



LATE ITEMS ORDINARY MEETING

AGENDA

10 NOVEMBER 2015

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 November 2015 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
9 November 2015

Next Meeting Date: 08.12.15

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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11 OFFICERS' REPORTS

11.3 REVISED COUNCIL MEETING PROCEDURES POLICY AND REVISED AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY

File No: 2562

Attachments:

1. Draft Council Meeting Procedures Policy
2. Existing Council Meeting Procedures Policy
3. Existing Audit and Business Improvement Committee policy with Changes marked up
4. Draft Audit and Business Improvement Committee Policy

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Shane Turner - Manager Governance Support

SUMMARY

In the process of reviewing Council's policies and procedures it has been identified that changes were required to be made to the Council Meeting Procedures Policy. A new policy has been developed and the Draft Council Meeting Procedures Policy is presented to Council to be considered for adoption. As a consequence of the changes to the Council Meeting Procedures policy we have had to make some minor amendments to the Audit and Business Improvement Committee policy and its Terms of Reference, contained in the Audit and Business Improvement Committee policy.

OFFICER'S RECOMMENDATION

THAT Council adopt the Council Meeting Procedures Policy and the Audit & Business Improvement Committee Policy.

COMMENTARY

In the process of reviewing Council's policies and procedures, and from advice received from the Council Policy workshop, it was identified that changes to the existing Council Meeting Procedures policy were required. The existing policy contains information that is not relevant to the running of an Ordinary Council or Standing Committee meeting. The removal of the unnecessary information has delivered a Meetings Procedure policy that deals only with the business of running an effective Council or Standing Committee meeting. The content of the existing policy that was removed related mainly to the administrative processes provided by Committee Support for the areas around agenda creation, minute creation, and meeting follow up tasks for example the Council and Standing Committee's Action Sheet process. Information about Advisory Committees was also removed.

Advisory Committees are able to be dealt with by a resolution of the Council table, when the report requesting the establishment of an Advisory Committee is presented to the Council meeting. The report presented to that Council meeting will detail the Advisory Committee's purpose and will include the associated Advisory Committee Terms of Reference for approval by the Ordinary Council.

The Audit & Business Improvement Advisory Committee is also different to other Advisory Committees as this Committee is a mandatory requirement for Council under specific sections of the *Local Government Act 2009* and *Local Government Regulation 2012*. Council currently has an Audit and Business Improvement Committee Policy with a specific Terms of Reference for that Committee. That policy and the Terms of Reference has been amended to provide some additional sections that tidy up its removal from the Council Meeting Procedures Policy. As there is an Audit & Business Improvement Advisory Committee meeting scheduled for 24 November 2015, minor amendments have been made to this policy and Terms of Reference to ensure that the Committee is able to meet without any concerns.

BACKGROUND

The Council Meeting Procedures Policy is an Administrative Policy and requires adoption by Council. The existing Council Meeting Procedure Policy was adopted on 26 June 2012.

At the Council Policy Workshop earlier this year it was indicated that changes were required to be made to the policy. The draft Policy is now presented to Council for adoption after being reviewed in line with the Councillor Policy workshop and the directions relayed by the Chief Executive Officer. At almost 30 pages the existing policy is somewhat cumbersome to negotiate.

The removal of the Council's administrative sections of the existing policy into a Council Meeting Agenda Guideline, and the removal of both the Audit and Advisory Committee sections have, in essence, trimmed the Councillor Meeting Procedures policy to one focused on the actual process requirements of conducting a Council or Standing Committee meeting.

LEGAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

CONCLUSION

The existing Council Meeting Procedure policy contained a number of sections related more to the administrative side of the Council meeting process and these have been removed and placed into the Council Meeting Agenda Guideline which will take the form of a Management Directive procedure titled, Council Meeting Agenda Guideline.

Advisory Committee sections have also been removed, in part, due to legal opinion received earlier this year on the Audit Committees of Councils. In summary a Council Audit Committee unlike a normal Advisory Committee has specific and significant legislative requirements placed on both the Council and the Committee by the Local Government Act 2009 and Local Government Regulation 2012 that are not requirements of other advisory committees. As mentioned in the commentary it has been necessary to make some minor amendments to the Audit and Business Improvement committee Policy and Terms of Reference.

Advisory committees other than the Audit Committee are able to be formed at any time the Council determines the need.

Establishment of any future Advisory Committees require a report to be presented to the Council including sections related to the purpose for the committee, nomination of membership to the committee, that may comprise council members and or non-elected representative/s, the scope of operations for the committee and anything else that the Council requires in the way of a Terms of Reference or Charter.

**REVISED COUNCIL MEETING
PROCEDURES POLICY AND REVISED
AUDIT AND BUSINESS IMPROVEMENT
COMMITTEE POLICY**

**Draft Council Meeting Procedures
Policy**

Meeting Date: 10 November 2015

Attachment No: 1



COUNCIL MEETING PROCEDURES POLICY (ADMINISTRATIVE POLICY)

1 Scope:

This policy applies to Councillors and employees during ordinary meetings and committees of Rockhampton Regional Council.

2 Purpose:

To provide direction for the orderly and proper conduct of Council and Committee meetings, including the post-election meeting.

3 Related Documents:

Primary

Nil

Secondary

Local Government Act 2009

Local Government Regulation 2012

Information Privacy Act 2009

Council Meeting Agenda Guideline

Deputation Factsheet

Deputation Guidelines

Petition Factsheet

4 Definitions:

To assist in interpretation, the following definitions apply:

Agenda	<p>Compilation of reports to be discussed at an ordinary or committee meeting.</p> <p>The agenda for any meeting must indicate:</p> <ul style="list-style-type: none"> ▪ Business to be conducted at the meeting, ▪ Business arising from previous meetings, ▪ Any matter the Mayor intends to put to the meeting; and ▪ Any business for which due notice has been given (Notice of Motion, Questions on Notice). <p>An agenda will not include any matter that is unlawful.</p>
Alternative/ Foreshadowed Motion	<p>A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.</p>
Amendment	<p>In relation to a motion, means a motion moving an amendment to that motion.</p> <p>An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p>

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	Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.
CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Chairperson	Person presiding at an ordinary or committee meeting.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> decided by a Council resolution. A committee may either be a delegated or non-delegated committee.
Council	Rockhampton Regional Council
Councillor	The Mayor and/or Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Day	A business day unless specified.
Delegated Committee	A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council
Deputation	A presentation from a member of the public (which could be on behalf of an organisation or individual) to an ordinary or committee meeting.
Employee	<i>Local government employee:</i> (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Mayor	The Mayor is an elected member of Rockhampton Regional Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Meeting	Ordinary meeting or committee meeting at Council
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
Non-Delegated Committee	A committee that does not have authorization from the Council to make a decision and therefore must recommend all motions to the next ordinary meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.
Petition	A request for action on a matter over which Council has the power to act. The "terms" of a petition consist of the reasons for petitioning Council and a request for action by Council.
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings of the Council.

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Report	Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the Information Privacy Act 2009
Resolution	A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the "Council decision", the word "resolution" also indicates the process by which the decision was made.
Serialim	When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.

5 Policy Statement:

The *Local Government Act 2009* and the *Local Government Regulation 2012* provide core requirements for the conduct of ordinary meetings and committees of the local government.

Council is committed to conducting its meetings in accordance with the principles of the *Local Government Act 2009*, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our local government area.

5.1 Committees

5.1.1 Appointment of a Committee

The appointment of a committee will be made by resolution at an ordinary meeting and will include the following:

- The responsibilities to be entrusted to the committee;
- Any delegations assigned to the committee; and
- The committee membership.

The days and times of a committee will be resolved at an ordinary meeting. Changes for a particular meeting can be resolved at the relevant committee.

5.1.2 Delegated Committee

Reports and resolutions of a delegated committee do not need to be submitted to an ordinary meeting for consideration or endorsement.

This section does not limit the power of an ordinary meeting itself to deal with any matter which has been referred to or delegated to a committee.

5.1.3 Non-Delegated Committee

The reports and recommendations of a non-delegated committee must be submitted to an ordinary meeting for consideration.

This section does not limit the power of an ordinary meeting itself to deal with any matter which has been referred to or delegated to a committee.

5.1.4 Termination

A committee may only be abolished or disbanded by an ordinary meeting resolution.

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5.2 Special Meeting

The CEO must call a special meeting of the Council if:

- The special meeting is required by resolution; or
- A written request for the special meeting is lodged with the CEO signed by the Mayor or three or more Councillors which specifies the object of the special meeting and proposes the day and time for the holding the meeting; or
- A special meeting is required to comply with the *Local Government Act 2009* or some other legislation; or
- Where the CEO determines it is in the interests of the Council that a special meeting be held.

A special meeting may be for either an ordinary meeting or committee. The direction and conduct prescribed within this policy should be followed special meetings.

5.3 Meeting Cycle

Council will meet in accordance with its adopted meeting schedule.

Meetings must not start before the time provided in the notice of the meeting (refer to section 5.4).

5.4 Notice of Meetings

The dates and times of Council's ordinary meetings and committees are published in the local newspaper and Council's website.

Written notice must be given to each Councillor at least two days before the meeting, unless it is impracticable to do so. If written notice of a rescission motion has been given then each Councillor must be given at least five days notice before the meeting.

All Councillors will receive an agenda for each committee meeting, regardless whether they are a committee member or not.

Any reports provided to an individual Councillor for his/her use will also be provided to all other Councillors.

5.5 Public Notice of Meetings

Council will give notice to the public the times, dates, places and matters to be considered at its ordinary meetings and committees. These notices will be listed on the Council's website at least two days prior to each meeting.

5.6 Agenda for Meetings

A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice to the CEO at least seven days before the meeting at which the proposal is to be made. Items for consideration may include questions on notice, notice of motions or rescission of motions.

Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting.

Special meetings of Council must only consider matters listed on the agenda.

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5.7 Order of Business

The order of business will be determined by resolution of an ordinary meeting.

However, an ordinary meeting or committee may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved under, the order of business will be as follows:

- Opening of Meeting
- Attendance including Apologies and Leave of Absence
- Confirmation of Minutes of Previous Meetings
- Declaration of Interest on Matters on the Agenda
- Business Outstanding
 - Business Arising from Previous Meetings
 - Matters Lying on the Table and to be Dealt With
- Public Forums/Deputations
- Presentation of Petitions (for ordinary meetings only)
- Reports
 - Committee (for ordinary meetings only)
 - Councillor/Delegate (for ordinary meetings only)
 - Officers
 - Information
- Notice of Motions
- Questions on Notice (for ordinary meetings only)
- Urgent Business/Questions
- Closed Session
- Closure of Meeting

Ordinary meetings or committees will deal with items of business on its agenda in accordance with:

- Procedural directions given to the meeting by resolution; or
- Procedural directions specified in this policy; or
- If there is no procedural direction governing a particular matter, the chairperson's decision.

However, the meeting may, by resolution, overrule a decision on a procedural question made by the chairperson.

5.8 Deputations

The maximum total time allocated per deputation will not exceed 10 minutes unless otherwise agreed by the chairperson.

Unless the meeting otherwise resolves, the effect of calling on the next business is that the deputation will not be heard at the meeting and a fresh request will be given to the CEO if the deputation wishes to be heard at a subsequent meeting.

The chairperson may terminate an address by a person in a deputation at any time where:

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- The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting; or
- The person uses insulting or offensive language; or
- If a member of the deputation, other than the appointed speakers, continues to interject or attempt to address the meeting after the chairperson has warned the member of the deputation.

