officer; or
 - (b) that particulars of an interest recorded in a register under section 291 in relation to the chief executive officer or a person who is related to the chief executive officer are no longer correct.
- (2) The chief executive officer must, in the approved form, inform the mayor of the interest or the correct particulars within 30 days after the chief executive officer knows of the interest or correct particulars.

Maximum penalty—85 penalty units.

- (3) Subsection (4) applies if a senior executive employee knows—
 - (a) of an interest that must be recorded in a register of interests under section 291 in relation to the employee or a person who is related to the employee; or

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.6 - Register of Interest - Councillors and Councillor's Related Persons

(b) that particulars of an interest recorded in a register under section 291 in relation to the employee or a person who is related to the employee are no longer correct.

- (4) The senior executive employee must, in the approved form, inform the chief executive officer of the interest or the correct particulars within 30 days after the employee knows of the interest or correct particulars.

Maximum penalty—85 penalty units.

293 Who may inspect a register of interests

- (1) A register of interests of a Councillor may be inspected by the public.
- (2) Subsection (3) applies to a register of interests of—
- (a) a chief executive officer; or
 - (b) a councillor advisor; or
 - (c) a senior executive employee; or
 - (d) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.
- (3) The register of interests is only open to inspection by the following persons—
- (a) a Councillor;
 - (b) the Chief Executive Officer;
 - (c) another person permitted by law to have access to information in the register.
- (4) To remove any doubt, it is declared that subsection (3) does not operate to allow a Councillor or Chief Executive Officer of one Local Government to inspect a register of interests of another local government.

294 Access to particular registers of interests

- (1) This section applies to the register of interests of—
- (a) the Chief Executive Officer; or
 - (b) a Councillor Advisor; or
 - (c) a Senior Executive Employee; or
 - (d) a person who is related to a Councillor, Chief Executive Officer, Councillor Advisor or a Senior Executive Employee.
- (2) A person seeking access to the register of interests must apply in writing to—
- (a) for the register of interests of the Chief Executive Officer or persons who are related to the Chief Executive Officer—the Mayor; or
 - (b) otherwise—the Chief Executive Officer.
- (3) The Chief Executive Officer or Mayor must record—
- (a) the name and home or business address of each person given access to a register of interests by the Chief Executive Officer or Mayor; and
 - (b) the day the access is given.
- (4) If the Chief Executive Officer or Mayor gives access to a register of interests, the Chief Executive Officer or Mayor must, as soon as practicable, inform the person to whom the register of interests relates of the day the access was given.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.6 - Register of Interest - Councillors and Councillor's Related Persons

295 Making available particular registers of interests and extracts of those registers

- (1) A local government must make a copy of the register of interests of each councillor available for inspection at the local government's public office
- (2) Also, the local government must make an extract of the register of interests of each councillor available for inspection on the local government's website.
- (3) The extract of the register of interests must show the particulars mentioned in schedule 5—
 - (a) for each interest mentioned in schedule 5A, column 1 held by the councillor; and
 - (b) for the period mentioned in schedule 5A, column 2 opposite the interest.
- (4) If the register of interests for a councillor changes, the copy and extract of the register must be amended to reflect the change as soon as practicable, but no later than 5 business days, after the change happens.

296 Queries on contents of register of interests

- (1) A person who suspects on reasonable grounds that a register of interests does not contain particulars that should be in the register may inform—
 - (a) if the suspicion relates to the register of interests of the chief executive officer or persons who are related to the chief executive officer—the mayor; or
 - (b) otherwise—the chief executive officer.
- (2) The chief executive officer or mayor must immediately inform the following person (the informed person)—
 - (a) if the register of interests relates to a councillor or a person who is related to a councillor—the councillor;
 - (b) if the register of interests relates to the mayor or a person who is related to the mayor—the mayor;
 - (c) if the register of interests relates to the chief executive officer or a person who is related to the chief executive officer—the chief executive officer;
 - (d) if the register of interests relates to a councillor advisor or a person who is related to a councillor advisor—the councillor advisor;
 - (e) if the register of interests relates to a senior executive employee or a person who is related to the senior executive employee—the senior executive employee.
- (3) The informed person must, within 30 days of being informed, establish whether the register of interests should be amended to make it a true record of fact.
- (4) If the informed person establishes that the register of interests does not need to be amended, the person must—
 - (a) complete a statutory declaration stating that the particulars in the register of interests are a true record of fact; and
 - (b) give the statutory declaration to—
 - i. if the informed person is the chief executive officer—the mayor; or
 - ii. otherwise—the chief executive officer.

296A Period for keeping and making available particular registers of interests

- (1) A local government must keep a register of interests for a period of 10 years starting on—

4. CHIEF EXECUTIVE OFFICER'S REPORT
4.6 - Register of Interest - Councillors and Councillor's Related Persons

- (a) for a councillor or a person who is related to a councillor—the last day the councillor holds office as a councillor; or
 - (b) for the chief executive officer or a person who is related to the chief executive officer—the last day the chief executive officer holds appointment as the chief executive officer; or
 - (c) for a councillor advisor or a person who is related to a councillor advisor—the last day the councillor advisor holds appointment as a councillor advisor; or
 - (d) for a senior executive employee or a person who is related to a senior executive employee—the last day the senior executive employee holds appointment as a senior executive employee.
- (2) A local government must ensure the register of interests kept under subsection (1)(a) for a person who was, but is no longer, a councillor is available to be viewed by the public at the local government’s public office for the period the local government is required to keep the register.

297 Improper disclosure of registers of interests

- (1) A person must not knowingly disclose information obtained from a register of interests if it is not a true copy, or a fair summary, of the contents of the register of interests.
- (2) A person must not knowingly disclose information obtained from a register of interests of the following persons, other than to a person mentioned in section 293(3)—
 - (a) a chief executive officer;
 - (b) a councillor advisor;
 - (c) a senior executive employee;
 - (d) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

Policy Considerations

Nil

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

N/A

Previous Council Resolutions related to this Matter

(Res-2020-04-072)

Moved Cr Martin seconded Cr Bignell

That Council notes the requirements with regard to the Declaration of Interests.

CARRIED

Officer Comment

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.6 - Register of Interest - Councillors and Councillor's Related Persons

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors*

Background:

Register of Interest forms have been provided to Councillors and are required to be completed and lodged with the Chief Executive Officer within thirty (30) days of the commencement of office.

A copy of the form will be provided to Councillors in the Longreach Regional Council induction folders.

It is key to note, there is an amendment bill currently with parliament which will focus on Accountability, Integrity and Other Matters. This bill has a range of proposed amendments to the Local Government Act 2009 with a new chapter being added called 'Councillors' conflicts of interest'. If the bill is passed, additional requirements may be requested of Council at which time advice will be provided formally.

