



# **SOUTHERN DOWNS REGIONAL COUNCIL GENERAL MEETING OF COUNCIL**

## **LATE AGENDA ITEMS**

**Wednesday, 27 May 2020**





ORDER OF BUSINESS:

11. CORPORATE SERVICES REPORTS ..... 1


11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's,  
Advisory Committees and Other Committees Policy, Councillors  
Acceptable Requests Guidelines and Entertainment & Hospitality  
Expenditure Policy ..... 1



## 11. CORPORATE SERVICES REPORTS

### 11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's, Advisory Committees and Other Committees Policy, Councillors Acceptable Requests Guidelines and Entertainment & Hospitality Expenditure Policy

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 27 May 2020
	Governance, Risk And Land Coordinator Manager Corporate and Commercial Services	<b>ECM Function No/s:</b> 04.12

#### Recommendation

THAT Council adopt the attached revised policies, noting that the implementation of Council's Standing Committees will commence from 1 July 2020:

- a. Council Meetings Policy;
- b. Councillor Portfolio's, Advisory Committee and Other Committees Policy, noting amendments to reflect the inclusion of Councillors to Other Committees per report 10.2 of this meeting;
- c. Councillors Acceptable Requests Guidelines; and
- d. Entertainment and Hospitality Expenditure Policy.

#### Report

Upon the commencement of each term of Council, all policies are to be reviewed within the first 6 months of the quadrennial election. This report includes the first suite of policies that have undergone review and are presented for Council adoption.

At the General Meeting held on 29 April 2020, Council resolved to appoint Councillors to Portfolios, External and Internal Organisations and also position of chairperson for the two (2) Standing Committees, (listed below). In order to implement Council's resolution, a number of policy amendments were required. As a result, the following Council policies have been reviewed and amended:

- Council Meetings Policy;
- Councillor Portfolio's, Advisory Committee and Other Committees Policy;
- Councillors Acceptable Requests Guidelines; and
- Entertainment and Hospitality Expenditure Policy.

General Meeting held on 29 April 2020, Council resolved as follows:

1. Adopt the following Standing Committees and appoint the Chairpersons to those Committees:-

<b>Standing Committee Reporting to the General Meeting</b>	<b>Councillor Chairperson</b>
Infrastructure and Executive Committee	Deputy Mayor Cr Ross Bartley
Sustainable Development, Corporate and Community Services Committee	Cr Cameron Gow

2. Adopt the following Councillor Portfolios which will report to the respective Standing Committee, and appoint the following Councillors to those Portfolios:-

<b>Standing Committee</b>	<b>Councillor Portfolio</b>	<b>Portfolio Councillor/s</b>
Infrastructure and Executive Committee	• Engineering, Infrastructure and Financial Services	Deputy Mayor Cr Ross Bartley
	• Asset Management	Cr Jo McNally
	• Parks & Open Space, Transport and Information Technology	Cr Andrew Gale
	• Water, Tourism, Audit and Risk Management	Cr Stephen Tancred
Sustainable Development, Corporate and Community Services	• Environmental, Waste, Sustainability and Disaster Management	Cr Cameron Gow
	• Community Services, Towns and Villages, Disaster Recovery	Cr Sheryl Windle
	• Sport and Recreation, Events, Culture and the Arts	Cr Marco Giori
	• Agriculture and Corporate and Commercial Services	Cr Cynthia McDonald
	• Planning and Prosperity, Executive Services, Youth Development, Tourism, Disaster Management and Media and Communications	Mayor Vic Pennisi

3. Appoint the following Councillors to external and internal organisations, advisory groups and committees:

<b>Organisation/Committee</b>	<b>Councillor/s</b>
Border Regional Organisation of Councils	Cr Andrew Gale
Southern Queensland Country Tourism	Cr Stephen Tancred
Audit and Risk Management Committee	Cr Jo McNally Cr Stephen Tancred
Southern Downs Youth Council	Mayor Vic Pennisi Cr Sheryl Windle
Warwick Art Gallery and Stanthorpe Art Gallery	Cr Jo McNally Cr Marco Giori

Warwick Shire River Improvement Trust	Cr Ross Bartley Cr Stephen Tancred
Stanthorpe Shire River Improvement Trust	Cr Stephen Tancred Cr Ross Bartley
Pest Management Advisory Committee	Cr Cameron Gow Cr Cynthia McDonald
Saleyards Advisory Committee	Cr Marco Giori Cr Cynthia McDonald
Environmental Sustainability Advisory Group	Cr Cameron Gow
Regional Arts Development Fund Committee	Cr Jo McNally Cr Marco Giori
Southern Downs Road Safety Advisory Committee	Cr Andrew Gale Cr Ross Bartley
Shaping Southern Downs Advisory Committee	Cr Vic Pennisi Cr Marco Giori
Warwick Women's Work Camp	Cr Sheryl Windle Cr Marco Giori
Grants to Community Committee	Cr Sheryl Windle Cr Jo McNally
Headspace	Cr Sheryl Windle Cr Andrew Gale

The proposed policy amendments were presented to Councillors at an Information Session held on 25 May 2020 and further amendments were made following Councillors feedback at this session (refer to highlighted sections).

### **Budget Implications**

Nil

### **Policy Consideration**

All Council policies must be reviewed within six months of each quadrennial election.

### **Community Engagement**

Nil

### **Legislation/Local Law**

Council Meeting's Policy, Councillors Acceptable Requests Guidelines and Entertainment and Hospitality Expenditure Policy are required in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*. The specific legislative requirements are outlined within the individual policies.

### **Attachments**

1. Council Meetings Policy [↓](#)
2. Councillor Portfolio's, Advisory Committee and Other Committees Policy [↓](#)
3. Councillors Acceptable Requests Guidelines [↓](#)
4. Entertainment and Hospitality Expenditure Policy [↓](#)



# ~~Council Meetings Policy~~ Council

## Meetings Policy

<b>Policy Number:</b>	PL-EX036
<b>Department:</b>	Corporate <del>and Commercial</del> Services
<b>Section:</b>	Governance
<b>Responsible Manager:</b>	Manager Corporate <del>and Commercial</del> Services
<b>Date Adopted:</b>	22 May 2013
<b>Date to be Reviewed:</b>	<del>3 December 2019</del> <u>26 May 2021</u>
<b>Date Reviewed:</b>	<del>3 December 2018</del> <u>27 May 2020</u>
<b>Date Rescinded:</b>	N/A

### REVISION RECORD

Date	Version	Revision description
27/04/2016	1	Amended as per <del>C</del> council resolution of 27 April 2016 meeting.
03/12/2018	2	Council's Code of Meeting Practice Policy renamed Council Meetings Policy which incorporated amended content from the DLGRMA's Model Meetings Procedures and amended content from Council's Code of Meeting Practice Policy.
<u>14/05/2020</u>	<u>3</u>	<u>Amended to incorporate provisions relating to Standing Committees and remove Briefing Sessions.</u>

**Council Meetings Policy**

Policy no: PL-EX036

Updated: ~~3 December 2018~~ 27 May 2020

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## 1 Purpose

The purpose of the Council Meeting Policy is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government statutory meetings, ~~(including General Ordinary, Committee and Special Meetings) and Local Government Briefing Sessions.~~

It is not intended that this Policy ~~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 in meetings.

## 2 Scope

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

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

## 3 Legislative Context

– Various sections of the *Local Government Act 2009* ~~LGA~~ and *Local Government Regulation 2012* ~~(the LGR)~~ as referenced in ~~this~~ Policy.



## 4 Policy Details

### Meeting Framework

#### 4.1

##### 4.1.1 Types of Meetings

In order to fulfil the Local Government Principles, per section 4 of the LGA, Council conducts a holds a range of different meetings, and the intent of these various meetings is different which enables open and transparent discussions to make the best decisions for the community.

There are five possible types of The types of meetings each month that Councillors are required to attend include:

##### Statutory Meetings

- Ordinary Council Meeting
- Committee Meeting
- Special Council Meeting

##### Other Meetings (Non-Statutory)

- Professional Development/Councillor Discussions/Workshops

The intent of these meetings are:

- Ordinary Council Meeting – for Council to make decisions via resolutions on matters to ensure it discharges its responsibilities under the LGA and to achieve its Corporate Plan.
- Committee Meeting – enables recommendations relevant to the particular Committee's functions for consideration at the Ordinary Council Meeting.
- Special Council Meetings - for Council to make decisions outside of the normal meeting cycle via resolutions on matters to ensure it discharges its responsibilities under the LGA and to achieve its Corporate Plan.
- Professional Development/Councillor Discussions/Workshops – for pre-arranged training, or educational workshops, Councillor planning sessions.

#### 4.2 Meeting Conduct

##### 4.2.1 Mobile phone usage

Council acknowledges that the matters it considers can be complex and requires attentiveness, therefore Council does not allow the use of mobile phones during Statutory meetings.

#### **4.1 4.2.2 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting**

When dealing with an instance of unsuitable conduct by a Councillor in an ~~an meeting~~Ordinary Committee meeting or ~~briefing session~~Special Meeting, the following procedures must be followed:

**4.1.2.1.** The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.

**4.1.3.2.** If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must 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, refer to 4.1.8 for the steps to be taken.

**4.1.4.3.** If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:

- a.** Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct.
- b.** Apologising for their conduct.
- c.** Withdrawing their comments.

**4.** If the Councillor complies with the Chairperson's request for remedial action, no further action is required.

**5.** If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

**6.** If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

**7.** If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one or more of the orders below:

**8.** ~~An~~ order reprimanding the Councillor for the conduct

**9.** ~~An~~ order requiring the Councillor to leave the meeting ~~or briefing session~~, including any area set aside for the public and stay out for the duration of the meeting.

**10.** If the Councillor fails to comply with an order to leave and stay away from the meeting ~~or briefing session~~, the Chairperson can issue an order that the Councillor be removed from the meeting ~~or briefing session~~ by an appropriate officer. The meeting ~~or briefing session~~ must be adjourned whilst the Councillor is being removed.

**11.** Following the completion of the meeting, the Chairperson must ensure:

- a.** ~~D~~etails of any order issued is recorded in the minutes of the meeting.
- b.** If it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA.

**12.** The Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

**13.** Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 4.1.2, 4.1.8 and 4.1.9 above.

### **4.2.3 Meeting process for dealing with suspected Inappropriate Conduct which has been referrals**

#### **4.2 — ed to a Local Government**

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under ~~this paragraph 4.1.10.2 of section of this the document Policy~~ of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

In accordance with section 8 of Council's Investigations Policy, should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Independent Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this Investigations Policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, (either following the investigation or upon disagreement with any recommendation on the referral notice) the Local Government must:

**4.2.1.** Be consistent with the Local Government principles of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the ~~Local Government Regulation 2012 (the LGR)~~.

**4.2.2.** When deliberating on the issue, the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures ~~in Section at item 4.4 of this Policy~~.



**4.2.33.** The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.

**4.** In accordance with section 150AH of the LGA, if the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:

- a. An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct.
- b. An order reprimanding the Councillor for the conduct.
- c. An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense.
- d. An order that the Councillor be excluded from a stated Local Government meeting.
- e. An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct.
- f. An order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.

#### **4.2.4**

- an order that the Councillor make a public admission that the Councillor has engaged in inappropriate 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 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 inappropriate conduct.
- A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:

- The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
- How a person or other entity stands to gain the benefit or suffer the loss
- If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.

~~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.~~

~~If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.~~

~~4.2.55.~~ When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was ~~admitted~~, admitted or not challenged and that the Local Government is reasonably satisfied is true.

~~4.2.66.~~ 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.

~~The Local Government must ensure the meeting minutes reflect the resolution made.~~

~~7.~~

It is noted that as per section 150L (2) of the LGA, the conduct of a Council is misconduct if the conduct:

- a. Is part of a course of conduct leading to the Local Government deciding to take action under section 150AG of the LGA to discipline the Councillor for inappropriate conduct on three (3) occasions within a period of one (1) year; or
- b. Is of the same type stated in an order of the Local Government that if a Councillor engages in the same type of conduct again, it will be dealt with as misconduct.

## 4.3 Material Personal Interest

As per section 175B of the LGA:

~~(1)~~1. A councillor has a material personal interest in a matter if any of the following stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of the matter:—

~~a.~~

~~(a)~~1 the councillor;

~~(b)~~2 A spouse of the ~~c~~Councillor;

~~b.~~

~~(c)~~3 A parent, child or sibling of the ~~C~~councillor;

~~c.~~

~~(d)~~4 A person who is in a partnership with the ~~e~~Councillor;

~~d.~~

~~(e)~~5 An employer, other than a government entity, of the ~~C~~councillor;

~~e.~~

~~(f)~~6 An entity, other than a government entity, of which the Councillor is a member;

~~f.~~

~~(g)~~7 Another entity prescribed by regulation.

~~(2)~~2. However, a Councillor does not have a material personal interest in the matter if the Councillor, or another person or entity mentioned in subsection (1), stands to gain a benefit or suffer a loss that is no greater than that of other persons in the local government area.

~~(3)~~3. Subsection (1) ~~(c)~~ only applies to a Councillor if the Councillor knows, or ought reasonably to know, that the Councillor's parent, child or sibling stands to gain a benefit or suffer a loss.

Councillors are ultimately responsible for the timely advice of a material personal interest on matters to be discussed at a ~~Council~~ meeting or ~~briefing session~~ ~~Committee meeting~~. When dealing with a material personal interest, Councillors must abide by the following procedures:

1. A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:

a. The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting.

b. How a person or other entity stands to gain the benefit or suffer the loss.

- c. If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
2. The Councillor must then leave the place of the meeting and ~~stay away~~ remain absent while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
3. 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.
4. If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
5. The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 4.3.1.
6. In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
  - a. The Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
  - b. If Council decides not to delegate to the Mayor or CEO under section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
7. Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - a. The name of the Councillor who has a material personal interest in the matter.
  - b. The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest.
  - c. Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.