Details for applying and approving deputation are located on the Council website.

5.9 Petitions

A petition may be presented to an ordinary meeting by:

- A Councillor;
- CEO; or
- CEO Delegate

who will read and state the nature of the petition, and become, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

Where a petition is presented to a meeting, no debate on or in relation to it will be allowed. However, a Councillor presenting a petition may speak in respect of the matter the subject of the petition for a period of not more than one minute.

The only motions which will be moved is that:

- The petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- The petition not be received.

Guidelines on submitting a petition is located on the Council website.

5.10 Committee Reports

Non-delegated committees will submit reports and/or recommendations to the CEO who will list them on the agenda for the next available ordinary meeting.

Recommendations to an ordinary meeting from a committee are to be the same as that resolved by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

The chairperson of the ordinary meeting will decide whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.

The ordinary meeting can:

- adopt;
- amend and adopt; or
- reject

the recommendation.

Such amendments may alter the meaning or intention of the committee recommendation or it may simply correct the wording.

The committee recommendations adopted by Council are resolutions of the Council.

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5.11 Mayoral Minute

The Mayor, as the chairperson at an ordinary meeting or chairperson of a committee of the whole, is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

Such a minute, when put to the meeting, takes precedence over all business on the agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.

A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by an employee is, so far as adopted by the Council, a resolution of the Council.

Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.

5.12 Notice of Motion

Submission of notice of motion must be given at least seven days before the meeting at which the proposal is to be made.

Councillors may advise whether the notice of motion is to go to the next ordinary meeting or next appropriate committee meeting. However the CEO, in setting the agendas, may determine that the notice of motion is best dealt with by another committee or ordinary meeting.

Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be:

- Moved by another Councillor at the meeting; or
- Deferred to the next appropriate committee or ordinary meeting.

Notice of motions must:

- Be framed as succinctly as possible;
- Not include argument or discussion or excessive background material;
- Be relevant to the good order of the business of the local government;
- Not be an action that could be dealt within operational procedures.

5.13 Questions on Notice

The questions on notice from a Councillor will be published in the agenda of the appropriate meeting providing such questions are received by the CEO in time for publishing of the agenda.

Questions on notice must:

- Be framed as succinctly as possible;
- Not include argument or discussion or excessive background material;
- Be relevant to the good order of the business of the local government; and
- Not be a question that could be answered under operational procedures.

Councillors can ask questions without notice where a genuine urgency exists, and the matter is not included in the agenda.

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5.14 Closed Session

Meetings have limited powers under the *Local Government Act 2009* and *Local Government Regulation 2012* to close meetings to the public.

A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

Only procedural resolutions may be made during a closed session. The meeting must be reopened before any substantive resolution on the matter is made.

When a chairperson resolves to close a meeting to the public, the chairperson may direct all persons other than Councillors and the CEO to leave the meeting place. The chairperson may allow additional persons (including selected employees, and legal and technical advisers) to remain in the meeting. All other persons must immediately leave the meeting place.

Unless the meeting, upon the resumption of its open session, resolves to the contrary, all matters discussed in a closed session must be kept confidential.

A meeting may resolve that any items proposed to be considered in a closed session will be considered in an open session of that meeting.

6 Procedures for Making Determinations

6.1 Motions

A motion will not be debated at a meeting until the motion seconded (with the exception of procedural motions which are not debated at all).

A motion (other than a procedural motion relating to a point of order or a Mayoral Minute) that is not seconded, lapses for want of a seconder.

A Councillor who moves a motion may speak, with the permission of the chairperson, for the purpose of explaining the purport of that motion before it is seconded.

When a motion has been moved and seconded, it is subject to the control of the Council and may not be withdrawn without the consent of the Council.

Only one motion may be put at any one time.

6.2 Amendment to a Motion

A Councillor may move an amendment to any motion provided it does not change the original motion so substantially as to defeat its purpose.

Where an amendment to a motion is put before a meeting of the Council, no other amendment to the motion will be considered until after the first amendment has been determined.

A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.

If an amendment is carried it becomes the motion.

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

Where a motion is amended by another motion and determined, the original motion will not be put as a subsequent motion to amend the substantive motion.

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6.3 Alternative or Foreshadowed Motions

During debate on a motion, a member may indicate an alternative or foreshadowed motion that the member intends to move after the motion under consideration has been dealt with.

Alternative motions can only be put to a vote if the original motion is lost.

6.4 Withdrawal of a Motion

If a motion has been moved and seconded, the mover of the motion may elect to withdraw the motion:

- Before the motion is voted on; or
- Before an amendment to the motion is moved and seconded

If a modification to a motion is accepted by the Councillors who have moved and seconded a motion, the original motion is deemed to be withdrawn and the motion, as accepted, will become the motion.

Once an amended motion has been moved and seconded and becomes the motion, the mover of that motion may elect to withdraw the motion before the motion is resolved.

6.5 Speaking to Motions and Amendments

The mover of a motion or amendment may read and state that it is moved but will not speak to it until the motion is seconded.

A Councillor may request the chairperson for further information before or after the motion or amendment is seconded.

The order of speakers will be:

- The Councillor moving the motion;
- Councillors alternatively against and for the motion;
- Once alternative speakers are exhausted, as determined by the chairperson;
- The mover of the motion has the final right of reply, provided there has been a speaker against the motion or amendment;
- The mover of an amendment motion will have no right of reply.

In the event that an amendment is passed, the Councillor who moved the original motion has a right of reply to the amended motion.

Once the right of reply has been exercised on a motion, debate on the motion is closed.

If a motion or amendment has been withdrawn by the mover, a Councillor will not speak to that motion or amendment. If an alternative motion is moved and seconded, only that alternative motion may be debated once moved and seconded.

Each speaker, including when exercising a right of reply, will be restricted to not more than three minutes and will speak directly to the motion.

Any extension of time for a Councillor to speak will only be granted by a resolution and any extension will be for a period of not more than three minutes.

When two or more Councillors indicate to speak at the same time, the chairperson will determine who will speak first.

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6.6 Method of Taking Vote

Before any matter is put to the vote, the chairperson may direct the motion or amendment to be read again by the CEO or employee who is taking the minutes of the meeting.

Councillors will vote by a show of hands.

A Councillor may call for a division on an item. If a division is called, the minutes will record the names of Councillors and how they voted.

The chairperson will declare the result of a vote as soon as it has been determined.

The minutes of the meeting will record the vote. A Councillor may request that their name be recorded against the vote.

Except upon a motion to rescind or alter it, the resolution will not be discussed after the vote on it has been declared.

6.7 Seriatim

When a motion consists of more than one statement, action or concept, a Councillor may request for the statement, actions or concepts be put seriatim.

If it is intended to debate a motion seriatim, then the request must be made immediately after the motion has been put and seconded.

If it is intended only to vote on a motion seriatim, then the request must be made prior to the mover of the motion exercising a right of reply.

6.8 Notice to Rescind or Repeal Previous Resolutions

A resolution can only be rescinded or repealed if it has not been acted upon.

If a Councillor wishes to rescind or repeal a resolution, a notice to rescind or repeal, along with a notice of intention to move an alternative motion must also be provided within the timeframes identified in section 5.12.

Where there is no objection to a motion to rescind or repeal a previous resolution, the chairperson may put the motion to the vote without discussion.

If the motion to rescind or repeal a previous resolution is carried, an alternative motion may be moved and seconded for discussion and voting thereon.

Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

7 Procedural Motions

A Councillor may, during the debate of a matter at the meeting, move any of the procedural motions listed.

With the exception of a point of order, all procedural motions will be seconded.

A procedural motion will not be debated and will be immediately put to the vote by the chairperson.

Where a procedural motion is carried the chairperson will immediately put the motion or amendment under consideration.

Where a procedural motion is lost, debate on the motion or amendment to that motion may continue.

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Where a procedural motion is lost, the chairperson will not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

7.1 That the Motion be Now Put

This procedural motion may be moved without notice and without comment, at the conclusion of the speech of any member, to the motion or amendment before the meeting, to bring on the finalisation of a motion.

Before the procedural motion can be put, the chairperson will ensure that the opportunity has been given for at least one speaker to be heard for the motion or amendment under consideration and at least one speaker to be heard against the motion or amendment.

A mover, seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.

7.2 That the Speaker No Longer Be Heard

Where this procedural motion is carried, the member against whom the motion was moved must cease speaking and be seated.

7.3 That the Debate be Adjourned

A procedural motion "that the debate on the motion and/or amendment be adjourned" will specify a time or date to which the debate is to be adjourned.

A procedural motion may not adjourn debate for a period more than two months after the date of that procedural motion.

Where no time or date is specified in the procedural motion:

- A further motion may be moved to specify such a time or date; or
- The matter about which the debate is to be adjourned will be included in the agenda for the next ordinary meeting.

7.4 That the Meeting Proceed to the Next Item of Business

Where this procedural motion is carried, debate on the matter being considered will cease and the motion is deemed to have lapsed.

7.5 That the Matter Lay on the Table/Be Lifted from the Table

A procedural motion "that the matter lay on the table" will only be moved where the chairperson or a Councillor requires additional information on the matter, or the result of some other action of the Council or person is required, before the matter may be concluded at the meeting.

If the motion to lay the matter on the table is lost, debate continues and the "tabling motion" cannot be moved again in respect to that substantive motion.

If the motion to lay the matter on the table is moved and carried whilst an amendment is before the chair, both the motion and the amendment are layed on the table.

If the motion is carried, the matter is unable to be dealt with until a procedural motion "that the matter be lifted from the table and dealt with" is carried. This may be moved at the meeting at which the procedural motion to lay the matter on the table was carried or at any later meeting and placed in the order of business determined by Council at that meeting.

Matters layed on a committee table can only be lifted from that committee table by the same committee or the ordinary meeting.

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Once the matter is returned to the table, all members, whether or not they have previously spoken, have the right to speak.

7.6 That the Matter be Referred to a Committee

If a procedural motion "that the matter be referred to a committee" is carried, debate on the matter will cease and will proceed with the next matter on the agenda.

Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the committee to which the matter is to be referred.

7.7 That this Report/Document be Tabled

This motion may be used by a Councillor to introduce a report or other document to the meeting. Once the document is tabled, it ceases to be a confidential document and forms part of the minutes, unless otherwise resolved.

The only motion which will be moved following tabling is that:

- The report/document be received and referred to a committee or an employee for consideration and report back to the meeting; or
- The report/document not be received.

7.8 Points of Order

A Councillor may ask the chairperson to decide on a 'point of order' where it is believed that:

- Another Councillor has failed to comply with proper meeting procedures.
- A matter before the Council is in contravention of the *Local Government Act 2009* or the *Local Government Regulation 2012* or any other relevant State or Federal Legislation.
- A matter before the Council is beyond the Council's jurisdiction.

Points of order do not require a seconder, and cannot be used as a means of contradicting a statement made by the Councillor speaking.

Where a 'point of order' is moved, further consideration of any matter will be suspended until after the point of order is determined.

Upon a question of order arising during the process of a debate, a Councillor may rise to a point of order, and thereupon the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.

The chairperson will determine whether the point of order is upheld.

Notwithstanding anything contained in these meeting procedures or the *Local Government Regulation 2012* to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other question.

7.9 That the Chairperson's Ruling be Dissented From

A Councillor may move "a motion of dissent" in relation to a ruling of the Chairperson.

Where such a motion is moved, further consideration of any matter will be suspended until after the motion of dissent is determined.

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Only the mover of the motion of dissent and the chairperson will speak to the motion. The mover of the motion and the chairperson will speak only once to the motion with the mover speaking first and the chairperson second.

Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made.

Where, as a result of that ruling, a matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

Where a motion of dissent is not carried, the ruling of the chairperson will stand.

7.10 That a Provision of These Meeting Procedures be Suspended for a Specified Period

A procedural motion "that a provision of these meeting procedures be suspended for a specified period" may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.

A procedural motion to suspend a provision will specify the reason and duration of such a suspension.

At the conclusion of the specified period, a procedural motion "to resume a provision of these meeting procedures" will be made to reinstate all provisions of the meeting procedures to the meeting.

7.11 That the Meeting be Closed or Opened

Where a procedural motion "that the meeting be closed to the public" is carried, the public will leave and not re-enter the room where the Council meeting is being held until a procedural motion "that the meeting be opened", is carried.

Other than procedural motions, no motion can be moved, seconded and voted on while the meeting is closed to the public.

Where the Council has resolved to close a meeting, all debate in the course of the closed meeting will be considered confidential.

7.12 That the Meeting Be Adjourned / Resumed

A procedural motion "that the meeting be adjourned" may be moved by a Councillor. The procedural motion must specify a time for the resumption of the meeting and, on resumption, will continue with the business before the meeting at the point where it was discontinued on the adjournment.

At the conclusion of the specified period, a procedural motion "that the meeting be resumed" be made.

8 Attendance at Meetings

8.1 Chairperson

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) will preside at any of the ordinary meetings.

If the Mayor and Deputy Mayor are absent from an ordinary meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

A Councillor will be appointed as chairperson for each committee at an ordinary meeting.

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) will preside at a committee meeting if the chairperson is absent.

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If the chairperson, Mayor and Deputy are absent from a committee meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

8.2 Quorum

Business must not be conducted at a meeting unless a quorum is present.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted leave of absence to take part in a meeting by teleconferencing.

The chairperson is to be advised if a Councillor is unable to attend a meeting no later than 24 hour prior to the meeting, unless extenuating circumstances apply.

8.3 Leave of Absence from Meetings

Councillors must seek a leave of absence from an ordinary or committee meeting where a Councillor cannot attend a meeting for private or business purposes. Leave is granted at the discretion of the Council table. The CEO may approve a leave of absence when the Councillor is required to travel for Councillor business and a report to Council is not necessary.

A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person, and as a result, Council may grant such leave while a Councillor is absent.

Where a Councillor needs to seek leave from more than a single meeting, such applications are to be made in writing to the CEO specifying the dates of the meeting(s) leave is being applied for.

Where a Councillor intends to attend a meeting when leave has been granted by the Council, two day's written notice will be provided to the CEO. This notice nullifies any future leave previously approved.

If a Councillor attends a meeting, for which leave has been granted previously, any future absence requires additional leave to be granted, regardless if the original leave covered any future meetings.

A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event.

Where Councillors are appointed by the Council as a Council representative on a Committee or Association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role.

8.4 Absence from Meetings

A request by a Councillor for an apology for not attending a meeting will be recorded in the minutes. However, for the purpose of annual reporting, the Councillor will not be considered as having attended the meeting.

Where a Councillor is absent from a meeting without an approved leave of absence or submitted apology, the Councillor will not be listed in the attendance section of the meeting minutes.

A Councillor who fails to attend two or more consecutive ordinary meetings without obtaining a leave of absence over a two month period will be subject to s162(1)(e) of the *Local Government Act 2009*.

In the event that a Councillor declares a conflict of interest in accordance with section 173 of the *Local Government Act 2009* and leaves the meeting place for the duration of the discussion of that item, the time of the absence will be recorded in the minutes. For the purpose of annual reporting though, the time the Councillor is absent from the meeting for the discussion will be recorded as being in attendance.

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8.5 Employee Attendance

Before entering into discussion on any matter, a meeting may call on the relevant General Manager and/or the General Manager's nominee to be present at the discussion.

8.6 Attendance of Public and Media at Council and Committee Meetings

Reasonable accommodation and facilities to report proceedings will be provided within the meeting places of the meeting for representatives of the press, radio and television.

Copies of the meeting agenda, excluding confidential items, will be made available to the representatives of the press, radio and television. Reasonable access will be allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting. However, access will be withheld where the Council by resolution so decides on the grounds that publication may prejudice the Council's interests.

Part of the meeting place will be made available for the accommodation of the public, and such number of public as can reasonably be accommodated will be permitted to attend at every meeting, except during a closed session.

When a meeting proposes to close a meeting pursuant to section 275 of the *Local Government Regulation 2012*, the chairperson will direct all persons, other than Council or Committee members, to leave the meeting and every person will immediately comply with the direction.

8.7 Public Participation at Council and Committee Meetings

Except when invited to do so by the chairperson, a member of the public will not take or attempt to take part in the proceedings of a meeting.

During a debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.

Any person addressing a meeting will stand, act and speak with decorum and frame any remarks in respectful and courteous language.

The meeting may, as a mark of distinction, admit a non-member to a part of the meeting place normally reserved for Councillors during the conduct of a meeting to participate in the discussion of a particular item of business, on conditions decided by the meeting.

9 Conduct at Meetings**9.1 Councillor Conduct**

After a meeting has been formally constituted and the business commenced, a Councillor will not enter or leave the meeting without first notifying the chairperson.

During a meeting, unless exempted by the chairperson, Councillors will address the chairperson while:

- Moving any motion or amendment; or
- Seconding any motion or amendment; or
- Taking part in any discussion; or
- Replying to any question; or
- Addressing the Council for any other purpose.

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Councillors will, during a meeting, address:

- Other Councillors by their respective titles, "Mayor" or "Councillor"; and
- Employees by designating them by their name or position title .

Councillors will confine their remarks to the matter under consideration.

Councillors will remain seated and silent while a vote is being taken.

Councillors will act with due decorum during meetings to ensure the meeting is conducted in an efficient and effective manner. Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

The chairperson may specify orally or in writing appropriate standards of decorum which will be observed by all Councillors and other persons attending a meeting.

Councillors will not make personal reflections on or impute improper motives to other Councillors, employees or members of the public.

A Councillor who is speaking will not be interrupted except upon a point of order being raised either by the chairperson or another Councillor.

When the chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, will immediately cease speaking and resume their seat, and each Councillor present will preserve strict silence so that the chairperson may be heard without interruption.

The chairperson may:

- Call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
- Direct a Councillor to discontinue a speech.

The use of mobile phones in the meeting place or other meeting places is not permitted.

9.2 Inappropriate Conduct

Inappropriate conduct by a Councillor is committed at a meeting if:

- Obstructs or interrupts the proper conduct of the meeting;
- Uses indecent or offensive language;
- Makes a statement reflecting adversely on the reputation of the Council;
- Makes an intemperate statement reflecting adversely on the character or motives of a member or employee;
- Refuses or wilfully fails to comply with a direction given by the chairperson of the meeting; or
- Commits an act which, in the chairperson's opinion, constitutes an act of disorder.

On each occasion of inappropriate conduct, a warning and naming of the Councillor will be recorded in the minutes.

9.3 Disclosures of Interest

Councillors must disclose any material personal interest or conflict of interest arising from any matters to be considered at the meeting, and comply with the *Local Government Act 2009*.

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9.4 Acts of Disorder by a Person Other than a Member

A person who is not a member of the meeting will not interrupt or obstruct the proper conduct of a meeting.

If a person (other than a member) interrupts or obstructs the proper conduct of a meeting, the chairperson may give the person a warning. If the chairperson reasonably believes that the person may continue to interrupt or obstruct the proper conduct of the meeting, the chairperson may ask the person to leave the meeting.

A person failing to comply with a direction to leave the meeting place may be removed from the meeting using reasonable necessary force. For the purpose of effecting the removal, the chairperson may call upon the assistance of a member of the Police Service.

The use of mobile phones in the area set aside for the representatives of the press, radio and television and the public in the meeting place or other meeting places is not permitted.

10 Record of Meetings**10.1 Confirmation of Minutes**

The minutes of a meeting, not previously confirmed, will be taken into consideration at the next meeting of the relevant meeting, so that they can be confirmed.

The minutes of the final committee meetings for the term of Council must be confirmed at the final ordinary meeting in the Council term.

The minutes of the final ordinary meeting for the term of Council must be confirmed at the first ordinary meeting for the new term.

No discussion will be permitted on the minutes except to confirm or correct their accuracy as a record of proceedings.

10.2 Audio and Video Recording of Meetings

Council may direct that an audio or video recording of a meeting of a meeting be made for the purpose of verifying the accuracy of the minutes of the meeting.

An audio or video recording made:

- May only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- After being used for that purpose, must be destroyed or dealt with as directed by the Council.

11 Exclusions

Any provision of this policy may be suspended by resolution of any meeting.

12 Review Timelines:

This policy will be reviewed when any of the following occur:

- 12.1** The related information is amended or replaced; or
- 12.2** Other circumstances as determined from time to time by Council.

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13 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Manager Governance Support
Policy Quality Control	Corporate Improvement and Strategy

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

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**REVISED COUNCIL MEETING
PROCEDURES POLICY AND REVISED
AUDIT AND BUSINESS IMPROVEMENT
COMMITTEE POLICY**

**Existing Council Meeting Procedures
Policy**

Meeting Date: 10 November 2015

Attachment No: 2



POLICY NO. POL.A1.4

**COUNCIL MEETING PROCEDURES
(ADMINISTRATIVE POLICY)**

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Part 1 Preliminary**1. Citation**

This Policy may be cited as the Rockhampton Regional Council Meeting Procedures.

2. Policy Purpose

The purpose of this Policy is to establish Council's direction for the conduct of Council meetings, including the post-election meeting, and to provide for the orderly and proper conduct of Council and Committee meetings.

3. Policy Reference (e.g. Legislation, related documents)

- .1 This Policy is made pursuant to:
- Local Government Act 2009
 - Local Government (Operations) Regulation 2010
 - Local Government (Finance, Plans and Reporting) Regulation 2010
 - Information Privacy Act 2009 (Qld)
- .2 In the event of any inconsistency between the Policy and the Act or the Regulation, the Act or the Regulation (as the case may be) shall prevail to the extent of the inconsistency.

4. Definitions

- .1 In this Policy:

Act means the Local Government Act 2009.

Amendment, in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson, in relation to a meeting of the Council, means the person presiding at the meeting.

Committee means a committee established under the regulations.

Day means a calendar day unless specified.

Motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.

Petition is a request for action on a matter over which Council has the power to act. The "terms" of a petition consist of the reasons for petitioning Council and a request for action by Council. A petition must include the name, address and signature of each person signing the petition and a contact name, address and telephone number for the person responsible for the petition.

Presentation means a presentation made to the Council on a subject which the Council may be considering.

Record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

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A person is **related** to a Councillor, chief executive officer or senior contract employee (the **primary party**) if ¹:

- (a) the person is the primary party's spouse; or
- (b) the person is totally or substantially dependent on the primary party and:
 - (i) the person is the primary party's child; or
 - (ii) the person's affairs are so closely connected with the affairs of the primary person, or a substantial part of it, could pass to the primary party.

Resolution is a motion that has been passed by a majority of Councillors at the meeting. While in practice it means the "Council decision", the word "resolution" also indicates the process by which the decision was made.

- .2 Except as otherwise provided, expressions used in this Policy which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Part 2 Meetings of the Council

Holding of Meetings

5. Post-election Meeting²

A local government must hold a meeting within 14 days after:

- (a) the conclusion of each quadrennial election; and
- (b) the conclusion of a fresh election of its councillors.