Issue:

The inclusion of a personal interest on a Councillor's register of interest does not make the Councillor exempt from making a declaration of either a material personal interest or a conflict of interest at a Council meeting.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Possible
Consequence: Moderate
Rating: Medium (9)

Community Consultation:

Nil

Environmental Management Factors:

Nil

Other Comments:

Nil

Recommendation:

That Council receives Register of Interest legislative requirements.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.7 – Appointment of Chair and Deputy Chairperson of Local Disaster Management Group

4.7 Appointment of Chair and Deputy Chairperson of Local Disaster Management Group

Consideration of the appointment of the Deputy Chairperson and Deputy Local Disaster Coordinator of the Longreach Regional Council Local Disaster Management Group.

Council Action

Deliver

Applicable Legislation

Disaster Management Act 2003

Policy Considerations

N/A

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices
5.4	Council is resilient to climatic risk factors

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2023-06-140)

Moved Cr Bignell seconded Cr Nunn

That Council: 1. appoints Cr Smith as Deputy Chair of the Local Disaster Management Group; 2. appoints David Wilson as Deputy Local Disaster Coordinator; and 3. appoints Karyn Stillwell as Local Disaster Recovery Coordinator.

CARRIED 6/0

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors*

Background:

Council needs to appoint two key positions to the Longreach Regional Council Local Disaster Management Group (LDMG).

Issue:

The two positions to be appointed are the Chair & Deputy Chair. Both roles are critical to the functioning of the Local Disaster Management Group.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.7 - Appointment of Chair and Deputy Chairperson of Local Disaster Management Group

As per section 34 (2) of the *Disaster Management Act 2003*, the chairperson and deputy chairperson of a local group are the persons appointed by the relevant local government for the local group to be the chairperson and deputy chairperson. (2) The chairperson must be a councillor of a local government.

The Mayor is traditionally the Chair.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood:	Possible
Consequence:	Moderate
Rating:	Medium (9/25)

This risk rating has been developed with consideration to a possible event occurring and these positions remain vacant. They are key positions in the Local Disaster Management Group.

Community Consultation:

N/A

Environmental Management Factors:

N/A

Other Comments:

N/A

Recommendation:

That Council appoints:

1. Cr Rayner as Chair of the Local Disaster Management Group
2. Cr <insert name> as Deputy Chair of the Local Disaster Management Group

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.8 - Appointment of RAPAD Director

4.8 Appointment of RAPAD Director

This Report is for Council to consider nominating a Director to the Remote Area Planning And Development Board.

Council Action

Advocate

Applicable Legislation

Local Government Regulation 2012

Policy Considerations

Nil

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
Corporate Plan Outcome	
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

As per budget

Previous Council Resolutions related to this Matter

Nil

Officer Comment

Responsible Officer/s: Brett Walsh, Chief Executive Officer

Background:

Longreach Regional Council is one of seven Council members of RAPAD, with Barcaldine, Blackall Tambo, Barcoo, Winton, Boulia and Diamantina.

The RAPAD board meets once a month via eight zoom meetings and four face to face meetings per annum. The November face to face meeting is held in Brisbane to enable the Board to meet with government ministers and officials.

Issue:

Each member Council is required to nominate one representative to be appointed as a Director of the Board.

The representative has traditionally been the Mayor.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.8 - Appointment of RAPAD Director

Likelihood: Minimal
Consequence: Low
Rating: Low

Community Consultation:

Nil

Environmental Management Factors:

Nil

Other Comments:

Nil

Recommendation:

The Council appoints the Mayor, Councillor Rayner, as its representative to the Remote Area Planning and Development Board.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.9 - Longreach Regional Council - Land and Pest Management Advisory Committee

4.9 Longreach Regional Council - Land and Pest Management Advisory Committee

Consideration of the re-appointment of the Longreach Regional Council Land and Pest Management Advisory Committee.

Council Action

Partner
Deliver

Applicable Legislation

Local Government Act 2009
Local Government Regulation 2012

Policy Considerations

Advisory Committee Policy No 2.31

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Costs related to the Land and Pest Committee are met from the existing Property Pest Management Budget.

Previous Council Resolutions related to this Matter

(Res-2020-04-074)

Moved Cr Martin seconded Cr Emslie
That Council;

1. In accordance with section 265 of the Local Government Regulation 2012, hereby reappoints a Longreach Regional Council Land and Pest Management Advisory Committee to make recommendations to Council on relevant issues as per the Terms of Reference;
2. In accordance with section 265 of the Local Government Regulation 2012, hereby appoints the following persons as members of the Longreach Regional Council Land and Pest Management Advisory Committee:
 - a) Cr Leonie Nunn
 - b) Cr Trevor Smith
 - c) Cr Dale Bignell
3. In accordance with section 265 of the Local Government Regulation 2012, hereby continues appointment of the following current committee members of the Longreach Regional Council Land and Pest Management Advisory Committee with a term expiring 31 March 2022:
 - a) Division 1: Rob Francis and Keith Gordon
 - b) Division 2: Adrian Brown and Matthew Brown

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.9 - Longreach Regional Council - Land and Pest Management Advisory Committee

- c) *Division 3: David Paterson and Robert Pearce*
 - d) *Division 4: Harry Glasson and Andrew Pegler*
 - e) *Longreach: Mac McClymont and Duncan Emmott*
 - f) *Ilfracombe: Phil Spackman and John MacMillan*
 - g) *Isisford: David Morton and David Paterson;*
4. *Adopts the Terms of Reference, as presented, for the Longreach Regional Council Land and Pest Management Advisory Committee; and*
 5. *Advises the Land and Pest Management Advisory Committee of these decisions.*

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Executive Assistant to the CEO, Mayor & Councillors*

Background:

The Land and Pest Management Advisory Committee was formed following the December 2018 Council Meeting endorsing a resolution to merge the Wild Dogs Advisory Committee (WDAC) and Rural Lands Advisory Committees (RLAC). The Wild Dog and Rural Lands Advisory Committees were initially formed in 2012 and had been meeting regularly to discuss issues impacting the region.

The Land and Pest Management Advisory Committee have been meeting regularly since February 2019. The merging of the two committees has allowed for more effective management of issues discussed and raised at an advisory committee level. The elected Chairperson is Mr Robert Pearce with Mr Duncan Emmott as Deputy Chairperson

Issue:

The committee has been active in providing advice to Council regarding a wide range of rural land issues including rural road maintenance, pest and weed management and wild dog management and wild dog baiting program.

Members were appointed with a term expiring 31 March 2025.