~~The Chairperson should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 4.3.1.~~

~~In the event the majority of Councillors inform a meeting or Briefing Session of a material personal interest regarding a matter:~~

~~the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or~~

~~if the matter cannot be delegated under section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.~~

~~Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:~~

~~The name of the Councillor who has a material personal interest in the matter~~

~~The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest.~~

~~Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.~~

## 4.4 Conflict of Interest

As per section 175D of the LGA:

- ~~(1) 1. A conflict of interest is a conflict that:—~~  
~~(a) a. is between:—~~  
~~(i) A a councillor's personal interests; and~~  
~~(ii) T the public interest; and~~  
~~—(b) m Might lead to a decision that is contrary to the public~~  
~~b. interest.~~

- ~~(2) 2. However, a councillor does not have a conflict of interest in a~~



matter:—

(a) ~~a.~~ ~~m~~Merely because of:—

- (i) ~~a~~An engagement with a community group, sporting club or similar organisation undertaken by the Councillor in the councillor's capacity as a Councillor; or
- (ii) ~~M~~membership of a political party; or
- (iii) ~~M~~membership of a community group, sporting club or similar organisation if the Councillor is not an office holder for the group, club or organisation; or
- (iv) ~~T~~he Councillor's religious beliefs; or
- (v) ~~T~~he Councillor having been a student of a particular school or the Councillor's involvement with a school as a parent of a student at the school; or

~~b.~~ ~~(b.)~~ ~~I~~f the councillor has no greater personal interest in the matter than that of other persons in the local government area.

(3) ~~3.~~ Also, a Councillor who is nominated by the local government to be a member of a board of a corporation or other association does not have a personal interest in matters relating to the corporation or association merely because of the nomination or appointment as a member.

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council meetings or ~~briefing sessions~~ ~~Committee meeting~~ (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:

1. A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:

a.

The nature of the interest.

b. If the Councillor's/Councillors personal interest arises because of the Councillor's/Councillors relationship with, or receipt of a gift or benefit from, another person:

(i) ~~T~~he name of the other person;

(ii) ~~T~~he nature of the relationship or value and date of receipt of the gift or benefit received; and

(iii) ~~T~~he nature of the other person's interests in the matter.

2. The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.

3. The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E (4) of the LGA as to whether another Councillor may stay in the meeting.
4. If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
5. If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
6. When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
  - a. The size or significance of the benefit the subject Councillor stands to receive or benefit.
  - b. The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision.
  - c. The closeness of any relationship the subject Councillor may have with a given person or group.
7. In making the decision under 4.4.68, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
8. If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
9. The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 4.4.1.
10. In the event the majority of Councillors inform of a personal interest in a matter:
  - a. The Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, or
  - b. if Council decides not to delegate the matter cannot be delegated to the Mayor or CEO under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
11. Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - a. The name of the Councillor who has declared the conflict of interest.
  - b. The nature of the personal interest, as described by the Councillor.
  - c. The decisions made under items 4.4.3 and 4.4.5 above.
  - d. Whether the Councillor participated in the meeting under an approval by the Minister.

e. If the Councillor voted on the matter, how they voted.

f. How the majority of Councillors voted on the matter.

~~A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:~~

~~The nature of the interest~~

~~If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:~~

~~the name of the other person~~

~~the nature of the relationship or value and date of receipt of the gift or benefit received, and~~

~~the nature of the other person's interests in the matter.~~

~~The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.~~

~~The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E (4) as to whether another Councillor may stay in the meeting.~~

~~If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.~~

~~If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.~~

~~When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:~~

~~The size or significance of the benefit the subject Councillor stands to receive or benefit~~

~~The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision~~

~~The closeness of any relationship the subject Councillor may have with a given person or group.~~

~~In making the decision under 4.4.8, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).~~



~~If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.~~

~~The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 4.4.1.~~

~~In the event the majority of Councillors inform of a personal interest in a matter:~~

~~the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, or~~

~~if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.~~

~~Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:~~

~~The name of the Councillor who has declared the conflict of interest~~

~~The nature of the personal interest, as described by the Councillor~~

~~The decisions made under 4.4.3 and 4.4.5 above~~

~~Whether the Councillor participated in the meeting under an approval by the Minister~~

~~If the Councillor voted on the matter, how they voted~~

~~How the majority of Councillors voted on the matter.~~

## 4.5 Closed Meetings

In accordance with section 275 of the LGR, Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- a. Appointment, dismissal or discipline of employees;
- b. Industrial matters affecting employees;
- c. Local Government's budget;
- d. Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government;
- e. Any action to be taken by the Local Government under the *Planning Act 2016* (the *PA*), including applications made to it under the *PA*;
- f. Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or Committee must not make a resolution (other than procedural) in a closed session meeting. 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. Council cannot resolve under section 275 of the ~~Regulation LGR~~ that a meeting at which a proposed expenses reimbursement policy is discussed, including its adoption or amendment, be closed. ~~(section 252 LGR).~~

1. To take an issue into a closed session, the Local Government must first pass a resolution to do so.
2. In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
4. The minutes of a Local Government must detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

#### **4.6 Post-election meetings (s175 (1) LGA)**

1. Council must hold a meeting within fourteen (14) calendar days after:
  - a. The conclusion of each quadrennial election; and
  - b. The conclusion of a fresh election of its Councillors.
2. Council 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.

## 5 Definitions

5

Term	Meaning
Amendment	In relation to an original motion, means a motion moving an amendment to that motion.
Chairperson	(a) In relation to a meeting of a Council – means the person presiding at the meeting, and (b) In relation to a meeting of a cCommittee of a Council – means the person presiding at the <u>meeting</u> .
Committee	In relation to a Council, means a cCommittee established under <u>clause section</u> 61 of the <u>Regulation LGR</u> or the Council when it has resolved itself into a cCommittee of the whole.
<u>Conflict of Interest</u>	<u>See section 175D of the LGA.</u>
Councillor	Includes a member of the governing body of a <u>county</u> Council.
<u>Inappropriate conduct</u>	<u>See section 150K of the LGA.</u>
LGA	<u>M</u> means the <i>Local Government Act 2009</i> .
LGR	<u>M</u> means the <i>Local Government Regulation 2012</i> .
Local government meeting	<u>m</u> Means a meeting of:— (a) <u>a</u> A local government; or (b) <u>A</u> a committee of a local government.
<u>Misconduct</u>	<u>See section 150L of the LGA.</u>
<u>Perceived Conflict of Interest</u>	<u>See section 175D and 175E of the LGA.</u>
Relative	In relation to a person, means any of the following: (a) <u>t</u> The parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner, (b) <u>t</u> The spouse or de facto partner of the person or of a person referred to in paragraph (a).

## 6 Related Documents

- Councillors Investigations Policy

Council Meetings Policy

Policy no: PL-EX036

Updated: 27 May 2020 ~~December 2018~~

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## **7 References**

- Department of Local Government, Racing and Multicultural Affairs Model Meeting Procedures,  
(October 2018) (and as amended).

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## 8 Appendix A - Meeting Procedures

### 8.1 ~~Before~~ Frequency and Notice of Council Meetings

#### Frequency of Meetings (s257 LGR)

##### *How often does the Council meet?*

The Council will meet once a month as per section 257 of the ~~Regulation~~ LGR.

##### *Dates*

- 1) ~~Ordinary Council meetings are helds~~ at ~~9:00am~~ on the fourth ~~Wednesday~~ Thursday of each month.
- 2) The Sustainable Development, Corporate and Community Services Committee meetings are held at 9:00am on the Monday in the week prior to the Ordinary meeting each month.
- 3) The Infrastructure and Executive Committee meetings are held at 9:00am on the Tuesday in the week prior to the Ordinary meeting each month.
- 4) ~~—~~
- 2) 4) Council adopts an annual schedule of dates for Council meetings.
- 3) 5) Any change from the date or commencement time of a Council meeting shall be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.
- 4) 6) Special meetings of Council will be held as and when required.
- 5) 7) Meeting dates for new year will be decided ~~in~~ at the December meeting.
- 6) 8) Section 256 (1) of ~~T~~ the Regulation LGR states that the local government must consider at a post-election meeting the day and time for holding other meetings.

#### Notice of Ordinary Meetings to Councillors (s258 LGR)

- 1) Written notice of each Ordinary meeting or adjourned Ordinary meeting of the Council will be given to each Councillor at least four (4) calendar days before the day of the Ordinary meeting unless it is impracticable to give the notice.
- 2) ~~—~~ The written notice will state :
  - a) 2) ~~the~~ the day and time of the meeting; ~~and~~
  - b) ~~for a special meeting—the object of the meeting.~~



~~A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.~~ **Notice of Committee Meetings to Councillors (s258 LGR)**

- 1) Written notice of each Committee meeting or adjourned Committee meeting of the Council will be given to each Councillor at least four (4) calendar days before the day of the Committee meeting unless it is impracticable to give the notice.
- 2) The written notice will state the day and time of the meeting.

~~C.~~

**Notice for of Special Meeting Meetings to Councillors (s258 LGR)**

- 1) If the Mayor receives a request in writing signed by at least three (3) Councillors, the Mayor must call a Special meeting of the Council to be held as soon as practicable but in any event within **fourteen (14) calendar days** after receipt of the request.
  - 2) The Mayor or **Chief Executive Officer (CEO)** may call a Special meeting of the Council to be held as soon as practicable. The Mayor or CEO will notify the Councillors at least two (2) calendar days prior to the Special meeting being held.
- The written notice will state the day and time of the meeting and the object of the meeting.

3) \_\_\_\_\_

#### **Public Notice of Meetings (s277 LGR)**

- 1) In January each year, Council shall publish in local newspapers the days and times of its general Ordinary and Committee meetings.
- 2) Council shall display in its community-contact customer service centres a notice of the days and times when its meetings will be held.
- 3) Council shall publish any amendment to the timetable of its meetings via local newspapers and notices will be updated as necessary.
- 4) Councillors will be provided with a list of the items to be discussed at a meeting at the time the agenda for the meeting is made available to them.
- 5) The above list of items will be published on Council's website.
- 6) The local government may publish the list of items to be discussed at a meeting, including any details or documents relating to an item, on the local government's website.

#### **Place of Meetings (s257 (3) LGR)**

- 1) All Council meetings are to be held at one of Council's public offices.
- 2) Council may resolve to hold a particular meeting in a place other than Council's public offices.

#### **Recording of Meetings**

- 1) Council will record, in both audio and video, its Ordinary meetings, Committee meetings, Special meetings and Post-Election meeting for the periods that they are open to the public only. The recordings will be made available to the public live during the meeting and online at the earliest opportunity after the meeting has concluded. The recordings will also be used to assist in the accurate preparations of the official minute documents, however do not constitute the official record of the meeting.
- 2) All participants at the meetings are reminded that parliamentary privileges do not apply to local government. Individuals must take responsibility for their own words and actions. Council may, at the discretion of the Chairperson in consultation with the CEO, terminate or remove any part of the recording for publication only where there is real concern that not to do so would place Council at risk of an action for publishing defamatory material or releasing personal information contrary to legislation.
- 3) Opinions expressed and statements made during a Council meeting are those of the individuals making them and not those of Council. Unless set out in a resolution of Council, Southern Downs Regional Council does not endorse or support the views, opinions or information that may be expressed by individuals at Council meetings and which may be contained in a live recording of a Council meeting.
- 4) Right to Information (RTI) procedures should not be used to release copies of recordings of meetings as these will be freely available on Council's website. RTI or Information Privacy applications may be used to seek material withheld from public release in accordance with the legislative provisions for these requests.
- 5) All participants will be made aware by way of signage that the meeting will be recorded and that anyone attending a public meeting of Council will consent to their image, voice and comments being recorded and published.

- 6) No other audio or video recording of a Council meeting may be made without the express permission of the Chairperson of the meeting. All requests must be received one day prior to meeting.
- 7) If a person (other than a Councillor) fails to comply with sub-section 6 above, the person may be directed by the Chairperson to immediately withdraw from the meeting.
- 8) A person who fails to comply with a direction given under sub-section 7 above at a meeting may be removed from the meeting and will be liable for any penalties imposed from the publication of potentially defamatory material or personal information.
- 9) If a Councillor fails to comply with sub-section 6, the conduct may constitute unsuitable meeting conduct and will be dealt with in accordance with item 4.2.2 of this Policy.
- 10) Recordings will be retained for a period no shorter than the statutory minimum requirement for the retention of official records.
- 11) Whilst Council will take all reasonable efforts to ensure live recording is available for meetings, there may be situations where, due to technical difficulties beyond Council's control, the recordings of a meeting may not be available. Council takes no responsibility for and accepts no liability in the event that recordings or Council's website is unavailable.

2) —

## **8.2 Post-election meetings** (s175(1) LGA)

1. Council must hold a meeting within fourteen (14) calendar days after:
  - a. the conclusion of each quadrennial election; and
  - b. the conclusion of a fresh election of its Councillors.
2. Council 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.

## **8.2 Business Papers**

### **Order of Business**

- 1) The order of business for an Ordinary Council Meeting is:
  - a. Acknowledgement of Country
  - b. Prayer and Condolences
  - c. Attendance
  - d. Apologies for non-attendance
  - e. Reading and Confirmation of Minutes of previous meeting(s)
  - f. Actions from previous Council meeting
  - g. Declarations of Material Personal Interest and Conflicts of Interest
  - h. Mayoral Minute
  - i. Reading and Consideration of Correspondence
  - j. Reception and Reading of Petitions & Joint Letters
  - k. Committee Reports



- i. Sustainable Development, Corporate and Community Services
- ii. Infrastructure and Executive
- l. Reports of Deputations or Conferences and Report from Delegates appointed by Council to Other Bodies
- m. Notice of Motion
- n. General Business**
- o. Consideration of Confidential Business Items

**2) The order of business for a Committee Meeting is:**

- a. Attendance
- b. Apologies for non-attendance
- c. Reading & Confirmation of Minutes of previous Committee meeting
- d. Declarations of Material Personal Interest and Conflicts of Interest
- e. Reception and Reading of Petitions & Joint Letters
- f. Deputations (External and Internal)
- g. Portfolio Reports
- h. Committee Reports
  - i. Executive Services
  - ii. Sustainable Development Directorate
  - iii. Corporate and Community Services
  - iv. Infrastructure Services
- i. General Business
- j. Consideration of Confidential Business Items

**3) The order of business for a Post-Election Meeting is:**

- a. Prayer
- b. Election of Deputy Mayor
- c. Fixation of Dates and Times of Ordinary and Committee Meetings of Council for the following twelve months
- d. Appointment of Local Disaster Management Committee representatives

**Agenda and business papers for Council meetings**

**1) The CEO must ensure that the agenda for a meeting of the Council states:**

- a. All matters to be dealt with arising out of the proceedings of former meetings of the Council, and
- b. Any matter or topic that the Mayor or Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- c. Subject to subclause (2), any business of which due notice has been given.