6. Ordinary Meetings of Council

- .1 The days and times of ordinary meetings of the Council will be as resolved at the post-election meeting and from time to time thereafter.³
- .2 Council must meet at least once in each month.⁴
- .3 All Ordinary Meetings of the Council will be held at its public office unless otherwise resolved at an ordinary meeting.⁵

7. Standing Committee Meetings⁶

Meetings of a committee are held at the times and places decided by the committee.

.1 Appointment of a Standing Committee/s

- .1 The Council may, by resolution, appoint from its Councillors one or any number of standing committees of the Council and determine the name of the committee or committees.⁷
- .2 The Council may, by resolution, appoint the number of members to each appointed committee.

¹ [s 104] (2) LG (Operations) Regulations 2010

² [s 175] (1) Local Government Act 2009

³ [s 52] (1) LG (Operations) Regulation 2010

⁴ [s 53] (1) (a) LG (Operations) Regulation 2010

⁵ [s 54] LG (Operations) Regulation 2010

⁶ [s 65] LG (Operations) Regulation 2010

⁷ [s 61] (1) (a) LG (Operations) Regulation 2010

⁷ [s 61] (1) (a) LG (Operations) Regulation 2010

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- .3 The Mayor must be a member of each Standing Committee of Council.⁸
- .4 In appointing a committee, Council may appoint one person as an alternate member of the committee. An *alternate member*, of a committee, is a person who attends meetings of the committee and acts as a member of the committee only if another member of the committee is absent from the meeting of the committee.⁹
- .5 The Council may, by resolution, appoint Advisory Committees for the performance of any duty, not of a permanent nature, for which in the opinion of the Council an Advisory Committee ought to be appointed.
- .6 An Advisory Committee must not be appointed as a Standing Committee and may include in its members persons who are not Councillors.¹⁰

.2 Function of a Standing Committee

- .1 The function of a committee is to consider, report upon and make recommendations to the Council in respect of matters comprised within or related to the business with which that committee is charged by the Council.
- .2 The reports and recommendations of every committee must be submitted to the Council for consideration.
- .3 This section does not limit the power of the Council itself to deal with any matter which has been referred to or delegated to a committee.

.3 Termination of Standing Committee/s

Council may only abolish or disband a Standing Committee/s by resolution.

8. Special Meeting

- .1 The Chief Executive Officer will call a special meeting of the Council if:
 - (a) the special meeting is required by a resolution of the Council; or
 - (b) a written request for the special meeting is lodged with the Chief Executive Officer under section 8.2 of these Meeting Procedures; or
 - (c) a special meeting is required to comply with the *Local Government Act 2009* or some other legislation; or
 - (d) where the Chief Executive Officer determines it is in the interests of the Council that a special meeting be held.
- .2 A written request for a special meeting of the Council will:
 - (a) be signed by the Mayor or three or more Councillors; and
 - (b) specify the object of the special meeting; and
 - (c) propose a day and time for the holding of the special meeting.

Notice and Agenda for Council Meetings

9. Post-election Meetings

- .1 The Chief Executive Officer, within 12 days, must give notice of the time and place of the Post-election Meeting. (Refer section 5 of these Meeting Procedures).

⁸ [s 12] (4) (h) Local Government Act 2009

⁹ [s 63] LG (Operations) Regulation 2010

¹⁰ [s 62] (1) LG (Operations) Regulation 2010

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- .2 The local government must, by resolution, appoint a deputy mayor from its councillors:
 - (a) at that meeting; and
 - (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.¹¹
- .3 The matters a local government must consider at a post-election meeting include the day and time for holding Council's Ordinary Meetings.¹²

10. Notice to Councillors for Ordinary Meetings or Standing Committee Meetings

Pursuant to section 55 (1) and (2)(a) *Local Government (Operations) Regulation 2010*, the Chief Executive Officer must send to each Councillor, at least two (2) days before, a notice of the time and place and the business on the Agenda of the meeting.

11. Notice of Special Meetings

- .1 The Chief Executive Officer calls a special meeting by giving written notice, at least two (2) days before, of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor.¹³
- .2 The only business that may be conducted at a Special Meeting is the business specified in the notice of meeting.¹⁴

12. What must be in a Meeting Agenda?

The agenda must indicate the business to be conducted at the meeting, business arising from previous meetings, any matter the Mayor intends to put to the meeting and any business for which due notice has been given (e.g. Notice of Motion, Questions on Notice). The agenda will not include any matter which is unlawful.

13. What must be in the Meeting Business Paper?

- .1 The Business Paper (documents and reports relating to the business to be dealt with at the meeting) will be provided to Councillors at least two (2) days prior to the scheduled meeting time.
- .2 Reports included in the Business Paper may include personal information only to the extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the *Information Privacy Act 2009 (Qld)*.
- .3 Any business paper information provided to an individual Councillor for his/her use will also be provided to all other Councillors.

¹¹ [s 175] (2) Local Government Act 2009

¹² [s 52] (1) LG (Operations) Regulation 2010

¹³ [s 55] (1) (2) LG (Operations) Regulation 2010

¹⁴ [s 55] (3) LG (Operations) Regulation 2010

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Conduct of Meetings**14. Presiding Officer****.1 Presiding Officer at Ordinary Meetings**

- .1 The Mayor will preside at a meeting of the Council.¹⁵
- .2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.¹⁶
- .3 If both the Mayor and Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.¹⁷

.2 Presiding Officer at Standing Committee Meetings

- .1 Where one committee only is appointed, the committee will comprise all members of Council with Mayor as Chairperson. Each Councillor will be assigned a portfolio and will be referred to as the Spokesperson for that particular portfolio.
- .2 The Council may appoint a chairperson of each committee.¹⁸
- .3 If the Council does not appoint a chairperson for a committee, the committee may appoint one of its members as chairperson.
- .4 If the Chairperson is not present at a meeting, the members present may appoint a chairperson for the meeting.

15. Order of Business for Ordinary Meetings

- .1 The order of business will be determined by resolution of the Council from time to time.
- .2 However, the Council may, by resolution and without notice of that motion, alter the order in which it proceeds with the business for a particular meeting.
- .3 Unless otherwise resolved under section 15.1 or 15.2 above, the order of business will be as follows:
 - 1. Opening of Meeting
 - 2. Attendance including Apologies and Leave of Absence
 - 3. Confirmation of Minutes of Previous Meetings
 - 4. Declaration of Interest on Matters on the Agenda
 - 5. Business Outstanding
 - 5.1 Business Arising from Previous Meetings
 - 5.2 Matters Lying on the Table and to be Dealt With
 - 6. Public Forums/Deputations from the Public on matters relating to items on the Agenda
 - 7. Presentation of Petitions
 - 8. Reports
 - (a) Committee
 - (b) Councillor/Delegate

¹⁵ [s 12] (4) (a) Local Government Act 2009¹⁶ [s 165] (1) (a) Local Government Act 2009¹⁷ [s 165] (2) (b) Local Government Act 2009¹⁸ [s 64] LG (Operations) Regulation 2010**Office use only**

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- (c) Officer
 - (d) Strategic
 - 9. Notified Motions
 - 10. Questions on Notice from Councillors
 - 11. Questions/Urgent Business
 - 12. Closed Session
 - .4 A Committee will deal with items of business on its agenda in accordance with:
 - (a) procedural directions given to the Committee by resolution of the Council; or
 - (b) procedural directions specified in these Meeting Procedures; or
 - (c) if there is no procedural direction governing a particular matter, the Chairperson's decision.
 - .5 However, a Committee may, by resolution, overrule a decision on a procedural question made by the Chairperson.
 - .6 If an appropriate or adequate method of dealing with any matter in a Committee Meeting is not provided for in these Meeting Procedures, the method of dealing with the matter may be determined by the Chairperson or by resolution upon a motion which may be put without notice.
- 16. Quorum ¹⁹**
 Business may be conducted at a Meeting of Council only if a quorum is present.²⁰
- .1 Quorum of Ordinary Meeting²¹
 - .1 A quorum of an Ordinary Meeting is a majority of its Councillors.
 - .2 However, if the number of Councillors is an even number, one-half of the number is a quorum.
 - .2 Quorum of a Committee Meeting is the number:²²
 - (a) fixed by the Council that appointed the committee; or
 - (b) if a number is not fixed by the Council – fixed by the committee.
- 17. Time of Meetings**
 Council meetings must not start before the time provided in the notice of the Council meeting.
- 18. Opening of Meeting**
 Prior to the commencement of the Ordinary Meeting and Standing Committee Meetings, a welcome will be extended to those present and should include a reminder of Councillor obligations (Conduct, Material Personal Interest, Conflict of Interest, Privacy Information Act considerations) and Evacuation procedures, and may also include a blessing; acknowledgement of traditional owners.

¹⁹ [s 56] LG (Operations) Regulation 2010

²⁰ [s 57] (1) [s 67] (1) LG (Operations) Regulation 2010

²¹ [s 56] LG (Operations) Regulation 2010

²² [s 66] LG (Operations) Regulation 2010

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19. Confirmation of Minutes

- .1 The Minutes of any preceding meeting, whether an ordinary or a special meeting, not previously confirmed, will be taken into consideration at every ordinary meeting of the Council, so that they can be confirmed.²³
- .2 The Minutes of any preceding Standing or Advisory Committee Meeting, not previously confirmed, will be taken into consideration at every meeting of the relevant Standing or Advisory Committee of the Council, so that they can be confirmed.
- .3 The minutes of the final Standing or Advisory Committee Meetings for the term of Council must be confirmed at the final Ordinary Meeting in the Council term.
- .4 No discussion will be permitted on the Minutes except to confirm or correct their accuracy as a record of proceedings.

20. Deputations

- .1 The Chief Executive Officer, on receiving an application for a deputation to address a meeting of a committee, will notify the Chairperson of the committee who will determine whether the deputation may be heard.
- .2 A deputation wishing to address a meeting of a committee on any matter relevant to the committee will apply in writing to the Chief Executive Officer not less than seven working days before the day of the meeting.
- .4 The Chief Executive Officer, or his delegate, will inform the deputation of the determination.
- .5 Where it has been determined that the deputation will be heard, a convenient time will be arranged for that purpose and a time period allowed.
- .6 A deputation will not exceed fifteen minutes unless otherwise agreed by the Chairperson.
- .7 A maximum of three persons from a deputation will be at liberty to address the Council meeting.
- .8 The Chairperson may terminate an address by a person in a deputation at any time where:
 - (a) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - (b) the person uses insulting or offensive language; or
 - (c) if a member of the deputation, other than the appointed speakers, continues to interject or attempt to address the Council after the Chairperson has warned the member of the deputation.

21. Petitions

- .1 Any petition presented to a meeting of the Council will be in legible writing or typewritten and contain a minimum of ten signatures.
- .2 A petition may be presented to a meeting of the Council by a Councillor who before presenting the petition will, as far as practicable, become acquainted with the subject matter of the petition.
- .3 A Councillor, on presenting a petition to a meeting, will:

²³ [s 69] (3) (a) LG (Operations) Regulation 2010

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- (a) state the nature of the petition.
- (b) read the petition.
- .4 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it will be allowed. However, the Councillor presenting the petition may speak in respect of the matter the subject of the petition for a period of not more than one minute.
- .5 The only motion which will be moved is that:
 - (a) the petition be received and referred to a committee or an officer for consideration and report to the Council; or
 - (b) the petition not be received.
- .6 A petition may be forwarded or handed to the Chief Executive Officer who will present it at the first Ordinary Meeting of the Council.