- Division 1: Paul McClymont and Keith Gordon
- Division 2: Adrian Brown, Matthew Brown and Matt Carr
- Division 3: Duncan Emmott, Peter Spence and Robert Pearce
- Division 4: Harry Glasson, David Morton and Andrew Pegler

The current advisory committee had the following Council members;

- Mayor Tony Rayner
- Deputy Mayor Cr Leonie Nunn
- Cr Trevor Smith
- Cr David Paterson

The Committee has met once this year with meetings also scheduled to occur in May, August and November 2024.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.9 - Longreach Regional Council - Land and Pest Management Advisory Committee

The Terms of Reference state that three Councillors are appointed as Committee Members of the Land and Pest Management Advisory Committee for the duration of their Councillor term.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Possible
Consequence: Likely
Rating: Medium 9

Community Consultation:

N/A

Environmental Management Factors:

N/A

Other Comments:

N/A

Appendices

1. Land & Pest Management Advisory Committee Terms of Reference [↓](#)

Recommendation:

That Council;

1. In accordance with section 265 of the Local Government Regulation 2012, hereby reappoints a Longreach Regional Council Land and Pest Management Advisory Committee to make recommendations to Council on relevant issues as per the Terms of Reference;

2. In accordance with section 265 of the Local Government Regulation 2012, hereby appoints the following persons as members of the Longreach Regional Council Land and Pest Management Advisory Committee:

(a) Cr (Insert Name)

(b) Cr (Insert Name)

(c) Cr (Insert Name)

3. continues the appointment of the following current committee members of the Longreach Regional Council Land and Pest Management Advisory Committee with a term expiring 31 March 2025:

Division 1: Paul McClymont and Keith Gordon

Division 2: Adrian Brown, Matthew Brown and Matt Carr

Division 3: Duncan Emmott, Peter Spence and Robert Pearce

Division 4: Harry Glasson, David Morton and Andrew Pegler .



Longreach Regional Council

Ilfracombe Isisford Longreach Yaraka

Terms of Reference Land & Pest Management Advisory Committee

Contents

1.0 Purpose.....	3
2.0 Establishment.....	3
3.0 Objectives.....	3
4.0 Roles and Responsibilities.....	3
5.0 Member Conduct.....	3
6.0 Composition.....	3
7.0 Terms of Membership.....	4
8.0 Confidentiality.....	4
9.0 Quorum.....	4
10.0 Meetings and Reporting.....	5
11.0 Conflicts of Interest.....	5
12.0 Review of the Terms of Reference.....	5
13.0 Legislation.....	5

1.0 Purpose

This Land and Pest Management Advisory Committee (**Committee**) Terms of Reference has been appointed to provide strategic guidance and advice to Longreach Regional Council (**Council**) in relation to the management of a range of rural land, pest animal and weed management issues.

2.0 Establishment

The Committee is established in accordance with section 263-269 of the *Local Government Regulation 2012*.

The Committee is an advisory committee to Council and has no decision making powers.

These Terms of Reference set the principles and standards for the Committee and explains the role of the Committee within Council.

3.0 Objectives

The objective of the Committee is to make recommendations to Council and the Chief Executive Officer on issues relating to a range of rural land, pest animal and weed management issues.

4.0 Roles and Responsibilities

The Committee's roles and responsibilities are to provide advice and recommendations to Council on the following matters:

- Coordination and review of baiting campaigns
- Development and review of baiting syndicates
- Encouragement of active participation in pest animal and weed control measures
- Controlling and identifying pest animals throughout the Council area
- Controlling and identifying pest weeds throughout the Council area
- Implementation of Council's Pest Management Plans
- Implementation of Council's rural road programs and strategies
- Wild Dog Exclusion Fence Scheme
- Rural communications infrastructure
- Stock Route Network

The Committee also provides a means of consultation and communication between the community and Council on matters relevant to the Committee.

5.0 Member Conduct

Members are expected at all times to:

- Apply good analytical skills, objectivity and sound judgement to discussions
- Maintain confidentiality of information and documentation considered by the Committee (where required)
- Express opinions constructively and openly, raise issues that relate to the Committee's responsibilities
- Contribute the time necessary to perform the duties of a Committee member
- Act and make decisions with an open and enquiring mind
- Exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council

6.0 Composition

The Committee consists of

- Up to Three Councillors
- Up to 12 rural representatives made up from each Division in the Longreach Regional Council

The following Council employees are ex-officio members of the Committee:

- Chief Executive Officer
- Director of Corporate Services
- Director of Infrastructure Services
- Local Laws and Rural Lands Supervisor

The members, taken collectively, will have a broad range of skills and experience relevant to the Committee's responsibilities and provide representation spread fairly across the region

The Chair and the Deputy Chair of the Committee shall be elected by the Members at a duly constituted meeting for a term of two years. The Chair and the Deputy Chair may be nominated and elected in a further consecutive term of two years.

The Committee may invite technical advisors to the meeting to provide information and advice relevant to the Committee's purpose.

7.0 Terms of Membership

Councillors

- Councillor members will be appointed to the Committee for the Council term unless otherwise removed by a resolution of Council or acceptance of a resignation.
- In the event of a Councillor resigning their position on the Committee, the Council will nominate a Councillor to fill the vacant position.
- Remuneration is not payable to Councillors as per Council's *Advisory Committee Policy No 2.31*.
- Other Councillors may attend as observers.

Representatives

- Appointment of representative members will be made via public advertisement. An evaluation of candidates and a recommendation for appointment will be made by Council.
- Representative members must not be Council employees or contractors.
- Representative members shall be appointed for a maximum term of four (4) years.
- Representative members must reside within the Longreach Regional Council area.
- A Representative member may be re-appointed; however, they must reapply and follow the selection process.

Committee

- If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.

8.0 Confidentiality

The Committee members are responsible and accountable for maintaining the confidentiality of the information they receive during the conduct of their function.

9.0 Quorum

Section 269 of the *Local Government Regulation 2012* requires a quorum of at least half the number of appointed members of the Committee.

The Chair shall preside or if the Chair is absent, the Deputy Chair or alternatively a member chosen by the members present as Chair for the meeting presides.

10.0 Meetings and Reporting

- The Committee may decide its meeting frequency, location and order of business for meetings.
- Meeting notices shall be circulated one week prior to the Meeting.
- The CEO may invite other members of Council or Council employees to attend where appropriate to advise and provide information.
- In accordance with the Advisory Committee Policy, the committee will provide a written report to Council of the committee's deliberations and its advice or recommendations to the next General Council Meeting.
- The Committee does not hold any authority to commit Council to a particular course of action, or to incur expenditure on behalf of Council. As such, the Committee may pass resolutions to make recommendations to Council for actions or outcomes that it decides should occur.

Administrative Support

Council shall provide administrative support to the Committee.

11.0 Conflicts of Interest

Committee members are required to provide written declarations declaring any actual, perceived or potential conflicts of interest they may have in relation to their responsibilities.

As they arise between meetings, or at the beginning of each Committee meeting, members are required to declare any new or changed actual, perceived or potential conflicts of interest that may apply to specific matters on the meeting agenda.

Where required, the members will be excused from the meeting or from the Committees consideration of the relevant agenda item(s). Details of actual, perceived or potential conflicts of interest declared by members and action taken will be appropriately recorded.

12.0 Review of the Terms of Reference

This Terms of Reference will be reviewed bi-annually in alignment with the review of the Advisory Committee policy.

Any changes to the Terms of Reference must be formally adopted by Council.

13.0 Legislation

Local Government Act 2009

Local Government Regulation 2012

4. CHIEF EXECUTIVE OFFICER'S REPORT
4.10 - Longreach Regional Council - Plant Working Group

4.10 Longreach Regional Council - Plant Working Group

Consideration of the continuation of the Longreach Regional Council Plant and Equipment Working Group.