**2) The CEO must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the CEO, the business is (or the implementation of the business would be) unlawful. The CEO must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.**

**3) The CEO must cause the agenda for a meeting of the Council to be prepared and distributed to Councillors at least six (6) calendar days before the day of the meeting.**

- 4) The CEO must ensure that the details of any item of business are included in a business paper for the meeting concerned.

#### **Close of Business Paper Agenda**

- 1) Receipt of business paper reports and notices of business by a Councillor closes six (6) calendar days before the meeting at 4:00pm, or as otherwise determined by the CEO.
- 2) Councillor's notice(s) of business shall be submitted in writing to the CEO.

#### **Availability of Business Papers**

##### **Public notice of business papers**

- 1) Council must have available a list of items to be discussed for the public at its offices for inspection at the time the agenda for the meeting is made available to Councillors.
- 2) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public (Confidential Item):
  - a. The agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item).

#### **Business Papers (Councillor Access) (s258 (1) and (5) LGR)**

- 1) The business papers for Council meetings shall be delivered to Councillors at least six (6) calendar days prior to the meeting in electronic format via email.
- 2) The business papers will also be made available on the Councillors' network drive.

#### **Business Papers (Public Access) (s277 (5) and (6) LGR)**

- 1) Copies of the list of items on the agenda are to be available for inspection to the public after it is made available to Councillors.
- 2) The business papers may be made available on Council's website after the business papers are made available to Councillors.

#### **Availability of Other Materials**

##### **Public access to correspondence and reports**

- 1) Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 2) This section does not apply if the correspondence or reports were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

#### **Tabling of Correspondence**

- 1) Letters submitted to Council requesting that they be tabled at a Council meeting shall be tabled and a copy included in the business paper for that meeting.

#### **Petitions**

- 1) A Councillor may table a petition to the Council.
- 2) The publication of petitions in Council's business papers shall occur only in compliance with the Information Privacy Act 2009.
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 received and referred to an officer for consideration and a report to Council; or not be received because it is deemed invalid.

#### **Giving Notice of Business**

- 1) A Council must not transact business at a meeting of the Council:
  - a. Unless a Councillor has given notice of the business in writing within seven (7) calendar days before; and
  - b. Unless notice of the business has been sent to the Councillors.
- 2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
  - a. Is already before, or directly relates to a matter that is already before, the Council, or
  - b. Is the election of a chairperson to preside at the meeting, or
  - c. Is a matter or topic put to the meeting by the Chairperson.

#### **Agenda for Special Meetings (s258 (3) LGR)**

- 1) As per s 258 (3) of the LGR, a *Special meeting* is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

### **8.3 Quorum and Attendance (s259 LGR)**

#### **Quorum for a Meeting**

##### ***What is the quorum for a meeting?***

- 1) The quorum for a meeting is five (5) Councillors.
- 2) Councillors who have declared an interest and have left the meeting during the consideration of an item, must not be counted for the purposes of calculating a quorum for the meeting - (s260 LGR).

## Councillor Presence at Council Meetings (s276 LGR)

### Teleconferencing/Video conferencing

- 1) **Teleconferencing** is the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen.
- 2) Council may allow a person including a Councillor to take part in a meeting by teleconferencing by resolution of Council.
- 3) A Councillor taking part in a meeting by teleconferencing is taken to have attended the meeting if:
  - a. ~~The~~ Councillor was simultaneously in audio contact with each other person at the meeting; and
  - b. ~~The~~ Council approved the teleconferencing arrangement.

### Quorum not Present (s259 & s261 (2) LGR)

#### What happens when a quorum is not present?

- 1) Business may be conducted at a meeting of Council only if a quorum is present as per section 259 (1) of the ~~Regulation~~ **LGR**.
- 2) If a quorum is not present within **fifteen (15) minutes** after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within **fourteen (14) calendar days** after the day of adjournment, by:
  - a. ~~A~~ **a** majority of the Councillors present; or
  - b. ~~If~~ only 1 Councillor is present ~~—~~ the Councillor; or
  - c. ~~If~~ no Councillors are present ~~—~~ the ~~Chief Executive Officer~~ **CEO**.

### Types of Meetings

~~There are five possible types of meetings each month that Councillors are required to attend:~~

#### ~~Statutory Meetings~~

- ~~General Council Meeting (scheduled for the fourth Wednesday each month)~~ **Special Council Meetings**

~~a. —~~

#### ~~Other Meetings (Non-Statutory)~~

- ~~a. — Special Council Meetings~~
- ~~b. — Briefing Sessions (scheduled in the first two weeks of each month)~~
- ~~c. — Councillor Workshops (scheduled on an as-required basis)~~
- ~~d. — Professional Development/Councillor Discussions (scheduled for one day each month).~~

### Councillor Attendance at Meetings

- 1) A Councillor who is absent without Council leave from two (2) or more consecutive statutory meetings of Council over at least two (2) months, may see their office becoming vacant. (s162 (1) ~~(e) LGA 2009~~)
- 2) A Councillor who is absent without approved leave from meetings as stated in section **5.3.5** (1) above may be considered as exhibiting inappropriate Conduct (s176 ~~(4) LGA 2009~~).
- 3) Leave is to be approved by the Mayor.



*NOTE: Leave from Council Meetings will not be unreasonably withheld if valid reasons for leave are provided for approval.*

#### **Who is entitled to Attend Council Meetings (s274 LGR)**

- 1) All Council meetings are open to the public and the media unless Council has resolved that a meeting is to be closed as per section 275 of the *Regulation LGR*.

#### **Public participation at *Committee* meetings including Deputations**

- ~~1)~~ A member of the public or deputation (*excluding Council staff*) must not participate in the business at ~~a~~ *a-Committee* meeting of the Council unless the member of the public or deputation has been given approval by the Chairperson.

1)

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

Subclause (1) does not apply to the consideration of business at a meeting if the business:

- (a) ~~is~~ already before, or directly relates to a matter that is already before, the Council, or
- (b) ~~is~~ a matter or topic put to the meeting by the Chairperson.

In each meeting, time may be required to permit members of the public to address the Council in accordance with sub clause (2). The time allotted shall not exceed five minutes for an individual (unless previously approved). Should there be more than one person wishing to address Council on an issue, there may be no more than three speakers permitted to speak at any one meeting and the time must not exceed 15 minutes in total. The right of any individual to address the Council during this period shall be at the absolute discretion of the Chairperson.

- 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.

- 4) For any matter arising from such an address, Council may take the following actions:

- (a) ~~d~~Deal with the matter immediately;
- (b) ~~p~~Place the matter on notice for discussion at a future meeting *; and/or*
- (c) ~~n~~Note the matter and take no further action.



5) If a member of the public or deputation, other than the appointed speakers, interjects or attempts to address the Council, the Chairperson may finalise the deputation. The Chairperson may terminate an address by the member of the public or a person in a deputation at any time where:

- (d)(a) The Chairperson is satisfied that the purpose of the address has been sufficiently explained to the Councillors at the meeting or the time period allowed has expired;
- or
- (e)(b) The person uses insulting or offensive language or is derogatory towards Councillors or staff members.

6) The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

## 8.4 Presiding over Meetings of Council

### Chairperson and Deputy Chairperson of Council

#### Who presides at meetings of the Council?

- 1) The Mayor or, at the request of or, In the absence of the Mayor, the Deputy Mayor (if any) presides at Ordinary and Special meetings of the Council.
- 2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to Chair the meeting by the Councillors present presides at Ordinary and Special meetings of the Council.
- 3) As per the resolution of Council, the appointed Councillor presides as the Chairperson at the Sustainable Development, Corporate and Community Services Committee of Council.
- 4) As per the resolution of Council, the appointed Councillor presides as the Chairperson at the Infrastructure and Executive Committee of Council.
- 5) If the appointed Chairperson is absent, a Councillor elected to chair the meeting by the Councillors present presides at Committee meetings of the Council.
- 1) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

#### Councillor to be elected to preside at certain meetings

- 1) If no Chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
- 2) The election must be conducted:
  - a. By the Chief Executive Officer CEO or, in his or her absence, an employee of the Council designated by the Chief Executive Officer CEO to conduct the election, or
  - b. If neither of them is present at the meeting or there is no Chief Executive Officer CEO or designated employee, by the person who called the meeting or a person acting on his or her behalf.

- 3) If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 4) For the purposes of subclause (3), the person conducting the election must:
  - a. Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - b. Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 5) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

#### Chairperson to have Precedence

- 1) When the Chairperson rises during a meeting of a Council,
  - a. every Councillor present must be silent to enable the Chairperson to be heard without interruption.

#### Chairperson's Duty with Respect to Motions

- 1) It is the duty of the Chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.
- 4) The Chairperson may rule that a proposed motion is out of order if the proposed motion:
  - a. is vague and equivocal in its language;
  - b. is the direct negative of a resolution just passed by the meeting;
  - c. Proposes an action that is unlawful;
  - d. is ultra vires in that it is outside the scope of the meeting;
  - e. contains defamatory statements;
  - f. is inconsistent with a resolution just adopted;
  - g. is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting;
  - h. is vexatious and proposed only as a way to impede the orderly transaction of business.

#### Requirement of the Chairperson

The Chairperson shall:-

- 1) Require that only one (1) person speaks at once during a Council meeting;
- 2) Ensure that all persons attending the meeting do not unduly disrupt when others are permitted by the Chairperson to address a meeting;

- 3) ~~e~~Ensure all authorised persons are given an equal opportunity to address the meeting generally in the order of request.

#### Recognition of Chairperson

- 1) In addressing Council, Councillors and other persons addressing the Council shall at all times speak through the Chairperson.
- 2) Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson.
- 3) A Councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the Chairperson.

#### Mode of Address

- 1) In addressing Council, Councillors and other persons addressing the Council will use the appropriate mode of address to the Mayor, Deputy Mayor, fellow Councillors, employees of Council and members of the public in attendance.
- 2) Councillors shall refrain from the use of offensive or inappropriate words in reference to any Councillors, employees of Council and members of the public.
- 3) Councillors shall not make imputations of improper motives or personal reflections on Councillors, employees of Council and members of the public, consistent with the Code of Conduct ~~in the Act~~ for Councillors in Queensland.

#### General Business

- 1) Council acknowledges the importance of maintaining General Business as part of the order of business for both Committee and Ordinary Meetings of Council, however requires that guidelines are provided for the appropriate use of this agenda item.
- 2) Councillors raising matters within General Business at Committee and Ordinary Meetings of Council must ensure that those matters:
  - a. Are generally for Councillor's information only;
  - b. Are not matters which are operational in nature and that can be dealt with through other processes such as requests for service, complaints, etc;
  - c. Do not propose to commit Council to expenditure of funds which are not currently in Council's Budget;
  - 3)d. Are dealt with in the same way as other items within the order of business are dealt with in regards to declaration of conflicts of interest or material personal interests in accordance with LGA and sections 4.3 and 4.4 of this Policy.

## 8.5 Meeting Agenda and Business

### Order of Business

#### **Order of Business**

- 1) Currently the order of business followed by Council is:
  - a. Acknowledgement of Country
  - b. Prayer & Condolences
  - c. Attendance
  - d. Apologies for non-attendance
  - e. Reading & Confirmation of Minutes of previous meeting(s)
  - f. Actions from previous Council meeting
  - g. Declarations of of Interest
  - h. Mayoral Minute
  - i. Reading and Consideration of Correspondence
  - j. Reception and Reading of Petitions & Joint Letters
  - k. Directorate Reports
    - i. Executive Services
    - ii. Infrastructure Services
  - iii. Sustainable Development
  - iv. Corporate and Community Services
    - l. Reports of Deputations or Conferences & Report from Delegates appointed by Council to Other Bodies
  - m. Notice of Motion
  - n. General Business
  - o. Consideration of Confidential Business Items
- of  
2) At a **Post-Election Meeting** of Council, the following items shall be included in the Agenda:
  - a. Prayer
  - b. Election of Deputy Mayor
  - c. Fixation of Dates and Times of General Meetings of Council for the following twelve months.
  - d. **Appointment of Local Disaster Management Committee representatives**



## ~~Business Paper for Council Meetings~~

### ~~Agenda and business papers for Council meetings~~

- 1) ~~The Chief Executive Officer must ensure that the agenda for a meeting of the Council states:~~
  - a. ~~all matters to be dealt with arising out of the proceedings of former meetings of the Council, and~~
  - b. ~~any matter or topic that the Mayor or Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and~~
  - c. ~~subject to subclause (2), any business of which due notice has been given.~~
- 2) ~~The Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is (or the implementation of the business would be) unlawful. The Chief Executive Officer must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.~~
- 3) ~~The Chief Executive Officer must cause the agenda for a meeting of the Council to be prepared and distributed to Councillors at least six (6) calendar days before the day of the meeting.~~
- 4) ~~The Chief Executive Officer must ensure that the details of any item of business are included in a business paper for the meeting concerned.~~

### ~~Close of Business Paper Agenda~~

- 1) ~~Receipt of business paper reports and notices of business by a Councillor closes six (6) calendar days before the meeting at 4:00pm, or as otherwise determined by the Chief Executive Officer.~~
- 2) ~~Councillor's notice(s) of business shall be submitted in writing to the Chief Executive Officer.~~

## Availability of Business Papers

### ~~Public notice of business papers~~

- 1) ~~Council must have available a list of items to be discussed for the public at its offices for inspection at the time the agenda for the meeting is made available to Councillors.~~
- 2) ~~In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public (Confidential Item):~~
  - a. ~~the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item).~~

### **Business Papers (Councillor Access) (s258(1)& (5) LGR)**

- 1) ~~The business papers for Council meetings shall be delivered to Councillors at least six (6) calendar days prior to the meeting in electronic format via email.~~
- 2) ~~The business papers will also be made available on the Councillors' network drive.~~

### **Business Papers (Public Access) (s277(5)& (6) LGR)**

- 1) ~~Copies of the list of items on the agenda are to be available for inspection to the public after it is made available to Councillors.~~
- 2) ~~The business papers may be made available on Council's website after the business papers are made available to Councillors.~~

#### Availability of Other Materials

##### **Public access to correspondence and reports**

- 1) ~~A Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.~~
- 2) ~~This section does not apply if the correspondence or reports were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.~~

##### **Tabling of Correspondence**

- 1) ~~Letters submitted to Council requesting that they be tabled at a Council meeting shall be tabled and a copy included in the business paper for that meeting.~~

##### **Petitions**

- 1) ~~A Councillor may table a petition to the Council. The publication of petitions in Council's business papers shall occur only in compliance with the *Information Privacy Act 2009*.~~
- 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 received and referred to an officer for consideration and a report to Council; or not be received because it is deemed invalid.~~

##### **Giving Notice of Business**

- 1) ~~A Council must not transact business at a meeting of the Council:~~
  - a. ~~unless a Councillor has given notice of the business in writing within seven (7) calendar days before; and~~
  - b. ~~unless notice of the business has been sent to the Councillors.~~
- 2) ~~Subclause (1) does not apply to the consideration of business at a meeting if the business:~~
  - a. ~~is already before, or directly relates to a matter that is already before, the Council, or~~
  - b. ~~is the election of a chairperson to preside at the meeting, or~~
  - c. ~~is a matter or topic put to the meeting by the chairperson.~~

##### **Agenda for Special Meetings (s258(3) LGR)**

- 1) ~~As per s 258(3) of the *Regulation*, a **special meeting** is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.~~

## **8.68.5 Motions**

## Notice of Motion

### Notices of Motion

- 1) Notices of Motions shall be lodged in writing with the ~~Chief Executive Officer~~CEO or their delegate **eight (8) calendar days** prior to the closure of the business paper agenda for the meeting of Council at which the Notices of Motion are to be considered.
- 2) Councillors shall ensure, where it is intended that employees of the Council be asked to carry out some specific defined action that a Notice of Motion is written in such a way that, if carried, the motion carries clear and unambiguous direction.