22. Reports

.1 Committee Reports

- .1 All committees will submit reports and/or recommendations to the Chief Executive Officer who will list them on the agenda for the next available Ordinary Meeting of Council.
- .2 All committee reports submitted to the Council will be signed by the Chairperson of the committee or the person presiding over the meeting at which the report was authorised.
- .3 Where Council has one Standing Committee only, the report will be signed by all Councillors present at the meeting.

.2 Committee Recommendations

- .1 Recommendations to an Ordinary Meeting from a Standing Committee are to be the same as that resolved by the Committee.
- .2 If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.
- .3 The Chairperson of the Ordinary Meeting of the Council will decide whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.
- .4 The Ordinary Meeting can:
 - (a) adopt;
 - (b) amend and adopt; or
 - (c) reject;
 the recommendation.
 Such amendments may alter the meaning or intention of the Standing Committee recommendation or it may simply correct the wording.
- .5 The committee recommendations adopted by Council are resolutions of the Council.

.3 Delegate's Reports

- .1 Each Councillor delegate attending a conference or meeting on behalf of Council shall prepare a formal written Delegate's Report to the next available Ordinary Meeting or Standing Committee Meeting where practicable.

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- .2 Such reports are to include details of the conference attended, pertinent points and a recommendation for the Ordinary Meeting or Standing Committee to consider.

23. Questions on Notice from Councillors

- .1 Ordinary Meeting agendas will include a provision for Questions on Notice from Councillors.
- .2 The Questions on Notice from a Councillor will be published in the business paper of the appropriate meeting providing such questions are received by the Chief Executive Officer in time for publishing of the agenda and business paper.
- .3 Questions on notice must:
- (a) be framed as succinctly as possible; and
 - (b) not include argument or discussion or excessive background material; and
 - (c) be relevant to the good order of the business of the local government; and
 - (d) not be a question that could be answered under operational procedures.
- .4 Councillors can ask questions without notice where a genuine urgency exists, and the matter is not included in the agenda or business paper.

24. Mayoral Minute

- .1 The Mayor as the chairperson at a meeting of the council or chairperson of the committee of all members is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- .2 Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.
- .3 A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a Council employee is, so far as adopted by the council, a resolution of the council.
- .4 Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.

25. Questions/Urgent Business

A provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee meeting.

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26. Closed Session²⁴

- .1 Council or its Standing Committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to close the meeting to discuss:
 - (a) the appointment, dismissal or discipline of employees; or
 - (b) industrial matters affecting employees; or
 - (c) the Council's budget; or
 - (d) rating concessions; or
 - (e) contracts proposed to be made by it; or
 - (f) starting or defending legal proceedings involving it; or
 - (g) any action to be taken by the Council under the Planning Act, including deciding applications made to it under that Act; or
 - (h) other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.
- .2 However, Council or its Standing Committees can not resolve that a meeting be closed to the public if any person is to take part in the meeting by teleconferencing.
- .3 A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.
- .4 Council or its Standing Committees must not make a resolution (other than a procedural resolution) in a closed meeting.
- .5 Council or its Standing Committees may resolve that any item proposed to be considered in a closed session, will be considered in an open session of the Council or Committee.

Motions**27. Notices of Motion**

- .1 Notices of Motion are a means available of showing an intention to do something on a particular day. An advantage of giving notice is that interested people or groups and other members are made aware of the motion and therefore have time to consider its implications.
- .2 Submission of "Notice of Motion" must be given at least seven (7) days before the meeting at which the proposal is to be made.
- .3 Councillors may advise whether the "Notice of Motion" is to go to the next appropriate Committee Meeting or the Ordinary Meeting of Council.
- .4 The CEO in setting the Agendas for Council may determine that the "Notice of Motion" is best dealt with by another Committee or the Ordinary Meeting of Council.
- .5 Where a Councillor who has given notice of a motion is absent from the meeting of the Council at which the motion is to be considered, the motion may be:
 - (a) moved by another Councillor at the meeting; or
 - (b) deferred to the next appropriate committee or ordinary meeting of Council.

²⁴ [s 72] LG (Operations) Regulation 2010

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- .6 Notified motions must:
- (a) be framed as succinctly as possible; and
 - (b) not include argument or discussion or excessive background material; and
 - (c) be relevant to the good order of the business of the local government; and
 - (d) not be a action that could be dealt within operational procedures.

28. Notices of Motion – Rescinding or Repealing Previous Resolutions

- .1 A resolution of the Council may be repealed or amended only if written notice of intention to propose the repeal or amendment is given to each Councillor at least five (5) days before the meeting at which the proposal is to be made.²⁵
- .2 At the meeting to decide the rescission motion, the proposed motion is taken to have been defeated unless it is agreed to by:
 - (a) if the number of Councillors present at the meeting is more than the number present at the meeting at which the resolution was adopted – a majority of the Councillors present; or
 - (b) in any other case – a majority of all Councillors.
- .3 A resolution of the Council can only be rescinded or repealed if it has not been acted upon. If an alternative resolution is proposed to be moved, notice of intention to move the alternative motion is to also be provided.
- .4 Where there is no objection to a motion to rescind or repeal a previous resolution being taken as a formal motion, the Chairperson may put the motion to rescind or repeal to the vote without discussion.
- .5 If the motion to rescind or repeal a previous resolution of Council is carried then, if there is an alternative motion, it will be moved and seconded for discussion and voting thereon.
- .6 Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

29. Consideration of Motions and Amendments

- .1 A motion or an amendment to a motion will not be debated at a meeting of the Council unless or until the motion or the amendment is seconded, with the exception of procedural motions which are not debated.
- .2 A motion or an amendment to a motion (other than a procedural motion relating to a point of order) that is not seconded, lapses for want of a seconder.
- .3 Notwithstanding 28.1, a Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chairperson for the purpose of explaining the purport of that motion before it is seconded.
- .4 When a motion has been moved and seconded, it is subject to the control of the Council and may not be withdrawn without the consent of the Council.
- .5 Only one motion, or one proposed amendment to a motion, may be put at any one time.
- .6 An amendment to a motion will be in terms which retain the identity of the original motion and do not directly negative the motion.

²⁵ [s 59] LG (Operations) Regulation 2010

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- .7 Where an amendment to a motion is put before a meeting of the Council, no other amendment to the motion will be considered until after the first amendment has been determined.
- .8 A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.
- .9 Where a motion is amended by another motion and determined, the original motion will not be put as a subsequent motion to amend the substantive motion.
- .10 The following items of business on the agenda of a Council meeting requires the movement of a motion:
 - (a) Confirmation of Minutes.
 - (b) Reception of correspondence.
 - (c) Receipt of petitions.
 - (d) Reception and adoption of reports from Council Standing Committees and Advisory Committees.
 - (e) Matters resolved by the Council to be placed on the agenda.
 - (f) Urgent business including leave of absence.

30. Withdrawal of a Motion

- .1 A Councillor who has moved or seconded a motion may elect to withdraw the motion:
 - (a) before an amendment to the motion is moved and seconded; or
 - (b) after an amendment is seconded but not adopted.
- .2 A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

31. Speaking to Motions and Amendments

- .1 Subject to section 28.2 above, the mover of a motion or amendment will read it and will state that it is so moved but will not speak to it until the motion is seconded.
- .2 A Councillor may request the Chairperson for further information before or after the motion or amendment is seconded.
- .3 The order of speakers will be:
 - (a) the Councillor moving the motion.
 - (b) Councillors alternatively against and for the motion.
 - (c) once alternative speakers are exhausted, as determined by the Chairperson.
 - (d) the mover of the motion who has the final right of reply provided there has been a speaker against the motion or amendment.
- .4 A motion or amendment may be withdrawn by the mover with the consent of the Council, which will be signified without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Council for its withdrawal.
- .5 The mover of any amendment will have no right of reply.
- .6 In the event that the amendment is passed, the Councillor who moved the original motion has a right of reply to the amended motion.
- .7 Once the right of reply has been exercised on a motion, debate on the motion is closed.

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- .8 Each speaker, including when exercising a right of reply, will be restricted to not more than three minutes and will speak directly to the motion.
- .9 Any extension of time for a Councillor to speak in accordance with section 30.9 above, will only be granted by a resolution of Council and any extension will be for a period of not more than three minutes.
- .10 When two or more Councillors rise to speak at the same time, the Chairperson will determine who will speak first.

32. Method of Taking Vote²⁶

- .1 Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer or other officer who is taking the minutes of the Meeting.
- .2 The Chairperson will, in taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative and will do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- .3 The Council will vote by a show of hands.
- .4 The minutes of the meeting will record the vote, showing the numbers for and against, and a Councillor can request that their name be recorded against the vote.
- .5 The Minutes of the ordinary meetings of the Council will record the names of Councillors and how they voted (including any abstention which is recorded in the negative) if there is a division.
- .6 A Councillor may call for a division on an item by requesting that the item be voted on separately.
- .7 The Chairperson will declare the result of a vote as soon as it has been determined.
- .8 Except upon a motion to rescind or alter it, the resolution will not be discussed after the vote on it has been declared.

33. Points of Order

- .1 A Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that:
 - (a) another Councillor has failed to comply with proper meeting procedures.
 - (b) a matter before the Council is in contravention of the *Local Government Act 2009* or the *Local Government (Operations) Regulation 2010* or any other relevant State or Federal Legislation. .
 - (c) a matter before the Council is beyond the Council's jurisdiction.
- .2 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.
- .3 Where a 'point of order' is moved, consideration of the matter to which the motion was moved will be suspended.
- .4 The Chairperson will determine whether the point of order is upheld.

²⁶ [s 57] (2) [s 67] (2) LG (Operations) Regulation 2010

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- .5 Upon a question of order arising during the process of a debate, a Councillor may rise to a point of order, and thereupon the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.
- .6 Notwithstanding anything contained in these meeting procedures or the *Local Government (Operations) Regulation 2010* to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other question.

34. Procedural Motions

- .1 A Councillor at a meeting of the Council may, during the debate of a matter at the meeting, move as a procedural motion the following motions:
 - (a) that the motion be now put.
 - (b) that the speaker no longer be heard.
 - (c) that the debate on the motion and/or amendment now before the meeting be adjourned.
 - (d) that the meeting proceed to the next item of business on the agenda.
 - (e) that the matter lie on the table or that the matter be dealt with..
 - (f) that the matter be referred to a committee.
 - (g) that this report/document be tabled.
 - (h) submission of a 'point of order'.
 - (i) that the Chairperson's ruling be dissented from.
 - (j) that a provision of these meeting procedures be suspended for a specified period.
 - (k) that the meeting be closed or opened to the public in accordance with the provisions of section 72 of the *Local Government (Operations) Regulation 2010*.
 - (l) that the meeting stand adjourned / resumed.
- .2 With the exception of a point of order, all procedural motions will be seconded.
- .3 A procedural motion will not be debated and will be immediately put to the vote by the Chairperson.
- .4 Where a procedural motion is lost, the Chairperson will not accept a similar motion until the expiration of fifteen minutes after the time the motion was lost.

35. Motion - That the Motion be Now Put [Clause 33.1 (a)]

- .1 A procedural motion "that the motion be now put" may be moved without notice and without comment, at the conclusion of the speech of any member, to the motion or amendment before the meeting, to bring on the finalisation of a motion.
- .2 Before the procedural motion can be put, the Chairperson will ensure that the opportunity has been given for at least one speaker to be heard for the motion or amendment under consideration and at least one speaker to be heard against the motion or amendment.
- .3 Where such a procedural motion is carried, the Chairperson will immediately put the motion or amendment under consideration
- .4 Where a procedural motion is lost, debate on the motion or amendment to that motion may continue.
- .5 Any mover or seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.