Council Action

Recognise

Applicable Legislation

Local Government Act 2009

Local Government Regulation 2012

Policy Considerations

04-04 Council Vehicle Policy

Corporate and Operational Plan Considerations

OUR FINANCES	
Corporate Plan Outcome	
4.1	Improved financial performance and strategic financial management.

OUR LEADERSHIP	
Corporate Plan Outcome	
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

Nil

Previous Council Resolutions related to this Matter

(Res-2020-04-076)

Moved Cr Nunn seconded Cr Hatch

That Council :

1) continues with the current Plant and Equipment Working Group, Polices and Terms of Reference; and

2) hereby appoints the Mayor and three (3) Councillors as members of the Plant and Equipment Working Group:

(a) Mayor Tony Rayner

(b) Cr Tony Emslie

(c) Cr Dale Bignell

(d) Cr Trevor Smith

3) agrees that the current Plant and Equipment Working Group reviews its Members, Policies and Terms of Reference at its next sitting, for Council endorsement.

Officer Comment

Responsible Officer/s: *Elizabeth Neal, Assistant to the CEO, Mayor & Councillors*

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.10 - Longreach Regional Council - Plant Working Group

Background:

Prior to, and including early 2016, a Plant Advisory Committee was formed to provide advice to Council to maintain a strategic overview of the Council's Plant and Equipment. In early 2016 it was then recommended to Council to change the Advisory Committee to a Plant Working Group. The reason was to make this group informal and remove the need for it to be public and open to the community to maintain confidentiality of tenders (Commercial-In-Confidence) as per the requirements of the Local Government Act 2009.

Issue:

The Working Group has been active in providing advice to Council regarding Plant and Equipment replacement programs and budgets. However, after the completion of the recent Fleet Efficiency Review it has highlighted a number of recommendations requiring decisions that will ultimately affect the Terms of Reference of the Plant Working Group. Completion of the Fleet Efficiency Review was completed to satisfy a Key Performance Indicator in the Annual Operational Plan.

Attached is the current Plant Working Group Terms of Reference that will be updated and reviewed by the Plant Working Group at its first sitting, prior to being tabled to Council for a resolution. Currently Longreach Regional Council has one Vehicle Policy and it has been recommended that a more comprehensive suite of policies is implemented to improve the overall strategic and operational management of Council Fleet. Again the decisions to implement the additional policies will in turn affect the purpose and processes of the Plant Working Group and Terms of Reference.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Possible
Consequence: Moderate
Rating: Medium (9)

Community Consultation:

Nil

Environmental Management Factors:

Consider purchasing low emission Plant and Equipment, whilst still considering fit-for-purpose Plant and Equipment.

Other Comments:

Nil

Appendices

1. Plant Working Group Terms of Reference [↓](#)

4. CHIEF EXECUTIVE OFFICER'S REPORT
4.10 - Longreach Regional Council - Plant Working Group

Recommendation:

That Council:

- 1) continues with the Plant Working Group as per the Policy; and*
- 2) appoints the following Councillors as members of the Plant Working Group:*
 - (a) Mayor Tony Rayner*
 - (b) Cr*
 - (c) Cr*
 - (d) Cr*

Plant Working Group

Terms of Reference

Purpose:

The Plant Working Group is a Working Committee of Council established under the *Local Government Regulation 2012*.

The purpose of the Working Group is to provide advice to Council to maintain a strategic overview of Council's plant fleet.

Objectives:

The objective of the Working Group is to: -

1. Review the finances of the plant fleet to ensure maximum returns are derived from plant operations;
2. Review plant replacement programs and plant policies;
3. Review tender assessments; and
4. Liaise with appropriate Council staff to achieve the outcomes from items one (1) to three (3) above.

Membership:

Membership of the Working Group shall be comprised of:-

- The Mayor – Longreach Regional Council;
- Three (3) Councillors – Longreach Regional Council;
- Officer - Chief Executive Officer.
- Officer - Director of Infrastructure Services;
- Officer – Director of Corporate Services (or delegate);
- Officer - Manager of Operations, Waste, Water & Sewerage (or delegate);
- Officer - Manager of Operations; and
- Officer - Workshop Supervisor;

In addition to the above members, the Plant Working Group may invite experts or other persons to provide information and advice relevant to the role of the Group.

Procedures:

Meetings are conducted on an informal basis with no minutes being recorded or voting conducted. Decisions are generally made by consensus and recommendations are forwarded to the Chief Executive Officer for action.

Meeting notices shall be circulated at least two (2) weeks prior to a meeting and may only consist of a brief list of items to be discussed, along with relevant documentation. Meetings will be held on an 'as needs' basis.

The Plant Working Group does not hold any authority to commit Council to a particular course of action, or to incur expenditure on behalf of Council. Due regard must be taken of Council's purchasing and procurement policies to ensure ongoing compliance where required.

Whilst the Plant Working Group is to maintain a strategic overview, it may elect to undertake inspections of plant items, to assist in the understanding of the operation of various items, and may elect to discuss performance with operators.

The Manager of Operations, Waste, Water & Sewerage, being primarily responsible for fleet management, will coordinate the business of the Plant Working Group.

The Terms of Reference for Plant Working Group will be reviewed in June, 2019.

5. FINANCE REPORT
5.1 - Longreach Regional Council - Audit and Risk Committee

5. Finance Report

5.1 Longreach Regional Council - Audit and Risk Committee

Appointment of the Longreach Regional Council Audit and Risk Committee Members and Independent External Member.

Council Action

Deliver

Applicable Legislation

Local Government Act 2009 (Act)

Local Government Regulation 2012 (Regulation)

Policy Considerations

Advisory Committee Policy No. 2.31

Audit and Risk Committee Policy No. 2.32

Audit and Risk Committee Terms of Reference

Corporate and Operational Plan Considerations

OUR FINANCES	
	Corporate Plan Outcome
4.1	Improved financial performance and strategic financial management.
OUR LEADERSHIP	
	Corporate Plan Outcome
5.2	Informed and considered decision making based on effective governance practices.

Budget Considerations

The conduct of the Audit and Risk Committee is a budgeted item.

Previous Council Resolutions related to this Matter

(Res-2020-04-073)

Moved Cr Bignell seconded Cr Smith

That Council;

- 1. In accordance with section 105 of the Local Government Act 2009, hereby appoints a Longreach Regional Council Audit and Risk Committee to make recommendations to Council on relevant issues as per the Terms of Reference;*
- 2. In accordance with section 210(1) of the Local Government Regulation 2012, hereby appoints the following persons as members of the Longreach Regional Council, Audit and Risk Committee:*
 - (a) Cr Leonie Nunn;*
 - (b) Cr Tony Martin*
 - (c) Bill Ringrose as the external independent member;*
- 3. In accordance with section 210(3) of the Local Government Regulation 2012, hereby appoints Bill Ringrose as the chairperson; and*
- 4. Adopts the Terms of Reference, as presented, for the Longreach Regional Council, Audit and Risk Committee.*

5. FINANCE REPORT

5.1 - Longreach Regional Council - Audit and Risk Committee

Officer Comment

Responsible Officer/s: *David Wilson, Chief Financial Officer*

Background:

Section 105 of the Act requires each large local government to establish an audit committee. Longreach Regional Council (Council) does not meet the definition of a large local government, however establishes an audit and risk committee for good governance. The attached Terms of Reference sets out the objectives and conduct of the Committee.