### Other motions

- 1) The rules applying to the content of Notices of Motion apply to the content of any other motion or amendment moved at a Council meeting.

### Notice of Motion - Absence of Mover

- 1) In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a Council:
  - a. ~~Any~~ other Councillor may move the motion at the meeting, or
  - b. ~~The~~ chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

### Motions to be Seconded

- 1) A motion or an amendment cannot be debated unless or until it has been seconded.

### Dealing with (Debating) Motions

#### Mover

- 1) A Councillor proposing a motion is to be provided with a right to speak to introduce the proposition.
- 2) In the absence of the proposition being seconded, the mover may exercise their right to speak to obtain the support of a seconder for the proposition.
- 3) The mover's right to speak shall only be exercised at the time the proposition is made. The mover cannot reserve this right to be exercised at a later stage of the debate.
- 4) The mover of a motion shall be permitted no more than five (5) minutes to introduce their motion.
- 5) If the motion is accepted and debated, the mover is to be provided with a right of reply.

#### Debate

- 1) Upon the mover exercising, waiving, or deferring their right of address, the Chairperson shall invite Councillors to debate the motion, in the order of one speaker against the motion and one speaker for the motion.
- 2) Speakers "For" or "Against" a motion shall be permitted no more than **three (3) minutes** to address the meeting.



- 3) The sequence of against and for is followed until debate is closed. The close of debate is reached should one of the following conditions emerge:
  - a. Only speakers for one particular side of the debate are now emerging so that the previous consecutive speakers were on the same side of the debate;
  - b. The time allotted has expired;
  - c. The limit of number of speakers allowed to speak on the motion has been reached;
  - d. A procedural motion that "the motion now be put" has been successful.

#### Speaking to Motions

- 1) A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

#### Right of Reply – Mover

- 1) The mover of a motion shall be permitted no more than **three (3) minutes** to provide their "right of reply".
- 2) Once the mover has exercised their Right of Reply all further debate on the substantive motion ceases.
- 3) In exercising their Right of Reply the following conventions shall be observed by the mover:
  - a. The mover can waive their Right of Reply and the meeting can go straight to the vote;
  - b. The purpose of the Right of Reply is to respond to any points raised in the debate and to present a final brief summary of the case for the motion;
  - c. Not to introduce any new material or arguments.

#### Speaking to a Misrepresentation or Misunderstanding

- 1) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than **five (5) minutes** at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than **five (5) minutes** on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

#### Variations to Motions

- 1) A Councillor may seek to vary a motion by:
  - a. Obtaining the unanimous consent of Council; or
  - b. Proposing an amendment to the motion.



- 2) If the meeting is considering a motion which is difficult to comprehend and of a complex structure, the Chairperson has the discretion to separate the constituent parts of the substantive motion. The meeting may agree to deal with them in their separate parts as if they were separate motions.

#### **Variations by Consent**

- 1) If a Councillor, including the seconder to the original motion, proposes a variation to a motion, the Chairperson shall ask whether any Councillor objects to the variation.
- 2) If there is no objection, the proposed variation is adopted into the motion by consent of the Council.
- 3) If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly.
- 4) If the variation is proposed by the seconder to the original motion, but not accepted by Councillors, then a new seconder should be sought for the original motion.

*Note: The intention of a variation by consent is to enable a change to a motion that is non-contentious, improves clarity or affects a correction. This is also consistent with the common law rule that a seconder to a motion cannot move an amendment but enables a seconder to move a variation.*

#### **Amendments to Motions**

- 1) An amendment is a proposition to alter a motion that is under consideration by the meeting and is not subject to the Notice of Motion requirements.
- 2) An amendment must be moved and seconded.
- 3) To be accepted as an amendment, it must relate and be relevant to the motion.
- 4) The amendment must also be moved before the debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 5) An amendment cannot be accepted if it is a direct rebuttal of the motion it seeks to amend.
- 6) An amendment should not be moved that is substantially the same as an earlier rejected amendment on the motion.
- 7) An amendment that is in opposition to an amendment already accepted should not be moved or accepted for debate.
- 8) In the situation where a number of amendments have been foreshadowed, it is important that they should be considered in due succession ensuring the practicality of the motion.
- 9) Each amendment is separately considered and voted on.
- 10) Only one amendment may be considered by the meeting at any one time. Debate is confined to the amendment under consideration although during debate a Councillor may foreshadow a motion or amendment.
- 11) Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the mover and seconder.

#### **Repeal or Amend a Resolution (s262 LGR)**

- 1) A rescission motion means a proposal under section 262 of the ~~Regulation~~ LGR to either repeal or amend a previous resolution of Council.
- 2) If a resolution of Council has been acted upon a rescission motion or amendment **cannot** be accepted.
- 3) A resolution which has been passed by the Council shall not be altered or rescinded, except by a motion to that effect (a rescission motion) of which notice has been given.
- 4) A rescission motion must be signed by at least three (3) Councillors.
- 5) Where a rescission motion is not handed in at a Council meeting, the written notice, signed by three (3) Councillors, must be received by the CEO no later than close of business two days following the ~~General~~ Ordinary or Special Meeting.
- 6) If a notice of rescission is lodged, no decision of Council may be acted upon until the rescission motion has been determined. Where action on a rescission motion is required before the motion can come before an ordinary Council meeting, a Special meeting of Council may be called to deal with that one issue in accordance with clause 5.1.3 of this Code ~~Policy~~. The Special meeting would have to be held at least five (5) calendar days after the rescission motion is submitted.
- 7) Only one rescission motion relating to an original motion may be put forward by any Councillor.
- 8) A rescission motion on any matter can only be lost once before a three (3) month ban is placed on any Councillor moving a motion to the same effect.

#### How Subsequent Amendments may be Moved

- 1) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

#### Motions without Notice

##### ~~Giving notice of business~~

- 1) Business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. ~~a~~ A motion is passed to have the business transacted at the meeting, and
  - b. ~~T~~ he business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- 2) Such a motion can be moved without notice.
- 3) Only the mover of a motion referred to in subclause (1) can speak to the motion before it is put.

#### Defeated Motions

If a motion at a Council meeting has been lost, a motion having the same effect may not be brought forward within **three (3) months**, unless by a report from Council.

## **8.78.6 Procedural Motions**

### **General Procedural Motions**

- 1) A procedural motion is a motion that refers to the conduct of a meeting.
- 2) Procedural motions are not subject to the Notice of Motion requirements.
- 3) In general, a procedural motion requires a seconder.
- 4) There is no debate on a procedural motion.
- 5) A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

### **Moving Motions by Group (En Bloc)**

~~Southern Downs Regional~~ Council is committed to upholding the principles of open, transparent and informed decision-making in accordance with the principles of ~~Local Government Act 2009~~ LGA.

In the interests of maintaining efficiency in Council operations, the Council utilises *en bloc* voting during its meetings. Voting *en bloc* can be defined as voting on a motion to adopt, by one resolution, a number of items, motions or recommendations. This Council uses *en bloc* voting as a device to efficiently address matters that the Elected Body believe can be determined without debate.

### **Matters that can be dealt with en bloc**

The Council can utilise *en bloc* voting for a limited range of ~~A~~ agenda items and, in particular, for:

- 1) ~~i~~ items that are presented for information purposes only;
- 2) ~~R~~ reports which require only receipt and noting; and
- 3) ~~R~~ recommendations made in an officer's report that are not contentious and do not require discussion or debate.

If an item has been recommended to be addressed *en bloc* and it is identified later in the meeting that the recommendation is likely to give rise to amendment(s) to the motion, before the recommendation has been moved and seconded, the recommendation should be removed from the *en bloc* matters and addressed separately.

### **Matters that must not be dealt with en bloc**

The Council will not utilise *en bloc* voting in regards to the following matters which, to preserve integrity in the decision-making process, must be considered individually.

This includes matters:



- 1) ~~I~~in respect of which any Elected Member and, in particular, to make informed and representative decisions has indicated that he/she wishes to debate, ask a question or to raise a point of clarification;
- 2) ~~w~~Which are incapable of delegation in accordance with the ~~Local Government Act 2009~~LGA and the ~~Local Government Regulation 2012~~LGR;
- 3) ~~V~~Which require the Council to form an opinion as to the subject matter of the motion (for example, ~~r~~Requests for partial relief from payment of water consumption charges);
- 4) ~~W~~where there is a recommendation to apply the confidentiality provisions of ~~s~~Section 275 of the ~~Local Government Regulation 2012~~LGR; and
- 5) ~~I~~n respect of which a related decision will, or is likely to effect the rights, interests or legitimate expectations of a third party, individual or organisation (for example, a Decision Notice, a decision to grant or revoke a permit or licence or, to grant an application for a community grant).

It also remains open to an Elected Member or officer to request that an item be removed from the list of items to be considered *en bloc*.

### Putting the Motion or Amendment

#### Limitation as to number of speeches

- 1) A Councillor may move that a motion or an amendment be now put:
  - a. ~~I~~if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - b. ~~I~~if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 2) The ~~C~~chairperson must immediately put to the vote, without debate, a motion moved under subclause (1). A seconder is not required for such a motion.
- 3) If a motion that the original motion or an amendment be now put is passed, the ~~C~~chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply.
- 4) If a motion that the original motion or an amendment be now put is rejected, the ~~C~~chairperson must allow the debate on the original motion or the amendment to be resumed.

### 8.88.7 Adjournment of Meetings (s261(2) LGR)

- 1) The majority of Councillors present at a meeting of a Council may adjourn the meeting to a later hour of the same day or to a later day.
- 2) If a quorum is not present within 15 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by:
  - a. ~~a~~A majority of the Councillors present; or
  - b. ~~I~~if only 1 Councillor is present ~~—~~the Councillor; or
  - c. ~~I~~if no Councillors are present ~~—~~the ~~c~~CEO~~hief executive officer~~.

### Motion to Adjourn Meeting

Council Meetings Policy

Policy no: PL-EX036

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- 1) A Councillor may move the procedural motion "that the meeting be adjourned".
- 2) The motion before being put to the vote must be seconded by a Councillor.
- 3) The mover of the motion may address the meeting on the motion.
- 4) No further debate on the motion is permitted.

#### **Amendment to Adjourn Meeting Motion**

- 1) Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.
- 2) Amendments to the motion to adjourn a meeting are to be moved and seconded.
- 3) The mover of the amendment may address the meeting as to the content of the proposed amendment.
- 4) Any address to the motion of adjournment or amendment is limited to three (3) minutes.

#### **Re-convening an Adjourned Meeting**

- 1) The Notice of Meeting provisions do not apply to a re-convened meeting.
- 2) A re-convened meeting will commence in accordance with any motion or amendment and will continue as if there had been no break in the proceedings of the meeting.
- 3) To the extent that it is practical, public notice of the re-convened meeting is to be given.
- 4) In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, Council will deal with any unfinished business for which notice was given at the next ordinary meeting of Council.

## **8.98.8 Voting and Decisions of Council**

### **What Constitutes a Decision of the Council?**

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

### **Voting Entitlements of Councillors and Chairperson's Casting Vote (s260 LGR)**

#### *What are the voting entitlements of Councillors?*

- 4) At a meeting of Council:
  - a. ~~V~~oting must be open; and
  - b. ~~a~~A question is decided by a majority of the votes of the Councillors present; and
  - c. ~~E~~ach Councillor present has a vote on each question to be decided and, if the votes are equal, the Councillor presiding has a casting vote; and
  - d. ~~I~~f a Councillor present fails to vote, the Councillor is taken to have voted in the negative.

### **Divisions (s272.(2)(b) LGR)**

#### *Conducting a Division*

- 1) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and a Councillor calls for a division.
- 2) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The Chief Executive Officer (CEO) must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

## **8.108.9 Minutes and access to information (s272 LGR)**

### **Minutes of Meetings**

- 1) In accordance with section 272 of LGR, the Chief Executive Officer (CEO) must ensure minutes of each meeting are taken under the supervision of the person presiding at the meeting.
- 2) Minutes of each meeting must include:
  - a. The names of Councillors present at the meeting; and
  - b. If a division is called on a question — the names of all persons voting on the question and how they voted.
  - c. Details of Material Personal Interests in accordance with section 4.33.7 of the Council Meeting Procedures this Policy.
  - d. Details of Conflicts of Interests in accordance with section 4.11.4 of the Council Meeting Procedures this Policy.
  - e. —
- 3) At each meeting, the minutes of the previous meeting must be:
  - a. Confirmed by the Councillors present; and
  - b. Signed by the person presiding at the later meeting.
- 4) A copy of the minutes of each meeting:
  - a. Must be available for inspection by the public, at Council's public offices and on its website, within ten (10) calendar days after the end of the meeting; and
  - b. When the minutes have been confirmed, — must be available for purchase at the Council's public offices.
- 5) The price for purchasing the minutes must not be more than:
  - a. The cost to the Council of having the copy printed and made available for purchase; and
  - b. If the copy is supplied to a purchaser by post, — the cost of postage.