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36. Motion - That the Speaker No Longer Be Heard [Clause 33.1 (b)]

Where a procedural motion **"that the speaker no longer be heard"** is carried, the member against whom the motion was moved must cease speaking and be seated.

37. Motion - That the Debate be Adjourned [Clause 33.1 (c)]

- .1 A procedural motion **"that the debate on the motion and/or amendment now before the meeting be adjourned"** will specify a time or date to which the debate is to be adjourned.
- .2 A procedural motion may not adjourn debate for a period more than two months after the date of that procedural motion.
- .3 Where no time or date is specified in the procedural motion:
 - (a) a further motion may be moved to specify such a time or date; or
 - (b) the matter about which the debate is to be adjourned will be included in the agenda for the next meeting of the Council.

38. Motion - That the Meeting Proceed to the Next Item of Business [Clause 33.1 (d)]

Where a procedural motion **"that the meeting proceed to the next item of business"** is carried, debate on the matter being considered will cease and the motion is deemed to have lapsed.

39. Motion - That the Matter Lie on the Table [Clause 33.1 (e)]

- .1 A procedural motion **"that the matter lie on the table"** will only be moved where the Chairperson or a Councillor requires additional information on the matter being considered or the result of some other action of the Council or person is required before the matter may be concluded at the meeting.
- .2 If the motion is carried, the matter is disposed of unless and until a motion is carried **"that the matter be dealt with"**. Once the matter is taken off the table, all members, whether or not they have previously spoken, have the right to speak.
- .3 If the motion to lay the matter on the table is lost, debate continues and the **"Tabling Motion"** cannot be moved again in respect to that substantive motion.
- .4 If the motion to lay the matter on the table is moved and carried whilst an amendment is before the chair, both the motion and the amendment are laid on the table.
- .5 A procedural motion **"that the matter be lifted from the table"** may be moved at the meeting at which the procedural motion to lay the matter on the table was carried or at any later meeting and placed in the order of business determined by Council at that meeting.

40. Motion - That the Matter be Referred to a Committee [Clause 33.1 (f)]

- .1 If a procedural motion **"that the matter be referred to a committee for consideration"** is carried, debate on the matter will cease and the Council will proceed with the next matter on the agenda.
- .2 Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the committee to which the matter is to be referred.

41. Motion - that this Report/Document be Tabled [Clause 33.1 (g)]Office use only

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- .1 A motion **"that this report/document be tabled"** may be used by a Councillor to introduce a report or other document to the meeting. Once the document is tabled, it ceases to be a confidential document and forms part of the Minutes of the Council meeting, unless otherwise resolved by the Council.
- .2 The only motion which will be moved following tabling is that:
- (a) the report/document be received and referred to a committee or an officer for consideration and report to the Council; or
 - (b) the report/document not be received.
- 42. Motion - that the Chairperson's Ruling be Dissented From [Clause 33.1 (i)]**
- .1 A Councillor may move **"a motion of dissent"** in relation to a ruling of the Chairperson.
- .2 Where such a motion is moved, further consideration of any matter will be suspended until after the motion of dissent is determined.
- .3 Only the mover of the motion of dissent and the Chairperson will speak to the motion. The mover of the motion and the Chairperson will speak only once to the motion with the mover speaking first and the Chairperson second.
- .4 Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made.
- .5 Where, as a result of that ruling, a matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.
- .6 Where a motion of dissent is not carried, the ruling of the Chairperson will stand.
- 43. Motion - That a Provision of These Meeting Procedures be Suspended for a Specified Period [Clause 33.1 (j)]**
- .1 A procedural motion **"that a provision of these meeting procedures be suspended for a specified period"** may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.
- .2 A procedural motion to suspend a provision will specify the reason and duration of such a suspension.
- .3 That, at the conclusion of the specified period, a procedural motion **"to resume a provision of these meeting procedures"** be made.
- 44. Motion - That the Meeting be Closed or Opened [Clause 33.1 (k)]**
- .1 Where a procedural motion **"that the meeting be closed to the public"** is carried, the public will leave and not re-enter the room where the Council meeting is being held until a procedural motion **"that the meeting be opened"**, is carried.
- .2 No motion can be moved and seconded and voted on while the meeting is closed to the public.
- .3 Where the Council has resolved to close a meeting, all debate in the course of the closed meeting will be considered to be confidential.
- 45. Motion - that the Meeting Stand Adjourned / Resumed [Clause 33.1 (l)]**
- .1 A procedural motion **"that the meeting stand adjourned"** may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter, and will be put without debate.

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- .2 The procedural motion must specify a time for the resumption of the meeting and, on resumption, will continue with the business before the meeting at the point where it was discontinued on the adjournment.
- .3 That at the conclusion of the specified period, a procedural motion “**that the meeting be resumed**” be made.

46. Alternative or foreshadowed motion

During debate on a motion, a member may indicate an alternative or foreshadowed motion that the member intends to move after the motion under consideration has been dealt with.

47. Seriatim

- .1 When a motion consists of more than one (1) statement, action or concept, such statement, actions or concepts shall be put seriatim if any member so requests.
- .2 If it is intended to debate a motion seriatim, then the request must be made immediately after the motion has been put and seconded.
- .3 If it is intended only to vote on a motion seriatim, then the request must be made prior to the mover of the motion exercising a right of reply.

Part 3 Advisory Committees

48. Appointment of Advisory Committees

- .1 The Council may, by resolution, appoint Advisory Committees for the performance of any duty, not of a permanent nature, for which in the opinion of the Council an Advisory Committee ought to be appointed.
- .2 An Advisory Committee must not be appointed as a Standing Committee and may include in its members persons who are not Councillors.²⁷
- .3 The appointment of every Advisory Committee will be made by resolution of the Council and the motion to appoint the Advisory Committee will include the following:
 - (a) the duties proposed to be entrusted to the Committee.
 - (b) the term of the appointment of the Committee.
 - (c) the Committee membership, including Councillors and, where applicable, persons who are not Councillors.
 - (d) the Committee Chairperson will be a Councillor unless otherwise prescribed in the legislation or determined by Council.
- .4 The Council will provide reasonable administrative assistance for the conduct of Advisory Committee meetings. However, the staff providing the administrative assistance will not be members of the Advisory Committee or have voting entitlements.

²⁷ [s 62] (1) LG (Operations) Regulation 2010

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49. Conduct of Advisory Committee Meetings

- .1 The Advisory Committee may determine the dates, times and places for its meetings.
- .2 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 committee meeting will preside.
- .3 A member of an Advisory Committee (whether or not they are a councillor) may vote on business before the committee.²⁸
- .4 A non-member may attend an Advisory Committee meeting and, with the permission of the chairperson, address the Advisory Committee on any item of business listed on the agenda.
- .5 A non-member will not vote on any matter at an Advisory Committee meeting.

50. Conduct of Members of Advisory Committees

- .1 A member 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 the Council.
- .2 A member of an Advisory Committee will not:
 - (a) make improper use of information acquired as a member of the Advisory Committee to gain directly or indirectly a financial advantage for that person or someone else; or
 - (b) make improper use of information acquired as a member of the Advisory Committee to harm the Council; or
 - (c) release information that the person knows or should reasonably know is information that is confidential to the Council; or
 - (d) release information that the person knows or should reasonably know is information that the Council wishes to keep confidential.

51. Reports by Advisory Committees²⁹

- .1 An Advisory Committee will submit a report of each of its meetings to the Chief Executive Officer who will list any recommendation for Council's consideration on an agenda of a meeting of a Council Committee.
- .2 Copies of all Advisory Committee reports will be provided to Councillors through the appropriate medium in place at that time.

52. Tenure of Advisory Committee Membership

If any Member of an Advisory Committee is absent from two 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.

²⁸ [s 62] (2) LG (Operations) Regulation 2010

²⁹ [s 66] LG (Operations) Regulation 2010

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53. Termination of 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 Committee is abolished and appointment of Members to the Committee is terminated upon the fulfilment of that purpose or the expiration of that time.

Part 4 Audit Committee**54. Audit Committee Membership**

- .1 The Audit Committee of Council must:
- (a) consist of at least three (3) and no more than six (6) members; and
 - (b) include:
 - (i) two (2), but no more than two (2), Councillors appointed by the Council; and
 - (ii) at least one (1) member who has significant experience and skills in financial matters.
- .2 The Chief Executive Officer can not be a member of the Audit Committee but can attend meetings of the Committee.
- .3 Council must appoint one (1) of the members of the Audit Committee as Chairperson.

55. Audit Committee Meetings

- .1 The Audit Committee of Council must:
- (a) meet at least twice each financial year and
 - (b) review each of the following matters:
 - (i) the internal audit plan for the internal audit for the current financial year;
 - (ii) the internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
 - (iii) a draft of Council's general purpose financial statement for the preceding financial year before the statement is certified under [s 161] (2) *Local Government (Finance, Plans and Reporting) Regulation 2010* and given to the auditor-general for auditing;
 - (iv) the auditor-general's report about Council's general purpose financial statement for the preceding financial year; and
 - (c) as soon as practicable after a meeting of the committee, give Council a written report about the matters reviewed at the meeting and the Committee's recommendations about the matters.
- .2 At a meeting of the Audit Committee:
- (a) a quorum is at least half the number of members of the Committee; and
 - (b) either:
 - (i) the Chairperson presides; or
 - (ii) if the chairperson is absent, the member chosen by the members present as Chairperson for the meeting, presides.

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- .3 The Audit Committee may, for performing its functions under section 53.1(b), seek information or advice from the person who has carried out the internal audit.
- .4 The Chief Executive Officer must present the report mentioned in section 53.1(c) at the next meeting of Council.

Part 5 Workshops

56. Strategic Discussion Sessions

- .1 Council may hold Strategic Discussion Sessions (or briefings) from time to time. Such Strategic Discussion Sessions are informal gatherings to provide useful background information to Councillors.
- .2 Council Strategic Discussion Sessions will involve all Councillors, staff and may involve invited participants where necessary. Council may invite the media to attend some Strategic Discussion Sessions.
- .3 Strategic Discussion Sessions are subject to section 170A of the *Local Government Act 2009* and any advice guidelines prepared by the Chief Executive Officer to the extent the session information content constitutes advice necessary to assist Councillors to make a decision.
- .4 Strategic Discussion Sessions are not formal meetings of Council and are therefore not constrained to the provisions of these Meeting Procedures for the conduct of such. No decision making process can form part of any particular Strategic Discussion Sessions.

Part 6 Public Participation in Council and Committee Meetings

57. Notice to the Public for an Ordinary Meeting of Council or Standing Committee Meeting³⁰

- .1 Council will ensure that a notice is placed in a newspaper generally circulated in the local government area, and on the Rockhampton Regional Council website of upcoming Ordinary Meetings and Standing Committee Meetings.
- .2 The notice referred to above will specify the time, location and dates of the Ordinary and Standing Committee Meetings.
- .3 Council must immediately notify any change to the days and times mentioned in 54.2 in the same way as the days and times were previously notified.
- .4 A list of the items to be discussed at a meeting mentioned in 54.2 and 54.3 must be open to inspection at the time the agenda for the meeting is made available to councillors.
- .5 54.4 does not affect the right to discuss or deal with, at any meeting, items arising after the agenda for the meeting is made available to councillors.