Issue:

Councillor members

Section 7 of the Terms of Reference sets out that Councillor members are appointed to the Audit and Risk Committee (Committee) for the full council term. Now that a new Council term has commenced, Council needs to nominate two Councillors as Committee members.

Independent External Member

Section 7 of the Terms of Reference sets out that the Independent External Member shall be appointed for a maximum term of four years. The sitting Independent External Member's term expires in April and so a new Independent External Member must be appointed.

Management has conducted a Request-For-Quote process to obtain options for Councillors to consider. Applicants were requested to provide a rate and a summary of their qualifications and experience in similar roles.

Council received responses from seven high quality candidates and management's assessment of their responses has been summarised in the attached table.

Committee Chairperson

Section 7 of the Terms of Reference sets out that Council will nominate the Committee Chairperson. The Chairperson may be one of the Councillors or the Independent External Member.

Management recommendation

Management recommends that the highest scoring applicant be appointed as the Independent External Member.

Management recommends that the Independent External member is appointed as the Committee Chairperson, due to their extensive experience in governance.

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

5. FINANCE REPORT

5.1 - Longreach Regional Council - Audit and Risk Committee

Likelihood: Likely
Consequence: Minor
Rating: Medium (8)

Without an effective Audit and Risk Committee, there is an increased risk of reputational, compliance and financial losses due to a lower standard of governance.

Community Consultation:

Not applicable

Environmental Management Factors:

Not applicable

Other Comments:

Not applicable

Appendices

1. Terms of Reference ↓

Recommendation:

That Council:

1. *In accordance with section 105 of the Local Government Act 2009, appoints a Longreach Regional Council Audit and Risk Committee;*
2. *In accordance with section 210(1) of the Local Government Regulation 2012, appoints the following persons as members of the Longreach Regional Council, Audit and Risk Committee:*
 - (a) *Cr <insert name>;*
 - (b) *Cr <insert name>;*
 - (c) *<insert name> as the Independent External Member;*
3. *In accordance with section 210(3) of the Local Government Regulation 2012, appoints <insert name> as the chairperson.*



Longreach Regional Council

Ilfracombe Isisford Longreach Yaraka

Terms of Reference Audit & Risk Committee



Contents

1.0	Head of Power.....	3
2.0	Establishment	3
3.0	Objectives.....	3
4.0	Roles and Responsibilities of the Audit Committee	3
5.0	Member Responsibilities.....	4
6.0	Composition	5
7.0	Terms of Membership.....	5
8.0	Confidentiality	5
9.0	Quorum.....	5
10.0	Meetings and Reporting.....	6
11.0	Relationships.....	7
12.0	Induction of New Members.....	7
13.0	Performance Review and Assessment.....	7
14.0	Conflicts of Interest.....	7
15.0	Professional Indemnity Insurance.....	7
16.0	Review of the Terms of Reference	8
17.0	Legislation Referenced in the Terms of Reference	8



1.0 Head of Power

This Audit and Risk Committee (**Committee**) Terms of Reference has been designed to assist Longreach Regional Council (**Council**) in fulfilling its corporate governance responsibilities and oversight of financial management and reporting responsibilities imposed under the *Local Government Act 2009 (Act)*, the *Local Government Regulation 2012 (Regulation)*, and other relevant legislation.

2.0 Establishment

The Committee is established in accordance with s.105 of the Act and ss.208-211 of the Regulation.

Pursuant to s.265 of the Regulation, the Committee is an advisory committee to Council and has no decision-making powers. It acts as a source of independent advice to Council and to the Chief Executive Officer (**CEO**) on governance, risk management, accountability and audit-related matters.

These Terms of Reference set the principles and standards for the Committee and explains the role of the Committee within Council.

3.0 Objectives

The objective of the Committee is to advise Council on, and where delegated, determine upon matters outlined in the roles and responsibilities of the Committee. This includes the provision of independent assurance and assistance to Council, the CEO and the Executive Leadership Team (**ELT**) on Council's risk management, control and compliance framework, and its financial statement responsibilities.

4.0 Roles and Responsibilities of the Audit Committee

The role of the Committee is to assist Council and the CEO to discharge their responsibilities imposed under the Act and other relevant legislation, which includes the requirement to monitor and review the:

- Integrity of the financial documents;
- Internal audit function;
- Effectiveness and objectivity of Council's internal and external auditors (Auditors);
- Effectiveness of Council's internal controls;
- Effectiveness of Council's risk management processes; and
- Council's Procurement Policy.

The Committee's roles and responsibilities also include:

Control and Policies

- Evaluate and monitor the integrity, adequacy and effectiveness of finance, administrative and operating systems, policies and procedures through communication with, and reports from management and Auditors;
- Monitor the standard of corporate governance and ethical considerations;
- Monitor the compliance with statutory, regulatory and policy obligations;
- Review the effective operation of an accounting and financial control and risk environment;
- Review the Internal Audit Plan for the current financial year; and
- Review the progress of the Internal Audit Plan and the implementation of recommendations. With respect to audit recommendations, the internal auditor will follow up each recommendation when the implementation date falls due.

Financial Reporting

- 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;
- Review proposed asset valuation methodology and the final annual asset valuation report;
- Review with management and the external auditors the results of the audit, including any difficulties encountered;
- Review the annual financial report, and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles, standards and regulatory requirements;
- Review with management and the external auditors all matters required to be communicated to the Audit and Risk Committee under generally accepted auditing standards; and
- Review any legal matters which could significantly impact the financial statements.

Internal and External Audit

- Oversee Council's external audit and consider audit findings and management's response to the external auditor's management letter;
- Endorse internal audit plans;
- Review the audit plans of the Auditors and the extent to which planned audit scope can be relied upon to detect weaknesses in internal control, risk, fraud or other illegal acts;
- Review internal audit reports and findings; and
- Review the status of the follow up and the implementation of recommendations made by the Auditors.

Risk Management

- Monitor Council's Enterprise Risk Management (ERM) strategies, policies and procedures;
- Advise on the management of Council's strategic risks. The Committee may identify specific risks for more detailed review and discussion; and
- Seek assurance from those in attendance at meetings and from information presented at meetings that the implementation of the Operational Plan continues to focus on the adequacy and effectiveness of internal controls and the minimisation of risk.

Fraud and Corruption Control

- Review the process of developing and implementing Council's Fraud and Corruption Control Framework and satisfy itself that Council has appropriate processes and systems in place to detect, capture and effectively respond to fraud related information; and
- Review reports on fraud that outline any identified allegations of fraud, the status of any ongoing investigations and any changes to identified fraud related information.

5.0 Member Responsibilities

Members of the Committee are expected to understand and observe the legal requirements of the Act and Regulation.