### **Audio and visual recording of meetings**

- 1) The local government may direct that an audio or video recording of a meeting of the local government be made for the purpose of verifying the accuracy of the minutes of the meeting. An audio or video recording made under this section —
  - a. may only be used for the purpose of verifying the accuracy of the minutes of the meeting;
  - b. after being used for that purpose, must be destroyed or dealt with as directed by the local government; and
  - c. other attendees can record meetings at the sole discretion of the Chairperson.

### Recording of reasons for particular decisions (s273 LGR)

- 1) This section applies if a decision made at a meeting is inconsistent with a recommendation or advice given to the Council by an advisor of the Council and either or both of the following apply to the decision:
  - a. ~~The~~ decision is about entering into a contract the total value of which is more than the greater of the following:
    - i. ~~\$150,000~~200,000 exclusive of GST;
    - ii. 1% of the Council's net rate and utility charges as stated in the Council's audited financial statements included in the Council's most recently adopted ~~Annual~~ ~~R~~report;
  - b. ~~The~~ decision is inconsistent with:
    - i. ~~The~~ policy or approach ordinarily followed by the Council for the type of decision; or
    - ii. ~~A~~a policy previously adopted by the Council by resolution, whether or not as required by an Act, and still in force.

Examples of decisions to which subsection (1) might apply:—

- the grant of a licence, permit or approval, however named, under an Act or local law
  - the grant of a concession, rebate or waiver in relation to an amount owed to the Council
  - disposing of land or a non-current asset
- 2) An ~~advisor~~, of Council, is a person:—
    - a. ~~Who~~Who is an employee of Council or is otherwise engaged to provide services to Council; and
    - b. ~~Whose~~whose duties include giving a recommendation or advice.
  - 3) ~~The chief executive officer~~CEO must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

3)

## 8.11 Citizenship Ceremonies

~~1) That, by arrangement with the recipient(s), citizenship ceremonies shall be held at 10:30am on the day of any General meeting of Council, or as otherwise determined by the Chief Executive Officer.~~

## 9 Appendix B - Closed Council Announcements (s275 LGR)

For Going Into Closed Meeting

Meeting in Camera

Recommendation

Council Meetings Policy

Policy no: PL-EX036

Updated: ~~27 May 2020~~3 December 2018

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THAT the meeting move into camera pursuant to Section 275(1) (*Type in subsection*) of the *Local Government Regulation 2012* for the purposes of discussing (*Type in reason*). Council noted that it is the intent by doing so to keep all the matters discussed during the session strictly confidential.

Meeting moved into camera at (*time*).

For Going Out of Closed Meeting

**Meeting out of Camera**

**Resolved**

THAT the meeting move out of camera at (*time*).



## **10 Appendix C – Council Meeting Public Participation Request Form (including Deputations)**

10

DRAFT



## COUNCIL MEETING PUBLIC PARTICIPATION REQUEST FORM (INCLUDING DEPUTATIONS)

Please complete, sign and present this form to the Chief Executive Officer  
seven (7) working days prior to the Meeting.

NAME: ..... PHONE: .....

ADDRESS: .....

EMAIL ADDRESS: .....

REPRESENTING: .....  
(Self/Name of Organisation/Other Party)

SUBJECT FOR DISCUSSION: .....

### GUIDELINES FOR PUBLIC PARTICIPATION AND DEPUTATIONS IN COUNCIL MEETINGS

1. A person can address Council for a maximum period of five minutes, however should there be more than one person wishing to address Council on an issue, there may be no more than three speakers permitted to speak at any one meeting and the time must not exceed 15 minutes in total.
2. Members of the public may address Council on any issue, however, should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.
3. Public participation cannot be used to request reports from the Mayor, Councillors or staff, nor used to address matters in the Minutes of an earlier meeting or other matters already dealt with at the meeting.
4. Persons speaking in a Council Meeting may, with the permission of the Chairperson, use appropriate materials or documents to support their position, but may not table documents to be actioned.
5. Any person making use of the public participation is required to observe the same standards required of a Councillor, specifically the person shall:
  - a. obey the directions of the Chairperson, and
  - b. not use any behaviour or language inconsistent with good order and decorum, and
  - c. not make personal reflections or impute improper motives to Councillors and/or staff.

In signing this request I acknowledge and agree to abide by the Council Meeting Policy, specifically section 8.3.7 and recognise that I am speaking in a Council meeting and that Council meetings are minuted.

#### SIGNATURE OF SPEAKER

Office Use Only		
Received by:	Date:	Time:

For Enquiries - Phone 1300 697 372 OR Forms may be emailed to: [mail@sdr.c.qld.gov.au](mailto:mail@sdr.c.qld.gov.au)



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Please complete, sign and present this form to the Chief Executive Officer seven (7) working days prior to the Meeting.

NAME: ..... PHONE: .....

ADDRESS: .....

EMAIL ADDRESS: .....

REPRESENTING: .....  
(Self/Name of Organisation/Other Party)

SUBJECT FOR DISCUSSION: .....

### GUIDELINES FOR SPEAKERS AND DEPUTATIONS IN COUNCIL MEETINGS

1. A person can address Council for a maximum period of 15 minutes.
2. Members of the public may address Council on any issue, however, should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.
3. Public Participation cannot be used to request reports from the Mayor, Councillors or staff, nor used to address matters in the Minutes of an earlier meeting or other matters already dealt with at the meeting.
4. Persons speaking in a Council Meeting may, with the permission of the Chair, use appropriate materials or documents to support their position, but may not table documents to be actioned.
5. Any person making use of the Public Participation is required to observe the same standards required of a Councillor, specifically the person shall:
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SIGNATURE OF SPEAKER

Office Use Only		
Received by: .....	Date: .....	Time: .....

For Enquiries Phone 1300 697 372 OR Forms may be emailed to: [mail@sdrc.qld.gov.au](mailto:mail@sdrc.qld.gov.au)



# Councillor Portfolio's, Advisory Committees and Other Committees Policy

<b>Policy Number:</b>	PL-EX021
<b>Department:</b>	Executive Services
<b>Section:</b>	Governance
<b>Responsible Manager:</b>	Chief Executive Officer
<b>Date Adopted:</b>	27 July 2016
<b>Date to be Reviewed:</b>	<del>26</del> <sup>14</sup> May 202 <del>1</del> <sup>0</sup>
<b>Date Reviewed:</b>	<del>27</del> <sup>15</sup> May 2020
<b>Date Rescinded:</b>	N/A

## REVISION RECORD

Date	Version	Revision description
<del>27</del> <sup>15</sup> /05/20	2	Major amendments to include Councillor Portfolio's and Councillor Representation on Other Committees

**Councillor Portfolio's, Advisory Committees and Other Committees Policy**

Policy no: PL-EX021

Updated: ~~27~~<sup>15</sup> May 2020

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## **1 Policy Background**

Councillor Portfolios, Advisory Committees and representation on key external organisations, enables nominated Councillors to be assigned specific responsibilities linked to the strategic priorities of Council.

Additionally, Advisory Committees representatives are appointed to provide input, an overview or advice to Council on a specific topic or the strategic management of a facility on an ongoing basis.

## **2 Purpose**

The purpose of this policy is to establish guidelines for Councillors and staff about the Portfolio system and associated operating protocols, as well as the formation and operation of Council's Advisory Committees. Councillor roles on key internal and external Committees, where they are appointed by Council in an official capacity, are also outlined to ensure consistency in Council's approach to representation across the region.

## **3 Scope**

This policy applies to all Councillors, staff and community members who are appointed to or involved in Councillor Portfolio's, Advisory Committees and key external organisations. It is noted that an Advisory Committee must not be appointed as a Standing Committee in accordance with section 265 (1) (a) of the *Local Government Regulation 2012* (the *LGR*) and therefore Standing Committees are outside of the scope of this Policy. Standing Committees are dealt with separately in Council's Meeting's Policy (PL-EX036).

## **4 Legislative Context**

Various provisions of the *Local Government Act 2009* (the *LGA*) are relevant to the Portfolio system and its protocols, including section 12 (responsibilities of the Mayor and Councillors), section 170, which relates to the Mayor giving directions to the Chief Executive Officer (CEO) and section 170A which provides for requests for assistance, advice and information from employees.

Council may appoint Advisory Committee's in accordance with Section 264 1 (b) of the *LGR*. Sections 264 to 277F of the *LGR* provides further details regarding the membership and operation of Council Committees, including Advisory Committees.

## **5 Policy Details**

### **5.1 Request for Assistance, Advice or Information**

It is acknowledged that in order for Councillors to fulfil their Portfolio responsibilities, Advisory Committee member roles and representation on key internal/external Committees, requests for assistance, advice and information will be submitted to Council employees.

Refer to the Councillors Acceptable Request Guidelines (PL-EX086) for further details relating to the protocols for these types of interactions.

## 5.2 Councillor Portfolios

The Portfolio system provides Councillors with an opportunity to develop and maintain a heightened level of knowledge, leadership and representation across the region in a specified area of responsibility.

A Councillor Portfolio system is intended to facilitate:

- (a) Council's engagement with the community on its strategic priorities and services; and
- (b) Productive, professional and appropriate relationships within the organisation to advance the delivery of Council's strategic priorities and services.

### 5.2.1 Establishment

Council may appoint, by resolution, a Councillor to a Portfolio for a maximum term that is equal to the current term of Council. Any amendments to the Portfolio system must be made by resolution of Council. Council's current Portfolio's, nominated Councillor, areas of focus and respective Standing Committee are outlined in Appendix A.

### 5.2.2 Authority and limitations

Portfolio Councillors do not hold any specific statutory or governance responsibilities related to their Portfolio beyond those which they ordinarily hold as a Councillor. In discharging their responsibilities as Portfolio Councillors and consistent with their role under the LGA, Councillors should maintain a focus on strategic issues relevant to their Portfolio, rather than the day to day operational matters.

A Portfolio Councillor does not assume any of the roles, powers and functions assigned to the Mayor under the LGA unless delegated by the Mayor. This includes the Portfolio responsibilities exclusively assigned to the Mayor.

The Portfolio system does not set aside or alter the provisions of the LGA which require corporate decisions on policies and resources to be reached at properly constituted Council meetings. Further, the Portfolio system does not seek to set aside or amend any of the instruments nominated below. Where there is any inconsistency between the Portfolio system and a provision in any of the following instruments, the provision of the instrument shall prevail to the extent of any inconsistency:

- (a) Any other requirements of the LGA or the LGR;
- (b) The Councillor's Code of Conduct; and/or
- (c) The Councillors Acceptable Requests Guidelines in relation to communication between Councillors and Council employees.



### 5.2.3 Roles and responsibilities of Councillors

In addition to their responsibilities as a Councillor under sections 12 (1) to (3) and (6) of the LGA, Councillors as Portfolio holders are required to:

- (a) Keep abreast of Council proposals, issues and activities which are relevant to their Portfolio;
- (b) Act as the official Council spokesperson or representative on Portfolio relevant matters **in accordance with Council's Media Policy;**
- (c) Consult with the relevant Council officers on Portfolio relevant matters;
- (d) Be a key point of contact and engage with industry and community groups and associations on Portfolio matters;
- (e) Ensure there is consistent communication and messaging on Portfolio matters of policy and strategy;
- (f) Participate in and where appropriate, lead any Council working groups or meetings formed in relation to relevant Portfolio issues;
- (g) Provide advice and guidance to Council and the organisation on Portfolio matters through participation, discussion and debate at Council meetings;
- (h) Keep the Mayor and Councillors fully informed on Portfolio matters;
- (i) Ensure that there is no conflict or possible conflict between the Councillor's private interests and the honest performance of the Councillor's Portfolio role; and
- (j) Generally champion the advancement of Council's key priorities and decisions relevant to their Portfolio responsibilities.

### 5.2.4 Roles and responsibilities of the Mayor and Deputy Mayor

In addition to the responsibilities of Councillors under the LGA and as a Portfolio Councillor, the Mayor has specific responsibilities assigned under section 12 (4) of the *Local Government Act 2009*.

As a Portfolio Councillor the Mayor has the following additional responsibilities:

- (a) Regional leadership and representational role consistent with the functions of the Mayor's office;
- (b) Advocacy and representation to other levels of government and the community as well as investment sourcing;
- (c) Engagement with other levels of government at Ministerial level;
- (d) Spokesperson on regional issues, which include but are not necessarily limited to:
  - Disasters (including preparation, response and recovery) e.g. floods, fires, cyclones, pandemics;
  - Major reputation management;
  - State and/or Federal Government matters, policies, plans, initiatives and relationships;
  - Opening of major facilities;
  - Initiatives and projects of major regional significance;
  - Region wide planning matters;
  - Major regional events and promotions;
  - National and international charity appeals;
  - General commentary on the performance of the regional economy and the local community; and



- Matters of regional environmental significance.

The Deputy Mayor plays a senior leadership role in Council in support of the Mayor. This includes both in the conduct of the business of Council and in representing the region when the Mayor is unable to do so or as delegated by the Mayor. This aspect of the role of the Deputy Mayor is additional to the Portfolio responsibilities assigned to the Deputy Mayor.

Section 165 (1) of the LGA provides that the Deputy Mayor acts for the Mayor during:

- (a) The absence or temporary incapacity of the Mayor;
- (b) A vacancy in the office of the Mayor.

## 5.2.5 Operation and administration

Portfolio Councillors must be appropriately supported by the organisation to enable them to:

- (a) Be informed of the details of portfolio relevant proposals coming before Council;
- (b) Be well placed to present and advocate Portfolio issues within the community;
- (c) Remain abreast of research and other developments relevant to their Portfolio; and
- (d) Understand and communicate the implications of decisions by other levels of government on Portfolio matters.

Portfolio Councillors should be engaged by the CEO, Directors and Managers at the earliest opportunity:

- ~~(a)~~(e) On matters which are significant to the Portfolio;
- ~~(b)~~(f) Where it is proposed to conduct community engagement activities; and/or
- ~~(c)~~(g) On matters which are likely to generate media or significant community interest.