³⁰ [s 74] LG (Operations) Regulation 2010

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58. Attendance of Public and Media at Council and Committee Meetings

- .1 Every meeting of the Council or a Committee, other than a closed meeting pursuant to section 72 of the *Local Government (Operations) Regulation 2010*, will be open to press, radio and television representatives and to the public.
- .2 Subject to section 26 of these Meeting Procedures when the Council or a Committee proposes to close a meeting pursuant to section 72 of the *Local Government (Operations) Regulation 2010*, the Chairperson will direct all persons, other than members of the Council or the Committee, to leave the meeting and every person will immediately comply with the direction.
- .3 Unless resolved otherwise, 63.2 above does not apply to the officers of the Council or its legal and technical advisers who are required to be in attendance for the matter under discussion.
- .4 Reasonable accommodation and facilities to report proceedings will be provided within the meeting places of the Council or Committees for representatives of the press, radio and television.
- .5 Copies of the Council and Committee agenda, excluding confidential items, will be made available to the representatives of the press, radio and television. Reasonable access will be allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting. However, access will be withheld where the Council by resolution so decides on the grounds that publication may prejudice the Council's interests.
- .6 Part of the Council Chambers or venue for the Committee meeting will be available for the accommodation of the public, and such number of public as can reasonably be accommodated will be permitted to attend at every meeting, except a closed meeting of the Council or the Committee.

59. Public Participation at Council and Committee Meetings

- .1 Except when invited to do so by the Chairperson, a member of the public will not take or attempt to take part in the proceedings of a Council or Committee meeting.
- .2 During a debate on a motion, the Chairperson may invite submissions, comments or questions from members of the public.
- .3 Any person addressing the Council will stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- .4 The Council or Committee may, as a mark of distinction, admit a non-member to a part of the Council chambers normally reserved for Councillors during the conduct of a Council or Committee meeting to participate in the discussion of a particular item of business, on conditions decided by the Council or the Committee.

Part 7 Maintenance of Good Order at Council and Committee Meetings**60. Conduct During Council and Committee Meetings**

- .1 After a meeting of the Council or a Committee has been formally constituted and the business commenced, a Councillor will not enter or leave the meeting without first notifying the Chairperson.
- .2 A Councillor is not deemed to be present at any meeting of the Council or Committee unless the Councillor is inside the meeting room or has been granted leave of absence to take part in a meeting by teleconferencing.

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- .3 ³¹A 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.
- .4 At ordinary and special meetings of the Council, unless exempted by the Chairperson, Councillors will stand and address the Chairperson while:
- (a) moving any motion or amendment; or
 - (b) seconding any motion or amendment; or
 - (c) taking part in any discussion; or
 - (d) replying to any question; or
 - (e) addressing the Council for any other purpose.
- .5 Councillors will, during a meeting of the Council or a Committee, address:
- (a) other Councillors by their respective titles, "Mayor" or "Councillor"; and
 - (b) officers by designating them by their respective official or departmental title.
- .6 Councillors will confine their remarks to the matter under consideration.
- .7 Councillors will remain seated and silent while a vote is being taken.
- .8 Councillors will act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner. Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the Council or a Committee.
- .9 The Chairperson may specify orally or in writing appropriate standards of decorum which will be observed by all Councillors and other persons attending a meeting of the Council or a Committee.
- .10 Councillors will not make personal reflections on or impute improper motives to any other Councillor or an officer of the Council or any member of the public.
- .11 A Councillor who is speaking will not be interrupted except upon a point of order being raised either by the Chairperson or by another Councillor.
- .12 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, will immediately cease speaking and resume their seat, and each Councillor present will preserve strict silence so that the Chairperson may be heard without interruption.
- .13 The Chairperson may:
- (a) call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
 - (b) direct a Councillor to discontinue a speech.
- .14 The use of mobile phones in the area set aside for Councillors in the Council Chambers or other meeting places is not permitted.

³¹ [s 73] (6) LG (Operations) Regulation 2010

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61. Teleconferencing³²

- .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 The Council may allow a Councillor to take part in a meeting by teleconferencing if a natural disaster or severe weather prevents the Councillor from attending the place of the meeting.
- .3 The Council may apply, in writing, to the Minister for an approval to use teleconferencing at one or more meetings of the Council (a *teleconferencing approval*).

62. Seeking Council's Leave

- .1 Councillors must seek a leave of absence from the Council where a Councillor cannot attend a meeting for private or business purposes. Leave is granted at the discretion of the Council.
- .2 A leave of absence may be granted by the Council prior to the meeting, ie at a prior meeting or at the meeting itself. An application does not need to be made in person, and as a result, Council may grant such leave while a Councillor is absent.
- .3 Where a Councillor needs to seek leave from more than a single meeting, such applications are to be made in writing to the Chief Executive Officer specifying the dates of the meeting(s) leave is being applied for.
- .4 Where a Councillor intends to attend a meeting when leave has been granted by the Council, two (2) day's written notice will be provided to the Chief Executive Officer. This notice nullifies any future leave previously approved.
- .5 If a Councillor attends a meeting, for which leave has been granted previously, any future absence requires additional leave to be granted, regardless if the original leave covered any future meetings.

63. Adjournment of Meetings³³

- .1 The majority of Councillors present at a Council meeting 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 30 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 majority of the Councillors present; or
 - (b) if only one Councillor is present - the Councillor; or
 - (c) if no Councillors are present - the Chief Executive Officer.
- .3 When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.

³² [s 73] (1)(2)(3) LG (Operations) Regulation 2010

³³ [s 58] LG (Operations) Regulation 2010

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64. Declaration of Councillor's Material Personal Interest³⁴

- .1 A Councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting;
- (a) the councillor;
 - (b) a spouse of the councillor;
 - (c) a parent, child or sibling of the councillor;
 - (d) a partner of the councillor;
 - (e) an employer (other than a government entity) of the councillor;
 - (f) an entity (other than a government entity) of which the councillor is a member;
 - (g) another person prescribed under a regulation.
- .2 Where a Councillor has disclosed a material personal interest in a matter to be considered at a meeting of the Council or Committee and has retired from the meeting place prior to the commencement of discussion on the disclosed matter and, until the matter has been determined, the Councillor must ensure that his/her removal from the meeting place is sufficiently remote that he/she is unable to see or hear the proceedings or to be seen or heard by those inside the meeting place until the matter is determined and the Chairperson invites the Councillor to rejoin the meeting.
- .3 The following information must be recorded in the minutes of the meeting and on Council's website:
- (a) the name of the Councillor who has the material personal interest, or possible material personal interest, in a matter;
 - (b) the nature of the material personal interest, or possible material personal interest, as described by the Councillor.
 - (c) whether the Councillor took part in the meeting, or was in the chamber during the meeting, under an approval under section 172 (5) of the *Local Government Act 2009*.

65. Declaration of Councillor's Conflict of Interest at a Meeting³⁵

- .1 The Councillor must inform the meeting about the Councillor's interest in the matter.
- .2 A **conflict of interest** is a conflict between:
- (a) a Councillor's personal interests (including personal interests arising from the Councillor's relationships or club memberships, for example); and
 - (b) the public interest;
- that might lead to a decision that is contrary to the public interest.
- .3 If the other persons who are entitled to vote at the meeting are informed about a Councillor's interest in a matter, by the Councillor or someone else, the other persons must:
- (a) decide whether the Councillor has a conflict of interest, or could reasonably be taken to have a conflict of interest, in the matter; and

³⁴ [s 172] Local Government Act 2009

³⁵ [s 173] Local Government Act 2009

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- (b) if the other persons decide that is the case - direct the Councillor to leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.
- .4 The Councillor must comply with the decision, unless the Councillor has a reasonable excuse.
- .5 Section 62.3 and 62.4 do not apply if a majority of the Councillors at a meeting inform the meeting under section 62.1.
- .6 The following must be recorded in the minutes of the meeting, and on Council's website:
 - (a) the name of the Councillor who has a conflict of interest, or could reasonably be taken to have a conflict of interest;
 - (b) the nature of the interest, as described by the Councillor;
 - (c) how the Councillor dealt with the real or perceived conflict of interest;
 - (d) if the Councillor voted on the matter - how the Councillor voted on the matter;
 - (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.

66. Inappropriate Conduct by Members of the Council or a Committee

- .1 Inappropriate conduct by a member of the Council or a Committee is committed at a meeting of the Council or a Committee if the member:
 - (a) obstructs or interrupts the proper conduct of the meeting.
 - (b) uses indecent or offensive language.
 - (c) makes a statement reflecting adversely on the reputation of the Council.
 - (d) makes an intemperate statement reflecting adversely on the character or motives of a member or officer of the Council.
 - (e) refuses or wilfully fails to comply with a direction given by the Chairperson of the meeting.
 - (f) commits an act which, in the Chairperson's opinion, constitutes an act of disorder.
- .2 Pursuant to section 181 (2) of the *Local Government Act 2009*, if inappropriate conduct by a member of the Council or a Committee has, in the Chairperson's opinion been committed, the Chairperson of the meeting may make any one or more of the following orders that the Chairperson considers appropriate in the circumstances:
 - (a) an order that the Councillor's inappropriate conduct be noted in the minutes of the meeting;
 - (b) an order that the Councillor leave the place where the meeting is being held (including any area set aside for the public) and stay out of the place for the rest of the meeting;
 - (c) an order that a Councillor who fails to leave the place where the meeting is being held when ordered to do so, be removed from the place.
- .3 Each occasion of a warning and naming of a member for inappropriate conduct shall be recorded in the minutes.

67. Acts of Disorder by a Person Other Than a Member

- .1 A person who is not a member of the Council or a Committee will not interrupt or obstruct the proper conduct of a meeting of the Council or a Committee.

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- .2 If a person (other than a member) interrupts or obstructs the proper conduct of a meeting of the Council or a Committee, the Chairperson may, in his or her absolute discretion, warn a person who interrupts or obstructs the proper conduct of a meeting and if the Chairperson reasonably believes that the person may continue to interrupt or obstruct the proper conduct of the meeting, the Chairperson will ask the person to withdraw from the meeting.
- .3 A person asked to withdraw from a meeting place under section 64.2 will immediately withdraw from the place and will remain away until the end of the meeting or for a lesser period fixed by the Chairperson.
- .4 If a person contravenes section 64.3, an authorised person may, at the request of the Chairperson, exercise reasonable force to remove the person and keep the person away from the meeting place.
- .5 The use of mobile phones in the area set aside for the representatives of the press, radio and television and the public in the Council Chambers or other meeting places is not permitted.

68. Council Officers - Attendance at Council and Committee Meetings

- .1 The Chief Executive Officer and General Managers will be available to attend all Ordinary and Standing Committee Meetings of the Council.
- .2 Every Standing Committee may, before entering into discussion on any matter, call on the relevant General Manager and/or the General Manager's nominee to be present at the discussion and the General Manager or the General Manager's nominee will attend.

Part 8 Record of Meetings

69. Minutes of Meetings³⁶

- .1 The Chief Executive Officer must ensure that minutes of each meeting are taken under the supervision of the person presiding at the meeting.
- .2 Minutes of each meeting of the Council or a Committee will include:
 - (a) the names of Councillors or committee members 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.
- .3 At each meeting of the Council or a Committee, the minutes of the previous meeting must be:
 - (a) confirmed by the Councillors or committee members 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 the Council's public office and on its website, within ten (10) 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 office.