Members are expected to at all times to:

- Act in the best interests of Council;
- Apply good analytical skills, objectivity and judgement;
- Maintain confidentiality of information and documentation considered by the Committee;
- Express 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 the agenda papers prior to attending meetings;
- Act and make decisions with an open and enquiring mind from their perspective as a Committee member safeguarding the interests of Council;
- Act independently; and
- Exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council in the discharge of their duties and responsibilities.

6.0 Composition

Section 210 of the Regulation specifies that the Committee must:

- a) consist of at least 3 and no more than 6 members; and
- b) must include 2, but no more than 2 councillors appointed by Council; and
- c) at least 1 member who has significant experience and skills in financial matters.

Council will appoint 1 of the Committee members as Chairperson.

Whilst the CEO is not a member of the Committee they may attend meetings of the Committee as required.

7.0 Terms of Membership

Councillors

- Councillor members will be appointed to the Committee for the full Council term unless otherwise removed by a resolution of full Council or acceptance of a resignation.
- In the event of a Councillor resigning their position on the Committee, the full Council will nominate a Councillor to fill the vacant position.

Independent External Member

- Appointment of an external member will be made via a public advertisement; an evaluation of candidates and a recommendation for appointment put to Council, or as otherwise determined by Council. The external member may not be a Council employee or contractor.
- The external member shall be appointed for a maximum term of four (4) years.
- The external member should have significant experience and skills in financial matters and be conversant with the role of internal audit, ERM principles and the financial and other reporting requirements of local governments.
- The evaluation of the potential external member will be undertaken taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills.
- Remuneration will be paid to each external member.
- An external member may be re-appointed; however, they must reapply and follow the selection process.

Committee

- If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.
- The Chairperson shall be appointed by Council.

8.0 Confidentiality

The Committee members are responsible and accountable for maintaining the confidentiality of the information they receive during the conduct of their function.

9.0 Quorum

Section 211(2) of the Regulation requires a quorum of at least half the number of members of the Committee and either the Chairperson shall preside or if the Chairperson is absent, the member chosen by the members present as Chairperson for the meeting presides.

10.0 Meetings and Reporting

- The dates and times of regular meetings of the Committee will be fixed by the Committee and may be amended from time to time by resolution.
- As an indicative guide the Committee should meet at least quarterly with meetings arranged to coincide with relevant Council deadlines, for example, to coincide with the approval of corporate plans, annual plans and budgets, to coincide with engagement of the external auditors and the finalisation of the financial statements.
- Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee or Auditors.
- The Chief Financial Officer shall attend all meetings, except when the Committee chooses to meet in camera. Other members of Council or Council employees may be invited to attend where appropriate at the discretion of the Committee to advise and provide information when required.
- Representatives of the Auditors should be invited to attend all meetings but **must** attend meetings considering the draft Annual Financial Report and results of the External Audit.
- Due to the confidential nature of information and the high level of independence of internal and external audit, Committee meetings may be closed in accordance with s.275 of the Regulation.
- If considered beneficial by the Chairperson of the Committee, additional meetings may be held with internal or external audit. The Chairperson may decide to hold 1 or both of the following meetings:
 - a) A separate meeting may be held by the Audit Committee and the Auditors with no observers present, and/or
 - b) An executive session may be held by the Chairperson with an independent Committee member and the Auditors.

The Chairperson may hold the meetings when considered appropriate. These meetings would be in addition to the normal Committee meetings.

- Appendix 'A' – Standing Agenda Items.

Administrative Support

Council shall provide administrative support to the Committee, including the preparation and distribution of the agenda and the taking of minutes.

Access by Committee

The Committee shall be supplied with information it requires from the CEO or any Council employee delegated by the CEO.

Requests for Council employees and independent experts to attend a Committee meeting to provide information shall be approved by the CEO, CFO or a Director.

The Committee is authorised to obtain independent professional advice where considered necessary, following consultation with the CEO and Council.

Reporting Requirements

Sections 211(1)(c) and 211(4) of the Regulation require a written report about the matters reviewed at a Committee meeting and the Committee's recommendations about the matters to be presented by the CEO at the next Council meeting for consideration and adoption.

The Auditors may be requested to address Council to provide detailed explanations of the issues reported or raised within the Committee meetings. It is imperative that the independence of audit is not compromised or seen to be compromised.

To maintain this high level of independence, it may be necessary to resolve that the Council meeting be closed (in terms of s.275 of the Regulation) when the Auditors addresses Council.

After the Council meeting, the adopted report is to be circulated to all Committee members.

11.0 Relationships

Internal Audit

The Committee will act as a forum for Internal Audit and oversee its planning, monitoring and reporting processes. This process will form part of the governance process that ensures that Council's Internal Audit function operates effectively, efficiently and economically.

External Audit

The Committee has no power of direction over External Audit or the manner in which the External Audit is planned or undertaken, but will act as a forum for the consideration of External Audit findings and will ensure that they are balanced with the views of management.

12.0 Induction of New Members

New members of the 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 practices and culture.

New members will receive relevant information and briefings upon their appointment to assist them to understand and meet their responsibilities under this Terms of Reference. Further training may be available if required.

13.0 Performance Review and Assessment

The Chairperson of the Committee will initiate a review of the performance of the Committee at least every 2 years.

A Committee self-assessment questionnaire will be used to facilitate this review with appropriate input sought from the CEO, Committee members, the ELT, Internal Audit, and any other relevant stakeholders.

Recommendations for enhancement to the role, operational processes or membership of the Committee, will be provided to Council for adoption.

14.0 Conflicts of Interest

Committee members are required to provide written declarations declaring any actual, perceived or potential conflicts of interest that they may have in relation to their responsibilities.

As they arise between meetings, or at the beginning of each Committee meeting, members are required to declare any new or changed actual, perceived or potential conflicts of interest that may apply to specific matters on the meeting agenda.

Where required, the members will be excused from the meeting or from the Committee's consideration of the relevant agenda item(s). Details of actual, perceived or potential conflicts of interest declared by members and action taken will be appropriately recorded.

15.0 Professional Indemnity Insurance

Committee members are provided with professional indemnity insurance as part of Council's Broad Form Liability Cover - Qld Local Government Mutual Liability Pool.



16.0 Review of the Terms of Reference

This Terms of Reference will be reviewed at least annually. This review will include consultation with the Chairperson and the CEO.

Any substantive changes to the Terms of Reference will be formally adopted by the Council on the recommendation of the Committee.