In support of inclusive teamwork and co-operation between Portfolio Councillors and Council employees, the following operating protocols should occur:

- ~~(a)~~(h) Directors and Managers are required to establish clear, open and regular communication with their Portfolio Councillor and involve key staff in these interactions as considered appropriate;
- ~~(b)~~(i) Directors, Managers and relevant staff should meet on a monthly basis with their Portfolio Councillor to ensure they remain abreast of current information, service issues and proposed response strategies;
- ~~(c)~~(j) Agendas and minutes should be prepared for each monthly Portfolio meeting using the approved template;
- ~~(d)~~(k) A Portfolio report should be presented by the Portfolio Councillor at each relevant monthly Standing Committee meeting using the approved template;
- ~~(e)~~(l) All Portfolio Councillors should be advised of matters which may require a report to Council. A Councillor should not delay the progress of a report and must not seek to direct the advice and recommendations in a report. The Portfolio Councillor does not have to support the recommendations in a report but should be aware a report is proposed for the Standing Committee agenda and is fully briefed on the content, direction and proposals in the report;
- ~~(f)~~(m) Where a matter spans the responsibilities of more than one Portfolio Councillor, the relevant Directors and Managers will work collaboratively with the Portfolio Councillors to

ensure that their needs are addressed in line with the roles and responsibilities within this Policy. Similarly, the relevant Portfolio Councillors shall engage with each other at the earliest opportunity on issues and matters which span their Portfolio responsibilities.

### 5.3 Advisory Committees

Advisory Committees are intended to:

- (a) Promote the awareness of a specific topic or the strategic management of a facility within Council and the community;
- (b) Advise Council on current and emerging issues;
- (c) Provide a process for input into the planning and provision of services and facilities; and
- (d) Provide a process for feedback from the community to Council.

#### 5.3.1 Establishment

Council may appoint an Advisory Committee to address a specific topic or the strategic management of a facility for a maximum term that is equal to the current term of Council.

An Advisory Committee must be appointed in accordance with Section 264 1 (b) of the LGR and:

- (a) May only be appointed by Council resolution;
- (b) Must not be appointed as a Standing Committee; and
- (c) May include in its members persons who are not Councillors.

Council will, by resolution, approve the:

- ~~(a)~~(d) Terms of Reference for all Advisory Committees;
- ~~(b)~~(e) Tenure of all Advisory Committee members;
- ~~(c)~~(f) Structure of the membership of the Advisory Committee;
- ~~(d)~~(g) Appointment of all member of the Advisory Committee, including Councillor/s from within the relevant Portfolio area;
- ~~(e)~~(h) Duties proposed to be entrusted to the Advisory Committee.

Council's current Advisory Committees and their Councillor Representatives are outlined in the Terms of Reference for those Advisory Committees. Subject to any resolution to the contrary, if an Advisory Committee is appointed for a particular purpose or for a limited time, the Advisory Committee is abolished and appointment of members to the Advisory Committee is terminated upon the fulfilment of that purpose or the expiration of that time.

#### 5.3.2 Membership

The Mayor, Portfolio Councillor and Council personnel of the relevant Council Directorate will determine the most appropriate representation, skill set and knowledge base required for an Advisory Committee.

Specific details relating to Advisory Committee membership includes:

- (a) Members will be representative of the diversity of needs and issues relating to the specific topic of the Committee;

- (b) The Committee will include Councillors and members of the community (both individual members and/or member organisations). Members may also include representatives from relevant State or Federal Government agencies, other Local Governments, professional or industry bodies or other parties as determined by Council;
- ~~(c) The Committee should include at least one member aged 30 years or less;~~
- ~~(c) Where matters relate specifically to youth, the relevant Advisory Committee is encouraged to engage with Council's Youth Council;~~
- (d) The Chairperson and Deputy Chairperson, of an Advisory Committee may be a Councillor or another member of the Advisory Committee as selected by the members' majority vote.
- (e) Organisations, agency, professional or industry bodies represented on the Advisory Committee may nominate one (1) delegate from the organisation they are representing;
- (f) Each year on the twelve month anniversary of the establishment of an Advisory Committee, Council may resolve to provide the opportunity to rotate the existing members (including Councillor/s) of that Advisory Committee with other Councillor/s and members;
- (g) The membership of an Advisory Committee will be as stated in the Advisory Committee Terms of Reference.

The external membership selection process for an Advisory Committee will include:

- ~~(a)~~ (h) Expressions of Interest will be sought through a range of channels as decided by the Portfolio Councillor and Council personnel of the relevant Directorate and will be completed in accordance with Council's Community Engagement Policy;
- (i) The assessment and selection of potential members will be made by the Portfolio Councillor, CEO and/or Council personnel of the relevant Directorate via a recommendation to the relevant Standing Committee and ultimately by approval from a Council resolution at an Ordinary Meeting of Council;
- ~~(b)~~ (i) The Committee may co-opt additional members on a temporary basis for specific matters.

### 5.3.3 Powers

An Advisory Committee is a consultative Committee to Council that is designed to discuss key issues, engage with the community and make recommendations to Council as it pertains to the stated purpose of the Advisory Committee.

An Advisory Committee and members of the Committee may provide input on a specific topic or the strategic management of a facility but does not hold decision making powers concerning the operations of Council, nor can it commit Council resources or be delegated any powers.

### 5.3.4 Member roles and responsibilities

The following roles and responsibilities are conferred to each member of an Advisory Committee:

- (a) All members are responsible for ensuring the Advisory Committee Terms of Reference and this Policy are adhered to; and
- (b) All members of an Advisory Committee must ensure that there is no conflict or possible conflict between the member's private interests and the honest performance of the member's role of advising or making a recommendation to Council.



A member of an Advisory Committee will not:

- (a)(c) Improperly use information acquired as a member of the Advisory Committee to gain, directly or indirectly, a financial advantage for that person or someone else;
- (b)(d) Improperly use information acquired as a member of the Advisory Committee to damage Council's reputation;
- (c)(e) Release information that the member knows or should reasonably know is information that is confidential to Council;
- (d)(f) Release information that the member knows or should reasonably know is information that Council wishes to keep confidential;
- (e)(g) Make public or media comment on behalf of Council, unless the Member is authorised in accordance with Council's Media Policy.

### 5.3.5 Operation and administration

The Director of the relevant Directorate, or nominee, will provide appropriate advice and administrative support to assist all Advisory Committees to meet their obligations. Meeting administration and protocols for an Advisory Committee will be in accordance with the requirements of the LGR and as stated in the Terms of Reference for the Advisory Committee.

The following key meeting protocols must be adhered to for each Advisory Committee meeting:

- (a) A quorum for an Advisory Committee meeting shall be half the number of members of the Committee plus one;
- (b) The Chairperson will preside at an Advisory Committee meeting. However, if the Chairperson is absent or unavailable to preside, a member of the Advisory Committee chosen by the members present at the Advisory Committee meeting will preside;
- (c) A non-member may attend an Advisory Committee meeting as an observer only;
- (d) A member of an Advisory Committee (whether or not they are a Councillor) may vote on business before the Advisory Committee except Council employees, who are not allowed to Move, Second or Vote on recommendations;
- (e) Recommendations of Advisory Committees will be by majority voting of members only;
- (f) An Advisory Committee must determine the dates, times and places for its meetings, however must meet a minimum of four (4) times per year or as otherwise deemed necessary;
- (g) Minutes of each Advisory Committee meeting must be submitted to the relevant Council Standing Committee and will be publicly available unless Council has exempted the Advisory Committee to keep minutes of its proceedings in accordance with section 272 (6) of the LGR; and
- (h) If any Member of the Committee is absent for three (3) consecutive meetings without having obtained leave of absence from the Committee, the Member's continued membership of that Committee will be referred to Council for determination.

### 5.3.6 Remuneration

External Advisory Committee Members do not receive any form of remuneration except the external independent members on the Audit and Risk Management Committee or as approved by Council resolution.



## **5.4 Other Internal and External Committees**

It is acknowledged that in order for Councillors to carry out their responsibilities under the *LGA* and to fulfil their Portfolio and Advisory Committee roles, they will be required to participate in key internal and external Committees.

### **5.4.1 Membership**

Council may appoint, by resolution, a Councillor to be an official Council representative on key internal and external Committees. Any alterations to internal and external Committee membership must be made by resolution of Council. Council's current Councillor representatives on key internal and external Committees are outlined in Appendix C.

### **5.4.2 Powers**

Membership on key internal and external Committees allows a Councillor to provide input on a specific topic or the strategic management of a facility but does not provide decision making powers concerning the operations of Council, nor does it allow the commitment of Council resources or the delegation of any powers.

### **5.4.3 Member roles and responsibilities**

The following roles and responsibilities are conferred to Councillor representatives of key internal and external Committees as detailed in Appendix C:

- (a) All Councillors are responsible for adhering to the relevant Committee's Terms of Reference/Charter, Meeting procedures and this Policy;
- (b) All Councillors must ensure that there is no conflict or possible conflict between the Councillor's private interests and the honest performance of the Councillor's role in representing Council on the relevant Committee;
- (c) Represent Council's interests in a professional and appropriate manner; and
- (d) Garner and inform Council of relevant matters.

### **5.4.4 Operation and administration**

All Councillors must provide an update to the next monthly Portfolio meeting regarding any proposals, issues and activities resulting from the attendance and involvement on key internal and external Committee's which are relevant to the Councillors Portfolio.

## 6 Definitions

Term	Meaning
Advisory Committee Member	An individual or organisation represented by a delegated person who is appointed for the term of the Council Advisory Committee.
Council	Southern Downs Regional Council.
Council Advisory Committee	Means a Council Advisory Committee appointed by Southern Downs Regional Council pursuant to section 264 of the <i>Local Government Regulation 2012</i> .
Employee	Includes all employees of Southern Downs Regional Council, regardless of their employment status or type, for example, permanent, temporary, casual, full/part time, those with employment contracts or agency casuals.
Member Organisation	An organisation appointed as a Committee Member represented by a delegated person. The organisation provides a skill set or knowledge base relevant to the specific topic of the Committee.
Member Organisation Representative	A person representing a Member Organisation with delegated authority to represent the organisation in decision making.

## 7 Related Documents

- Council Meetings Policy (PL-EX036)
- Councillors Acceptable Requests Guidelines (PL-EX086)
- Code of Conduct for Councillors in Queensland, 9 April 2020 (and as amended)
- Community Engagement Policy (PL-CS059)
- Media Relations Policy (PL-EX004)

## 8 Appendix A – Councillor Portfolios

At the General Meeting of Council held on 29 April 2020, Council resolved to appoint the nominated Councillors to the following Portfolios:

Councillor	Standing Committee	Councillor Portfolio	Portfolio Focus
Mayor Vic Pennisi	Sustainable Development, Corporate and Community Services	Planning and Prosperity, Executive Services, Youth Development, Tourism, Disaster Management and Media and Communications	<ul style="list-style-type: none"> <li>• Advocacy, representation and engagement with Federal and State Government Ministers on all matters relevant to Council and the region</li> <li>• Develop strategic alliances with other local governments</li> <li>• Economic Development and Tourism Strategies</li> <li>• Resident Attraction Strategies</li> <li>• Local business support services</li> <li>• Communications Strategy and policy development and review</li> <li>• Industry development, trade and export development programs</li> <li>• Urban Design Frameworks – engagement, capital prioritisation and reporting</li> <li>• Planning Scheme</li> <li>• Major urban developments</li> <li>• Local and State Heritage listing</li> <li>• Local Disaster Management</li> <li>• Infrastructure Charges review</li> <li>• Development assessment services and monitoring</li> <li>• Collaboration with Granite Belt Wine and Tourism, Warwick and Stanthorpe Chamber of Commerce</li> <li>• Budget development and budget review arrangements</li> <li>• Long term financial planning</li> <li>• Rating and Full Cost recovery modelling</li> <li>• Revenue policies and financing arrangements</li> <li>• Southern Downs Youth Council representation</li> <li>• Shaping Southern Downs Advisory Committee representation</li> </ul>

Item 11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's, Advisory Committees and Other Committees Policy, Councillors Acceptable Requests Guidelines and Entertainment & Hospitality Expenditure Policy  
Attachment 2: Councillor Portfolio's, Advisory Committee and Other Committees Policy



Councillor	Standing Committee	Councillor Portfolio	Portfolio Focus
Cr Cameron Gow		Environmental, Waste, Sustainability and Disaster Management	<ul style="list-style-type: none"> <li>• Environmental Sustainability Strategy and Policy</li> <li>• Invasive Pests Strategic Plan and Control Scheme review</li> <li>• Animal Management Strategy</li> <li>• Local Disaster Management Plan</li> <li>• Waste Management Strategy</li> <li>• Environmental programs including: <ul style="list-style-type: none"> <li>◦ Private land conservation</li> <li>◦ Waterways management</li> <li>◦ Pest management</li> </ul> </li> <li>• Water Security Strategy and contingency planning, development and review</li> <li>• Budget development and budget review arrangements</li> <li>• Long term financial planning</li> <li>• Rating and Full Cost recovery modelling</li> <li>• Revenue policies and financing arrangements</li> <li>• Pest Management Advisory Committee representation</li> <li>• Environmental Sustainability Advisory Group representation</li> </ul>
Cr Sheryl Windle	Sustainable Development, Corporate and Community Services	Community Services, Towns and Villages, Disaster Recovery	<ul style="list-style-type: none"> <li>• Community Engagement Strategy</li> <li>• Support for Youth Council and community events</li> <li>• Grants to Community Committee representation</li> <li>• Community facilities planning, management and development (excluding sport, recreation, arts and heritage)</li> <li>• Social policy in consideration of local indigenous cultural heritage, multiculturalism, disability services, ageing, unemployed, youth and homelessness issues</li> <li>• Community Recovery planning development and implementation</li> <li>• Urban Design Frameworks – engagement, capital prioritisation and reporting</li> <li>• Collaboration with Warwick Women's Work Camp</li> <li>• Collaboration with Headspace</li> </ul>

Item 11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's, Advisory Committees and Other Committees Policy, Councillors Acceptable Requests Guidelines and Entertainment & Hospitality Expenditure Policy  
Attachment 2: Councillor Portfolio's, Advisory Committee and Other Committees Policy

Councillor	Standing Committee	Councillor Portfolio	Portfolio Focus
Cr Marco Giori	Sustainable Development, Corporate and Community Services	Sport and Recreation, Events, Culture and the Arts	<ul style="list-style-type: none"> <li>• Sport and Recreation Strategy</li> <li>• Events Strategy</li> <li>• Council programming and support arrangements for events</li> <li>• Sport and Recreation facilities planning, management and development</li> <li>• Warwick and Stanthorpe Art Gallery representation</li> <li>• Regional Arts Development Fund Committee representation</li> <li>• Arts and Cultural programs</li> <li>• Warwick Saleyards Advisory Committee representation</li> <li>• Shaping Southern Downs Advisory Committee representation</li> <li>• Collaboration with Warwick Women's Work Camp</li> </ul>
Cr Cynthia McDonald		Agriculture and Corporate and Commercial Services	<ul style="list-style-type: none"> <li>• Governance, Policy and Compliance Framework</li> <li>• Business Continuity Framework</li> <li>• Performance monitoring and reporting including Corporate and Operational Plan</li> <li>• Warwick and Stanthorpe Aerodromes Industrial Development and Master Plans capital prioritisation</li> <li>• Regional Housing Strategic Plan</li> <li>• Strategic planning and growth management for rural land use</li> <li>• Advocacy for grant funding</li> <li>• Warwick Saleyards planning</li> <li>• Land Management Strategy and policy development and review</li> <li>• Warwick Saleyards Advisory Committee representation</li> <li>• Pest Management Advisory Committee representation</li> </ul>





Councillor	Standing Committee	Councillor Portfolio	Portfolio Focus
Deputy Mayor Cr Ross Bartley	Infrastructure and Executive Committee	Engineering, Infrastructure and Financial Services	<ul style="list-style-type: none"> <li>• Budget development and budget review arrangements</li> <li>• Long term financial planning</li> <li>• Rating and Full Cost recovery modelling</li> <li>• Revenue policies and financing arrangements</li> <li>• Project Management Framework</li> <li>• Business case development – road, rail and public transport infrastructure</li> <li>• Development, delivery and monitoring of the annual core capital works program</li> <li>• Urban Streetscape project planning and development</li> <li>• Warwick and Stanthorpe Shire River Improvement Trust representation</li> <li>• Southern Downs Road Safety Advisory Committee representation</li> </ul>
Cr Jo McNally		Asset Management	<ul style="list-style-type: none"> <li>• Strategic Asset Management planning</li> <li>• Arts and heritage facilities planning, management and development</li> <li>• Business case development – road, rail and public transport infrastructure</li> <li>• Sport and Recreation facilities planning, management and development</li> <li>• Audit and Risk Management Committee representation</li> <li>• Regional Arts Development Fund Committee representation</li> <li>• Collaboration with Warwick Women's Work Camp</li> <li>• Grants to Community Committee representation</li> </ul>

Item 11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's, Advisory Committees and Other Committees Policy, Councillors Acceptable Requests Guidelines and Entertainment & Hospitality Expenditure Policy  
Attachment 2: Councillor Portfolio's, Advisory Committee and Other Committees Policy

Councillor	Standing Committee	Councillor Portfolio	Portfolio Focus
Cr Andrew Gale	Infrastructure and Executive Committee	Parks & Open Space, Transport and Information Technology	<ul style="list-style-type: none"> <li>• Regional Transport Strategy – Road, Air and Rail and policy</li> <li>• Transport corridor and network planning</li> <li>• Warwick Heavy Vehicle By-pass advocacy and planning</li> <li>• Parking and traffic management strategies, solutions and service monitoring</li> <li>• Information Technology Strategy development and review</li> <li>• Sport and Recreation facilities planning, management and development</li> <li>• Parks and Open Space Strategy</li> <li>• Digital Transformation and Cyber Security</li> <li>• Border Region of Organisation of Council's representation</li> <li>• Southern Downs Road Safety Advisory Committee representation</li> <li>• Collaboration with Headspace</li> </ul>
Cr Stephen Tancred		Water, Tourism, Audit and Risk Management	<ul style="list-style-type: none"> <li>• Project oversight, advocacy, representation to other levels of government and investment sourcing for: <ul style="list-style-type: none"> <li>◦ Toowoomba to Warwick water pipeline;</li> <li>◦ Emu Swamp Dam</li> </ul> </li> <li>• Collaboration with Granite Belt Wine and Tourism, Warwick and Stanthorpe Chamber of Commerce</li> <li>• Tourism Strategy</li> <li>• Risk Management, Governance and Fraud &amp; Corruption Control Framework</li> <li>• Water Security Strategy and contingency planning, development and review</li> <li>• Audit and Risk Management Committee representation</li> <li>• Warwick and Stanthorpe Shire River Improvement Trust representation</li> <li>• Southern Queensland Country Tourism representation</li> </ul>

## 9 **Appendix B – Advisory Committees**

At the General Meeting of Council held on 29 April 2020, Council resolved to appoint the nominated Councillors to the following Advisory Committees:

Organisation/Committee	Councillor/s
Audit and Risk Management Committee	Cr Jo McNally Cr Stephen Tancred
Pest Management Advisory Committee	Cr Cameron Gow Cr Cynthia McDonald
Saleyards Advisory Committee	Cr Marco Giori Cr Cynthia McDonald
Environmental Sustainability Advisory Group	Cr Cameron Gow
Southern Downs Road Safety Advisory Committee	Cr Andrew Gale Cr Ross Bartley
Shaping Southern Downs Advisory Committee	Cr Vic Pennisi Cr Marco Giori



## 10 **Appendix C – Councillor Representation on Other Committees**

At the General Meeting of Council held on 29 April 2020, Council resolved to appoint the nominated Councillors to the following internal and external organisations and Committees:

Organisation/Committee	Councillor/s
Border Regional Organisation of Councils	Cr Andrew Gale
Southern Queensland Country Tourism	Cr Stephen Tancred
Southern Downs Youth Council	Mayor Vic Pennisi Cr Sheryl Windle
Warwick Art Gallery and Stanthorpe Art Gallery	Cr Jo McNally Cr Marco Giori
Warwick Shire River Improvement Trust	Cr Ross Bartley Cr Stephen Tancred
Stanthorpe Shire River Improvement Trust	Cr Stephen Tancred Cr Ross Bartley
Regional Arts Development Fund Committee	Cr Jo McNally Cr Marco Giori
Warwick Women's Work Camp	Cr Sheryl Windle Cr Marco Giori
Grants to Community Committee	Cr Sheryl Windle Cr Jo McNally
Headspace	Cr Sheryl Windle Cr Andrew Gale



# ~~Councillors Acceptable Requests~~

## ~~Policy~~ Councillors Acceptable Requests

### Guidelines

<b>Policy Number:</b>	PL-EX086
<b>Department:</b>	Executive Services
<b>Section:</b>	Governance
<b>Responsible Manager:</b>	Manager Corporate and Commercial Services
<b>Date Adopted:</b>	3 December 2018
<b>Date to be Reviewed:</b>	<del>26 November 2020</del> <u>26 May 2021</u>
<b>Date Reviewed:</b>	<del>27 November 2019</del> <u>27 May 2020</u>
<b>Date Rescinded:</b>	N/A

#### REVISION RECORD

Date	Version	Revision description
18/11/19	1	Amendments to incorporate changes to legislation re directions to CEO, CEO register of directions, EMT interactions and expansion of refusal section (incorporating review provisions).
<u>14/05/20</u>	<u>2</u>	<u>Amendments to include requests to Managers and clarity on process, expansion of review process and inclusion of administrative matters.</u>

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## **1 Purpose**

The purpose of this policy is to establish guidelines for Councillors and staff about ~~the~~ provision of ~~assistance, advice and information to help assist~~ Councillors ~~to carry out their responsibilities under the Local Government Act 2009~~ ~~make decisions and provision of information to Councillors.~~

## **2 Scope**

This policy applies to the Mayor, Councillors and all employees of the Southern Downs Regional Council.

## **3 Legislative context**

Sections 170 – 170A of the *Local Government Act 2009*.

## **4 Policy details**

~~It is acknowledged that in order for Councillor's to fulfil their responsibilities, requests for assistance, advice and information will be submitted to Council employees. Councillors may request assistance, advice or information to carry out their responsibilities under the Local Government Act 2009 from local government employees (as defined in section 4.1.1 of this Policy) on matters that are within the employee's scope of responsibility or knowledge.~~

### ~~Interaction with Council staff~~

Pursuant to section 170 of the ~~Local Government Act 2009 (the LGA)~~, no Councillor, including the Mayor, may give a direction to any local government employee. However, the Mayor may give a direction to the Chief Executive Officer (**CEO**) in accordance with the requirements outlined in the LGA. ~~In Under~~ no circumstances shall Councillors influence, intimidate or request preferential treatment when seeking advice and assistance on Council business from any Council employee.

### **4.1 The processes for the following types of interactions are outlined below:**

#### **Request for Assistance, Advice or Information**

~~Section 170A (1) and (2) of the LGA state that A~~ **advice or information** ~~can be requested from a local government employee to assist a Councillor to carry out his or her responsibilities, as per section 170A (1) and (2) of the LGA.~~

~~Requests by Councillors for advice from a local government employee as per section 170A (1) of the LGA~~

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Southern Downs Regional Council fosters relationships between Councillors and employees that are built on trust, transparency and open communication. In order to achieve this Councillors can request advice and information, preferably via email, should be submitted from to either Managers, Directors or the CEO. In addition, the CEO may nominate another officer or the Executive Assistant/s as required to also receive requests.

To assist in ensuring that Councillor requests are both recorded and addressed in a timely manner, the preferred communication method for requests is in writing, via email.

From time-to-time Councillors may also request in advance access to Council owned or controlled land, facilities and worksites, not typically accessible to unauthorised employees or members of the public, such as vacant land, depots, construction areas/sites, confined areas etc. Where such access is requested required Councillors raise the request with the relevant Manager, Director or the CEO. In advance via writing to the relevant Manager. In obtaining access, the Councillor will comply with all site specific work, health and safety requirements, including but not limited to, the use of any necessary personal protective equipment and any lawful directions given.

## **4.2**

:

- a) ~~the Chief Executive Officer; or~~
- b) ~~where appropriate, to the relevant Director; or~~
- c) ~~the Executive Assistant to the Mayor and Chief Executive Officer; or~~

~~an Officer as nominated by the Chief Executive Officer.~~

## **4.1 Request Timeframes**

### Simple Requests

Requests from Councillors for assistance, advice or information will be responded to as soon as reasonably possible. Requests from Councillors for assistance, advice or information will be responded to as soon as reasonably possible. The timeframes for responding to Councillor requests are as follows:

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### Simple Requests

- Acknowledgement of Councillor request within two (2) business days.
  - Request responded to within five (5) business days.
  - If the employee reasonably believes it is not practical to comply with the Councillor's request within five (5) business days, they must advise the Councillor of the delay and the reasons for the delay and then comply within 20 business days after receiving the request.
- At this time, the employee must also advise their relevant superior i.e. Manager to inform relevant Director and Director to inform the CEO.

### Complex Requests

Councillors may raise requests that are complicated in nature, require significant time or resources to research the matter or necessitate a Council report. The timeframes for responding to these requests are as follows:

- Acknowledgement of Councillor request within two (2) business days.
- Request responded to within ten (10) business days.
- If the employee reasonably believes it is not practical to comply with the Councillor's request within ten (10) business days, they must advise the Councillor of the delay and the reasons for the delay within ten (10) business days and then comply within 20 business days after receiving the request.
- Request responded to within ten (10) business days At this time, the employee must also advise their relevant superior i.e. Manager to inform relevant Director and Director to inform the CEO.

or in a timeframe not exceeding five (5) business days of receipt of the request. The timeframe may be extended if the request involves a complicated issue, requires significant time or resources to research, or necessitates a report to Council.

d) the

### Request Information

Subject to the exceptions outlined in section 170A (4), a Councillor may ask the Chief Executive Officer to provide information, that Council has access to, relating to the local government, as per section 170A (2) of the LGA.

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~~Requests by Councillors for information from the Chief Executive Officer as per section 170 (2) of the LGA should be submitted to either:~~

- ~~a) the Chief Executive Officer; or~~
- ~~b) where appropriate, to the relevant Director; or~~
- ~~c) the Personal Assistant to the Mayor and Chief Executive Officer; or~~
- ~~d) an Officer as nominated by the Chief Executive Officer.~~

~~When submitting a request for advice or information, a Councillor must comply with any reasonable requirements of the local government employee to either:~~

- ~~a) submit their request in writing (e.g. letter, memo or email); and/or~~
- ~~b) clarify the purpose of their request.~~

~~In accordance with section 170A (9) of the LGA, the Chief Executive Officer (or his/her nominated representative) must comply with the request for advice or information within 10 business days after receiving the request or if this timeframe is not practicable, then comply with the request within 20 business days.~~

~~the~~

A request from a Councillor for advice or information is of no effect if the request does not comply with this Policy. Further, any conduct by a Councillor that is proven to contravene this Policy will be considered to be misconduct as stated in section 150L (c) (ii) of the LGA. Any suspected breaches of this Policy should be referred to the Office of the Independent Assessor.

### **4.3 Staff Interactions**

It is important elected officials maintain the opportunity to have interactions with employees, especially in relation to official functions, events, community engagement sessions and business meetings that are supported by Council. These types of general interactions may involve employees at various levels of the organisation, from time to time, and are supported by the relevant Manager or Director.

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## **4.4**

### **Give a Direction**

In accordance with section 170 of the LGA, only the Mayor may give a direction to the ~~Chief Executive Officer~~CEO, however this direction must not be inconsistent with a resolution, or a document adopted by resolution, of Council.

As required by section 170 (4) of the LGA, the ~~Chief Executive Officer~~CEO will keep a register of directions from the Mayor including the date ~~that~~ the direction was given, a brief description of the nature of the direction, its linkage to Council policy and decisions and the outcome(s) of the direction.

~~Should any Councillor provide a directive to a Council employee, other than the Mayor to the CEO, when Councillors meet with Directors, the Directors employee will record a brief summary of any potential~~  
~~provide details of the directives that eventuate from those meetings and provide this information to the Chief Executive Officer for review.~~

~~The Chief Executive Officer~~CEO will review the summary information supplied by the ~~Directors~~employee and in conjunction with the Mayor, will determine if there ~~are~~~~is~~ a directive/s which ~~are~~~~is~~ required to be acted upon. If there are any directives resulting from that determination, the ~~Chief Executive Officer~~CEO will include the direction in the register of directions from the Mayor.