17.0 Legislation Referenced in the Terms of Reference

Local Government Act 2009
Local Government Regulation 2012
Auditor-General Act 2009

Appendix A -

STANDING AGENDA ITEMS

Agenda Item	Topic	Speaker / Presenter
1	Welcome and apologies	Chairperson
2	Actual, perceived or potential conflict of interest declarations	Chairperson
3	Confirmation of minutes from previous meeting	Chairperson
4	External Audit Report (if applicable)	External Audit
5	Internal Audit Report (if applicable) and review of Internal Audit Plan	Internal Audit
6	Report on implementation of audit issues	CFO
7	Quarterly key focus item	As per table below
8	Risk management	CFO
9	Policy reviews	CFO
10	General business	Committee
11	Confirm Committee schedule	Chairperson
12	Close	Chairperson

Meeting schedule	Quarterly key focus item	Presenter
October	Review of financial statements and recommendation to sign management letter.	CFO
December	Review of Committee performance.	Chairperson
April	Review of insurance policies and preparation of questionnaires.	CFO
July	Review of accounting position papers and preparation of financial statements.	CFO

6. COMMUNITIES REPORT

6.1 - Longreach Regional Council Regional Arts Development Fund Advisory Committee

6. Communities Report

6.1 Longreach Regional Council Regional Arts Development Fund Advisory Committee

Consideration of the re-appointment of Committee members for the Regional Arts Development Fund (RADF) Advisory Committee.

Council Action

Deliver

Applicable Legislation

Local Government Act 2009

Local Government Regulation 2012

Policy Considerations

Advisory Committee Policy 2.31

Corporate and Operational Plan Considerations

OUR LEADERSHIP	
Corporate Plan Outcome	
5.2	Informed and considered decision making based on effective governance practices

Budget Considerations

NIL

Previous Council Resolutions related to this Matter

7.1 Longreach Regional Council - Regional Arts Development Fund Advisory Committee

Consideration of the re-appointment of Committee members for the Regional Arts Development Fund (RADF) Advisory Committee.

(Res-2020-04-001)

Moved Cr Smith seconded Cr Martin

In accordance with section 264 of division 2 of the Local Government Regulation 2012, that Council:

- hereby appoints the following persons as members of the Longreach Regional Council Regional Arts Development Fund Advisory Committee:
Cr Tracy Hatch Nominated Cr Smith
Cr Leonie Nunn Nominated Mayor Rayner and;*
- adopts the Terms of Reference, as presented, for the Longreach Regional Council Regional Arts Development Fund Advisory Committee.*

CARRIED

6. COMMUNITIES REPORT

6.1 - Longreach Regional Council Regional Arts Development Fund Advisory Committee

Officer Comment

Responsible Officer/s: *Abby Lewis – Customer Service Coordinator*

Background:

The Regional Arts Development Fund (RADF) is a partnership between State and Local Governments which invests in quality arts and cultural experiences across Queensland based on locally determined priorities. RADF promotes the role and value of arts, culture and heritage as key drivers to: support diversity and inclusivity; grow strong regions; and provide training, education and employment opportunities for Queensland artists and local communities.

Issue:

The Regional Arts Development Fund Committee is an Advisory Committee of Council, which consists of six (6) community members, two (2) Councillors and Council representatives, in accordance with the group's Terms of Reference.

The purpose of the Committee is to provide advice to Council to:

- Support and assist Council to develop and implement strategic initiatives in Arts and Cultural activities and services in the Region;
- Provide a forum for consultation between professional artists and arts workers, including those working in a cultural development context, to practise originality and innovation in the development of quality arts and community participatory activities and initiatives;
- Assess applications received by Council for the RADF Funding Rounds and make recommendations to Council regarding these applications;
- Facilitate efforts to identify the Arts and Cultural needs through the Longreach region and means of meeting those needs;
- Provide advice to Council on the Arts and Cultural Strategic landscape;
- Bring issues of concern or need to the attention of Council on the Arts and Cultural Strategic landscape; and
- Support innovation and sense of place.

The Committee may decide its meeting frequency, location and order of business for meetings. The Committee is not constrained to meet on a regular timetable, however a minimum of two (2) meetings a year must be held. Funding cycles for RADF is September – September each year.

Current Committee members are:

- Mrs Sheila Back Chairperson, Ilfracombe
- Cr Leonie Nunn Deputy Mayor
- Cr Tracy Hatch Councillor
- Mrs Susan Glasson Yaraka
- Mrs Rowena Arthur Longreach
- Mrs Elizabeth Clark Longreach
- Mrs Sue Pratt Longreach
- Mr Bill Parker Longreach

6. COMMUNITIES REPORT

6.1 - Longreach Regional Council Regional Arts Development Fund Advisory Committee

Council Representatives:

- Miss Abby Lewis Customer Service Coordinator

Risk Management Factors:

This matter has been assessed using Council's Risk Matrix to decide the likelihood and consequence of any risk to Council:

Likelihood: Rare

Consequence: Rare

Rating: Rare

Other Comments:

N/A

Appendices

1. RADF - Terms of Reference [↓](#)

Recommendation:

That Council, in accordance with section 264 of division 2 of the Local Government Regulation 2012, appoints the following Councillors as members of the Longreach Regional Council Regional Arts Development Fund Advisory Committee:

Cr <insert name>

Cr <insert name>



**Longreach
Regional Council**
Ilfracombe Isisford Longreach Yaraka

Longreach Regional Council

Regional Arts Development Fund Terms of Reference

DOCUMENT CONTROL

Prepared by Donna Rowlands
Title Community and Youth Development Officer
Version 1.0
Version date March 2020

Version No.	Date	Changed by	Nature of amendment
1	20/03/2020	Donna Rowlands	Version 1. Draft
2	20/03/2020	Donna Rowlands	Council 2020-04-15

1. Advisory Committee Title

**Regional Arts Development Fund (RADF) Committee
Longreach Regional Council.**

2. Interpretation

For the purpose of these Terms of Reference:

RADF	Regional Arts Development Fund
Member	a member of the RADF Committee
Council	Longreach Regional Council
CEO	Chief Executive Officer of Longreach Regional Council
DCCS	the Director of Community and Cultural Services of Longreach Regional Council
RADF Officer	Community and Youth Development Officer

3. Status of Committee

This is an Advisory Committee of Council constituted in accordance with the *Local Government Act 2009* and *Local Government Regulations 2012*. The Committee is responsible for providing advice and recommendations to Council in accordance with the Committee's Purpose.

4. Code of Conduct

- a) All members of the Committee are required to observe the provisions of the Longreach Regional Council Code of Conduct and any other policy or requirements applicable to the proper functioning of the Committee;
- b) Committee members must act in good faith, with integrity and professionalism. Committee members must:
 - Treat all persons with respect, have regard for the opinions and beliefs of others and work collaboratively to create an open and trusting environment;
 - Put personal agendas aside and provide advice for the greater good of the Longreach Region community;

- Represent and commit to the value of the committee;
 - Actively participate and engage in the work of the committee;
 - Be punctual, well prepared and timely with responses and follow through;
 - Be realistic about what can be achieved; and
 - Have a strong focus on outcomes.
- c) It is essential for committee members to accept collective responsibility and remain loyal to decisions of the Committee, even where they may not have agreed with the final decision.

5. Purpose

The Regional Arts Development Fund Committee is an Advisory Committee of Council. The purpose of the Committee is to provide advice to Council to:

- a) Support and assist Council to develop and implement strategic initiatives in Arts and Cultural activities and services in the Region;
- b) Provide a forum for consultation between professional artists and arts workers, including those working in a cultural development context, to practise originality and innovation in the development of quality arts and community participatory activities and initiatives;
- c) Assess applications received by Council for the RADF Funding Rounds and make recommendations to Council regarding these applications;
- d) Facilitate efforts to identify the Arts and Cultural needs through the Longreach region and means of meeting those needs;
- e) Provide advice to Council on the Arts and Cultural Strategic landscape;
- f) Bring issues of concern or need to the attention of Council on the Arts and Cultural Strategic landscape; and
- g) Support innovation and sense of place.

6. Formation of Advisory Committee

Nominations for Membership:

- a) Longreach Regional Council Director of Community and Cultural Services or delegate will determine the most appropriate representation, skill set and knowledge base required of a Regional Arts Development Fund Committee member;
- b) The selection of the membership will involve calling for nominations. An advertisement will be placed in the local media and on Council's website. Specific representatives may be invited to nominate;
- c) All applicants for membership must apply by completing the appropriate nomination form which will require applicants to address the stated criteria for membership; and
- d) All nominations of potential members will be assessed by the Longreach Regional Council Director of Community and Cultural Services or delegate with a report presented to Council with a

recommendation for appointment of members for the Regional Arts Development Fund for Council approval.

7. Membership

Membership of the Committee shall be comprised of -

- a) Two Councillors from Longreach Regional Council;
- b) Six (6) representatives from the Longreach region;
- c) Council's RADF Liaison Officer as Committee Clerk;
- d) Council's Director of Community and Cultural Services as an observer;
- e) In addition to the above Members, the Committee may also invite additional participants to the Committee to provide information and advice relevant to the Committee's purpose; and
- f) If a member of the committee was to resign during the term of office, the committee can function as normal so long as a meeting quorum can be met. This can occur until a replacement is found.

8. Term of Office

- a) Membership of the Committee shall be twenty-four (24) months;
- b) Council will advertise in the local newspaper and on its website for nominations for membership of the Committee. Applications must be submitted in writing;
- c) Recommendations for membership will be approved by Council resolution;
- d) Members have a responsibility to attend meetings of the Committee, contribute to discussion and vote on matters before the Committee;
- e) When a Committee member is absent from two (2) consecutive meetings without an apology to the Chair, their appointment will lapse. Council will inform them of the lapse of membership and the Council will fill their position on the Committee in the normal manner;
- f) Any Committee Member wishing to resign from the Committee shall do so in writing;
- g) Members may be replaced at any time by resolution;
- h) Replacement members may be sought in the event of vacancy by a new or prior expression of interest process or advertised accordingly; and
- i) A replacement member will fill the vacant position to the end of the prior member's term.

9. Chairperson

The Chair of the Committee shall be elected by the Members at a duly constituted meeting. The Chair shall continue in the position until he/she resigns or the Committee, by way of a vote at a duly constituted meeting, elects a replacement.

The role of Chair is to:

- a) Coordinate the decision-making process of the RADF committee;
- b) Communicate issues between the community and committee;

6.1 - Longreach Regional Council Regional Arts Development Fund Advisory Committee -- Appendix 1

- c) Interact with the RADF Officer and DCCS on administration and operational issues of the committee;
and
- d) Confer with the RADF Officer and DCCS regarding matters of interest to RADF committee.

10. Procedures

- a) Meeting Quorum is half of appointed members, plus one;
- b) The RADF committee is constituted under section 265 of the Local Government Regulation 2012 as an Advisory Committee;
- c) Meeting Notices shall be circulated at least 10 days prior to the Meeting. Minutes shall be kept, and shall be tabled at the next scheduled Council Meeting for consideration;
- d) The Committee does not hold any authority to commit Council to a particular course of action, or to incur expenditure on behalf of Council. As such, the Committee may pass resolutions “recommend[ing] to Longreach Regional Council ...” for actions or outcomes that it decides should occur;
- e) The Committee may decide its meeting frequency, location and order of business for Meetings. The Committee is not constrained to meet on a regular timetable, however a minimum of two (2) meetings a year must be held;
- f) The Committee must observe all other statutory requirements incumbent on Council for the holding of Meetings; and
- g) Members of the committee who are not Councillors or Council employees are eligible for remuneration under Council’s Advisory Committee Policy 2.31.

11. Review of the Terms of Reference

- a) This Terms of Reference will be reviewed at least annually. This review will include consultation with the Chairperson, DCCS and the CEO; and
- b) Any substantive changes to the Terms of Reference will be formally adopted by the Council on the recommendation of the Committee.

12. Confidentiality and Privacy

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information. Should a member become aware of any breach of the security or misuses of Council’s confidential or personal information please contact the Director of Community and Cultural Services.

6.1 - Longreach Regional Council Regional Arts Development Fund Advisory Committee -- Appendix 1

All members of the Council's Committees are required to observe the provisions of the Local Government Act 2009 and Local Government Regulation 2012.

13. Media

- a) Committee Members are not to speak to the media in their capacity as members; and
- b) Council's media protocol determines the personnel permitted to speak to the members on behalf of Council and the RADF committee.

**LONGREACH REGIONAL COUNCIL
SPECIAL MEETING AGENDA**

7. Closure of Meeting

**LONGREACH REGIONAL COUNCIL
SPECIAL MEETING AGENDA**

Local Government Act 2009 – Principles

Local government is required to adhere to the following high level principles contained in *section 4 of the Local Government Act*:

The **local government principles** are:

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

Decisions, Based On Recommendations, Provide For The Following Council Actions:

Recognise There is an issue and Council recognises that but usually can't do much about it. Financial cost (no cost).

Advocate Council will take up the issue on behalf of the community and usually get someone else to do something about it (some cost/minimal cost).

Partner Council partners with another organisation/agency to jointly do something about the issue (half cost).

Deliver Council is the deliverer of the program/solution, usually funds it etc. This is normally a standard Council responsibility in service delivery (full cost).

Council's risk management processes are based around the following principles:

Risk Identification: Identify and prioritise reasonably foreseeable risks associated with activities, using the agreed risk methodology.

Risk Evaluation: Evaluate those risks using the agreed Council criteria.

Risk Treatment / Mitigation: Develop mitigation plans for risk areas where the residual risk is greater than our tolerable risk levels.

Risk Monitoring and Reporting: Report risk management activities and risk specific information in accordance with the risk protocols.

The Risk Matrix below is used to assess the likelihood and consequence of any risk to Council, to then identify any necessary treatment actions. This matrix will also be used to assess any risk identified in Council's reports:

	Consequence				
Likelihood	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	Medium 5	High 10	High 15	Extreme 20	Extreme 25

**LONGREACH REGIONAL COUNCIL
SPECIAL MEETING AGENDA**

5					
Likely 4	Medium 4	Medium 8	High 12	High 16	Extreme 20
Possible 3	Low 3	Medium 6	Medium 9	High 12	High 15
Unlikely 2	Low 2	Low 4	Medium 6	Medium 8	High 10
Rare 1	Low 1	Low 2	Medium 3	Medium 4	Medium 5