This register will be made available in electronic format to all Councillors.

~~Should Councillors continue to provide direction to employees, their conduct may constitute a breach of the Code of Conduct for Councillors in Queensland.~~



#### **4.5 Request Refusal**~~Executive Management Team interactions~~

~~It is important that elected officials maintain the opportunity to have a dialogue with Directors, especially in relation to the Portfolio system and Advisory Committees that are supported by Council. Therefore, when Councillors meet with Directors, the Directors will record a brief summary of any potential directives that eventuate from those meetings and provide this information to the Chief Executive Officer for review.~~

~~The Chief Executive Officer will review the summary information supplied by the Directors and in conjunction with the Mayor, will determine if there are directives which are required to be acted upon. If there are any directives resulting from that determination, the Chief Executive Officer will include the direction in the register of directions from the Mayor.~~

#### **Refusal of requests**~~Refusal of requests for information or advice~~

~~A Councillor may not request assistance, advice and information in particular circumstances, as outlined in section 170A (4) of the LGA:~~

- ~~a) The information or a document is a record of the Conduct Tribunal;~~
- ~~b) The information or a document was a record of a former Conduct Review Body;~~
- ~~c) The disclosure of the information or document to the Councillor would be contrary to an order of a Court or Tribunal;~~
- ~~d) The information or a document would be privileged from production in a legal proceeding on the ground of legal privilege.~~

~~Additionally, the Chief Executive Officer~~**CEO** may refuse to comply with requests for information or advice when:

- ~~a) the information or a document is a record of the Conduct Tribunal (as per section 170A (4) of the LGA);~~
- ~~b) the information or a document was a record of a former Conduct Review Body (as per section 170A (4) of the LGA);~~

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- c) ~~if disclosure of the information or document to the Councillor would be contrary to an order of a Court or Tribunal (as per section 170A (4) of the LGA);~~
- d) ~~the information or a document would be privileged from production in a legal proceeding on the ground of legal privilege (as per section 170A (4) of the LGA);~~
- e) ~~a) The information or a document relates to a public interest disclosure (as defined in the Public Interest Disclosure Act 2010);~~
- f) ~~b) The information or a document is not reasonably available to the any employee Officer;~~
- g) ~~c) the Officer The CEO does not feel that there are any employees qualified to provide the requested advice;~~
- h) ~~d) The CEO the Officer is not satisfied that the information or advice is required to assist the Councillor to carry out his or her responsibilities under the LGA; or~~
- e) ~~The CEO believes that the request will take a significant amount of resources to satisfy where the costs cannot be justified as being in the public interest;~~
- f) ~~The CEO believes that the request would cause a significant impact on employees' business as usual responsibilities;~~
- g) ~~the The CEO Officer considers that the use of resources to comply with the request would breach Council's Caretaker Period Procedure Policy.~~

~~h) All employees who receive a request which they believe should be refused under this section, should immediately advise the CEO of the request and the reasons for the refusal. If the CEO believes there are grounds for refusal of the Councillor's request, they must advise the Councillor of the grounds within five business days.~~

## **4.6 Review process**

A Councillor may request a review of the Chief Executive Officer's decision to refuse their request for information or advice. After the review, if the Chief Executive Officer confirms that the advice or information requested is not deemed to be required for the Councillor to carry out their official duties, the Councillor has the opportunity to apply for access to the documents via Council's Right to Information process.

## **4.7 Administrative matters**

### **4.7.6.1 Request Management System (Merit)**

All requests for service will be added to the relevant category and workflow within Merit.

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#### 4.76.21 Requests via email

To protect all parties, all Councillor requests, interactions and decisions under this policy should be documented in Council's Electronic Content Management (ECM) system. When a verbal interaction occurs, notes should be prepared where possible and registered in ECM to ensure accurate record keeping.

All requests and interactions involving employees from Manager level and below, should be communicated to the relevant Director, while all requests and interactions involving a Director should be communicated to the CEO.

All records should be registered in ECM under Function 13.23.

## 5 Definitions

Term	Meaning
Advice	Information that can be provided fairly quickly and does not require more than thirty minutes of work from one person to provide.
Council	Southern Downs Regional Council.
Executive Management Team	Consists of the Chief Executive Officer and all Directors.
<u>Complex requests</u>	<u>Are those matters that require investigation or research in order to provide a response.</u>

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<u>Employee</u>	<u>Includes all employees of Southern Downs Regional Council, regardless of their employment status or type, for example, permanent, temporary, casual, full/part time, those with employment contracts or agency casuals.</u>
Information	Includes documents or records held by Council in printed or electronic form.
<u>Simple requests</u>	<u>Are those matters that do not require investigation or research in order to provide a response.</u>
Reasonable requests	Requests which, in the opinion of the CEO, will not cause any unacceptable increase in workload or delay in the performance of normal day to day services of council officers.

## **6 Related Documents**

- Code of Conduct for Councillors in Queensland, ~~3 December 2018~~9 April 2020 (and as amended).

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# Entertainment and Hospitality Expenditure Policy

<b>Policy Number:</b>	PL-GV011
<b>Department:</b>	Executive Services
<b>Section:</b>	<del>Executive Services</del> Finance & Information Technology
<b>Responsible Manager:</b>	<del>Manager Finance &amp; Information Technology</del> Chief Executive Officer
<b>Date Adopted:</b>	25 June 2008
<b>Date to be Reviewed:</b>	<del>Within six months of the quadrennial election</del> 26 May 2021
<b>Date Reviewed:</b>	<del>26 October 2016</del> 27 May 2020
<b>Date Rescinded:</b>	N/A

## REVISION RECORD

Date	Version	Revision description
10/09/2012	2	Revision to update legislation and content of previous policy
8/09/2016	3	Revision to update legislation and content of previous policy
<u>27/5/2020</u>	<u>4</u>	<u>Revisions to incorporate provision of food for official purposes</u>

**Entertainment and Hospitality Expenditure Policy**

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**Entertainment and Hospitality Expenditure Policy**

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## 1 Purpose

The *Local Government Regulation 2012* (the *Regulation LGR*) requires that Councils adopt a policy about the local government's spending on entertainment or hospitality.

This policy documents the principles governing expenditure on entertainment and hospitality which will ensure that public monies are used prudently and appropriately.

## 2 Scope

This Policy applies to:

- any expenditure deemed to fall under the category of hospitality and entertainment; and
- all Council employees and elected members.

This policy does not apply to:

- Council employees or Elected Members travelling outside of the region. These types of expenditures are dealt with under the *Conference & Training Attendance Procedure* and the *Reimbursement of Expenses and Provision of Facilities for Councillors Policy* respectively.

## 3 Legislative Context

— The *Local Government Regulation 2012 (the LGR)*, section 196 states:

### *196 Entertainment and hospitality*

1. A local government must prepare and adopt a policy about the local government's spending on entertainment or hospitality (an entertainment and hospitality policy).

Examples of entertainment or hospitality:—

- Entertaining members of the public in order to promote a local government project
- Providing food or beverages to a person who is visiting the local government in an official capacity
- Providing food or beverages for a conference, course, meeting, seminar, workshop or another forum that is held by the local government for its councillors, local government employees or other persons
- Paying for a councillor or local government employee to attend a function as part of the councillor's or employee's official duties or obligations as a councillor or local government employee

2. A local government may spend money on entertainment or hospitality only in a way that is consistent with its entertainment and hospitality policy.

**Entertainment and Hospitality Expenditure Policy**

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## 4 Policy Details

### 4.1 Principles

Council recognises that in order to achieve its strategic priorities it is vital to foster effective working relationships with the community, business and government sectors. Therefore, in certain circumstances, reasonable expenditure on entertainment and hospitality is deemed appropriate. Under this policy the relevant Authorised Officer will approve payment for the provision of food, beverages and entertainment for official purposes.

All Hospitality expenditure must be:

1. Reasonable and appropriate to Council's business.
2. For official Council purposes only and incurred in providing a service in the public interest.
3. Properly documented and available for internal and external scrutiny, including the provision of detailed tax invoices, invoices and receipts.
4. In accordance with all other related policies, procedures and practices.
5. Provided for in a budget and be authorised in accordance with the Council's normal accounting procedures i.e. by a relevant Authorised Officer.

### 4.2 Types of Entertainment or Hospitality Considered to be in the Public Interest

**Council supports local business and will actively seek to procure locally for entertainment and hospitality related expenditure.**

In accordance with [section](#) 196 of the [Regulation LGR](#), activities where [hosting](#) is determined by the Council, Chief Executive Officer or appropriate Director to be in the public interests are:

- **Civic and Public Functions**

A service or function provided by Council for hosting and entertaining of:

- a) [i](#)Invited members of the public for promoting an initiative or project of Council; and
- b) [g](#)Government officials, dignitaries or elected politicians from all levels of government visiting the local government area in an official capacity.

Included are citizenship ceremonies, community engagement activities, volunteers functions, hosting prospective senior staff, developers and investors, community organisations, media and other significant community events.

Acceptable hospitality services for civic and public functions are:

- [m](#)Morning and afternoon teas,
- [l](#)Light [m](#)Meals, [snacks](#) for lunch,
- main meals with or without alcohol for dinner.



- **Conferences, Workshops, Trainings, Meetings and Seminars held by Council**

Approved attendance at a conference, course, meeting, seminar, workshop or another forum that is:

- a) ~~h~~Held by the local government for its Councillors, Officers or other persons.

Acceptable hospitality services for these types of events are:

- ~~m~~Morning and afternoon teas,
- ~~l~~Light meals, ~~snacks~~ for lunch.

• Council is committed to decreasing the financial impost on ratepayers and therefore will personally contribute to the cost of catering for all Statutory Meetings as described in Council's Meetings Policy.

- **Sanctioned Social Functions**

Approved social functions hosted by Council for its Councillors or Employees.

Included are an annual Christmas party, employer reward and recognition presentations for provision of services to the public, retirement functions, functions in honour of a long standing employee or elected member.

Acceptable hospitality services for these types of events are:

- ~~m~~Morning and afternoon teas,
- ~~l~~Light meals, ~~snacks~~ for lunch,
- ~~m~~Main meals with or without alcohol.

### 4.3 Use of Credit Cards for entertainment or hospitality

If a credit card is provided to an employee or Councillor, that card may only be used to pay for entertainment or hospitality expenditure where:

- a) the expenditure has been approved under this policy; or
- b) such expenditure on a particular occasion has been authorised by the relevant Authorised Officer and expenditure complies with this policy; and
- c) if prior authorisation has been obtained in accordance with this policy.

### 4.4 Procedure for Approval of Entertainment and Hospitality Expenditure

1. Any expenditure on entertainment and hospitality will be undertaken in accordance with Council's Procurement Policy.

**Entertainment and Hospitality Expenditure Policy**

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2. Council staff incurring expenditure must be able to identify how the expenditure complies with this policy's principles.
3. Reasonable expenditure means that the Chief Executive Officer or delegate must be comfortable disclosing the expenditure and be able to identify the benefit to Council and the public generally.
4. The Council staff member who incurs the expenditure must not authorise the payment or reimbursement of that expenditure.
5. Authorisation from the relevant Authorised Officer should be sought before expenditure is incurred using the appropriate form (Appendix A). Where this is not possible, authorisation may be sought subject to the guidelines of this policy. In the event where the expenditure is not authorised, the officer who incurred the expenses will have to repay council in full.
6. All alcohol expenditure must be approved by the Chief Executive Officer prior to being incurred.
7. Expenditure incurred by Council which is not reasonable and appropriate (private expenses) must be repaid to Council within 14 days of an invoice being issued by Council.
8. In granting approval for expenditure, the relevant authorised officer must be made aware of:
  - a) the type of hospitality to be provided;
  - b) why it is necessary to provide the hospitality;
  - c) who will receive the hospitality;
  - d) when and where the hospitality will be provided; and
  - e) the estimated cost of the hospitality.
9. All requests for authorisation of expenditure or reimbursement of expenditure must be accompanied by the appropriate form and tax receipts if applicable.

## 4.5 Fringe Benefits Tax

Fringe Benefits Tax (FBT) may be payable on certain types of expenditure and the officers requesting and approving entertainment and hospitality expenditure should be aware of the FBT implications of the expenditure. Officers are to ensure that the details requested on the form are completed accurately and that expenditure is coded correctly to comply with the FBT legislative requirements.

## 5 Definitions

Term	Meaning
Authorised Officer	A council officer at manager level or above who has sufficient financial delegation to authorise the expenditure.
Reasonable and appropriate expenses	<ul style="list-style-type: none"> <li>• Council must make sound judgements and consider what is appropriate, responsible and acceptable to the community when determining reasonable levels of expenditure.</li> <li>• To assess whether expenditure is reasonable, the person claiming the expenditure must be comfortable in disclosing the expense, should that be required, and be able to identify the benefit for Council, and the public generally. They should be satisfied that the claim was reasonable, prior to the authorisation of any such payment or reimbursement.</li> <li>• Expenditure considered reasonable as official hospitality includes the provision of tea, coffee, sugar, milk, morning, afternoon tea and lunch for official visitors and appropriate staff. Dinner may also be applicable if Council is hosting an evening event.</li> <li>• Also considered reasonable is the provision of tea, coffee, sugar and milk in all Council staff kitchens which can also be used by external people when invited on site.</li> </ul>
Not reasonable or inappropriate expenses	<p>Examples of expenditure which are generally considered not to be reasonable and appropriate and are therefore to be treated as private expenditure are:</p> <ul style="list-style-type: none"> <li>• Tips or gratuities – tipping is not customary in Australia, however when travelling overseas and tipping is the custom, these will be considered official expenditure;</li> <li>• Dinners/functions at the private residence of a Councillor or Council officer;</li> <li>• Stocking of bar fridges;</li> <li>• Mini bar expenses;</li> <li>• Alcohol during seminars, workshops, training, courses and other functions unless deemed appropriate and approved by the Chief Executive Officer</li> <li>• Staff working on Council premises where food and beverages are on sale are not entitled to charge food and beverages to Council in the normal course of their duties.</li> </ul>

## **6 Related Documents**

- Procurement Policy
- **Council Meetings Policy**
- Reimbursement of Expenses and Provision of Facilities for Councillors Policy
- Conference & Training Attendance Procedure
- Employee Code of Conduct

## **7 Appendix A**

Entertainment and Hospitality FBT Approval Form.