³⁶ [s 69] LG (Operations) Regulation 2010

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70. Recording of Reasons for Particular Decisions³⁷

- .1 If a decision made at the Council or Committee 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:
 - (1) \$150000;
 - (2) 1% of 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 report;
 - (b) the decision is inconsistent with:
 - (1) the policy or approach ordinarily followed by the Council for the type of decision; or
 - (2) a policy previously adopted by the Council by resolution, whether or not as required by the Act, and still in force.
- .2 In this section, **advisor**, of a Council means a person:
- (a) who is an employee of the Council or is otherwise engaged to provide services to the Council; and
 - (b) whose duties include giving a recommendation or advice.
- .3 The Chief Executive Officer of the Council must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

71. Audio and Video Recording of Meetings

- .1 Council may direct that an audio or video recording of a meeting of an Ordinary Meeting or Standing Committee Meeting be made for the purpose of verifying the accuracy of the minutes of the meeting.
- .2 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; and
 - (b) after being used for that purpose, must be destroyed or dealt with as directed by the Council.

³⁷ [s 70] LG (Operations) Regulation 2010

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**REVISED COUNCIL MEETING
PROCEDURES POLICY AND REVISED
AUDIT AND BUSINESS IMPROVEMENT
COMMITTEE POLICY**

**Existing Audit and Business
Improvement Committee policy with
Changes marked up**

Meeting Date: 10 November 2015

Attachment No: 3



**AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY
(ADMINISTRATIVE POLICY)**

1 Scope:

This policy and the attached Terms of Reference applies to ~~Rockhampton Regional Council elected members, staff and Councillors~~, external representatives and employees appointed to the Rockhampton Regional Council's Audit and Business Improvement Committee.

2 Purpose:

~~This Policy To~~ provides the framework in which Council's Audit and Business Improvement Committee operates.

3 Related Documents:

Primary

Nil

Secondary

Local Government Act 2009
Local Government Regulation 2012
Internal Audit Policy

4 Definitions:

To assist in interpretation, the following definitions apply:

Internal Audit (unit/function)	A requirement under s105 Local Government Act 2009 An internally staffed assurance and consulting unit comprising internal auditors, headed by the Chief Audit Executive (CAE), with dual reporting responsibility – the CAE reporting administratively to the organisation, and also reporting functionally directly to the audit committee – providing assurance, risk management, co-sourcing, training, specialist fraud management, investigation and consulting services to the Council, CEO, management and staff.
Audit Committee	A requirement under s105 Local Government Act 2009 An independent review and specialist governance advisory committee of Council comprising <u>of</u> Councillors and qualified external independent members to overview and monitor the operation of internal and external audit, Council's Strategic and other Operations, its Governance Frameworks and Key Risks and Controls <u>financial reporting, corporate governance, risk and control</u> and internal and external audit functions within Council.
<u>CEO</u>	<u>Chief Executive Officer</u>

Corporate Improvement and Strategy use only

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Version:

Reviewed Date:

Department: Office of CEO

Section: Internal Audit Governance Support

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	A person who holds an appointment under section 194 of the Local Government Act 2009. This includes a person acting in this position.
Chief Audit Executive (CAE)	The head of the internal audit function, reporting functionally to the Audit Committee, and responsible for management of audit activity, co-sourcing, directly responsible for all audit activity and supervision of auditors/audits and audit processes, independent of management. Responsible for compliance with the IPPF.
Co-Sourcing	Provision of specialist external audit or other review and assurance services, not otherwise available in-house, and managed by and through the CAE.
Council	Rockhampton Regional Council
Internal Audit Charter	The Council adopted document that gives the internal audit function its authority/delegated authority (to perform audits and reviews of Council and operations including review of staff/management performance). This defines the parameters of the operation of internal audit function necessary, in some more detail.
GRC	Governance, Risk and Compliance

5 Policy Statement:

Council is committed to an open and accountable system of governance. In accordance with s105 of the *Local Government Act 2009*, Council must establish an Audit Committee which will meet no less than two times per financial year.

The Audit and Business Improvement Committee business ~~shall~~will be conducted in accordance with the attached Terms of Reference and the relevant legislation.

6 Review Timelines:

This policy will be reviewed when any of the following occur:

- 6.1. The related information is amended or replaced; or
- 6.2. Other circumstances as determined from time to time by the Council.

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Audit Executive <u>Manager Governance Support</u>
Policy Quality Control	Corporate Improvement and Strategy

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

Corporate Improvement and Strategy use only

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Department: Office of CEO

Section: ~~Internal Audit~~Governance Support

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Date: 10 June 2014
Subject: Terms of Reference – Audit and Business Improvement Advisory Committee
File Ref: 8237

1 PURPOSE

The Audit and Business Improvement Advisory Committee is a formal advisory committee of Rockhampton Regional Council and provides direction and leadership on the functional responsibilities detailed in section 3 "Responsibilities".

2 SCOPE AND LIMITATIONS

It is an advisory committee appointed by, and is responsible to, Council which provides Council with specialist high level advice, oversight and recommendations with respect to matters of financial reporting, corporate governance, risk and control, internal and external audit functions.

The Audit and Business Improvement Advisory Committee has no delegated authority and will make recommendations to Council for deliberation and adoption.

The main functions of the committee are to:

1. Monitor and review –
 - (i) The integrity of financial documents
 - (ii) The internal audit function
 - (iii) The effectiveness and objectivity of the local government's internal auditors;
 - (iii)(iv) [The Terms of Reference for the Audit and Business Improvement Committee](#) and
2. Makes recommendations to the local government about any matters that the committee considers need action or improvement.

3 RESPONSIBILITIES

The following is a list of functions assigned to the Audit and Business Improvement Advisory Committee:

- Review each of the following matters—
 - (i) The internal audit plan for the internal audit for the current financial year;
 - (ii) The internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
 - (iii) A draft of the local government's financial statements for the preceding financial year before the statements are certified and given to the auditor-general under section 212 [of the Local Government Regulation 2012](#);

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(iv) The auditor-general's audit report and auditor-general's observation report about the local government's financial statements for the preceding financial year.

- Monitor the effectiveness of:
 - (i) The risk management and internal control framework
 - (ii) The corporate risk management system/risks
 - (iii) Key governance processes
 - (iv) Asset management
- Review reports on the activities and investigations of any significant fraud prevention and security related matters;
- Review and monitor whether the audit process is effective;
- Ensure the objectivity and independence of the audit functions;
- Critically review timely and reasonable implementation of management's agreed upon responses to audit's recommendations, findings and advice;
- The Audit and Business Improvement Committee will self assess annually; and
- Review any other matters referred to it by the Chief Executive Officer.

4 MEMBERSHIP

In accordance with s210 of the *Local Government Regulation 2012*, an Audit Committee of a local government must –

- (a) consist of at least 3 and no more than 6 members; and
- (b) include –
 - (i) ~~2~~¹, but no more than 2, Councillors appointed by the local government; and
 - (ii) At least 1 member who has significant experience and skills in financial matters

The membership of the Audit and Business Improvement Advisory Committee is as follows:-

Chairperson: Mayor, Councillor Margaret Strelow

Members: Councillor Ellen Smith
Andrew MacLeod, Assurance, Security and Ethical Standards, BCC
Michael Parkinson, Director KPMG
Professor David Low, Head of School of Business, JCU

Alternate Member: Deputy Mayor, Councillor Tony Williams

In accordance with s266 of the *Local Government Regulation 2012*, an Audit Committee may appoint 1 person as an alternate member of the committee. An alternate member is a person who attends meetings of the committee and acts as a member of the Committee only if another member of the committee is absent. Councillor Tony Williams will only be able to be an alternate member of the Audit and Business Improvement Committee for a Councillor's absence.

Other elected members of Council may participate in committee meetings, with approval from the Chairperson or a majority vote of committee members in attendance, however, ~~shall will~~ not be a member and ~~shall will~~ not have voting rights.

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In accordance with s210(2) of the *Local Government Regulation 2012*, The ~~Chief Executive Officer~~CEO can not be a member of an Audit Committee but can attend meetings of the ~~C~~committee.

Representatives from external audit ~~shall~~will be invited to attend the meetings, however, ~~shall~~will not be a member and ~~shall~~will not have voting rights.

5 ROLE OF CHAIR

The Committee Chair ~~shall~~will assume overall responsibility for the good governance and order of the committee.

6 VOTING

Motions are decided on by a majority of the votes of the members present.

If the votes are equal, the Committee Chair will have a casting vote.

6 QUORUM

A quorum of the committee is a majority of its members. However, if the number of members is an even number, one half of the number is the quorum.

7 MEETINGS

The Audit and Business Improvement Advisory Committee will meet at least twice each financial year in accordance with s211 of the *Local Government Regulation 2012*.

Meetings, including reports, will be closed to the public, unless resolved by the committee.

8 AGENDAS FOR MEETINGS

The CEO and Chief Audit Executive will determine the agenda order presented to a committee meeting.

The agenda for will be distributed in accordance with s258 (Notice of meetings) of the *Local Government Regulation 2012*.

9 ADMINISTRATIVE SUPPORT

Administrative functions to the committee will be provided by the Governance Support unit.

Evan Pardon
Chief Executive Officer

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**REVISED COUNCIL MEETING
PROCEDURES POLICY AND REVISED
AUDIT AND BUSINESS IMPROVEMENT
COMMITTEE POLICY**

**Draft Audit and Business Improvement
Committee Policy**

Meeting Date: 10 November 2015

Attachment No: 4



AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY (ADMINISTRATIVE POLICY)

1 Scope:

This policy and the attached Terms of Reference applies to Councillors, external representatives and employees appointed to the Rockhampton Regional Council's Audit and Business Improvement Committee.

2 Purpose:

To provide the framework in which Council's Audit and Business Improvement Committee operates.

3 Related Documents:

Primary

Nil

Secondary

Local Government Act 2009

Local Government Regulation 2012

Internal Audit Policy

4 Definitions:

To assist in interpretation, the following definitions apply:

Audit Committee	A requirement under s105 <i>Local Government Act 2009</i> A specialist governance advisory committee comprising of Councillors and qualified external independent members to overview and monitor the financial reporting, corporate governance, risk and control and internal and external audit functions within Council.
CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Chief Audit Executive (CAE)	The head of the internal audit function, reporting functionally to the Audit Committee, and responsible for management of audit activity, co-sourcing, directly responsible for all audit activity and supervision of auditors/audits and audit processes, independent of management. Responsible for compliance with the IPPF.
Co-Sourcing	Provision of specialist external audit or other review and assurance services, not otherwise available in-house, and managed by and through the CAE.
Council	Rockhampton Regional Council

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Internal Audit Charter	The Council adopted document that gives the internal audit function its authority/delegated authority (to perform audits and reviews of Council and operations including review of staff/management performance). This defines the parameters of the operation of internal audit function necessary, in some more detail.
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5 Policy Statement:

Council is committed to an open and accountable system of governance. In accordance with s105 of the *Local Government Act 2009*, Council must establish an Audit Committee which will meet no less than two times per financial year.

The Audit and Business Improvement Committee business will be conducted in accordance with the attached Terms of Reference and the relevant legislation.

6 Review Timelines:

This policy will be reviewed when any of the following occur:

- 6.1. The related information is amended or replaced; or
- 6.2. Other circumstances as determined from time to time by the Council.

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Manager Governance Support
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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**Date:****Subject:** Terms of Reference – Audit and Business Improvement Advisory Committee**File Ref:** 8237**1 PURPOSE**

The Audit and Business Improvement Advisory Committee is a formal advisory committee of Rockhampton Regional Council and provides direction and leadership on the functional responsibilities detailed in section 3 "Responsibilities".

2 SCOPE AND LIMITATIONS

It is an advisory committee appointed by, and is responsible to, Council which provides Council with specialist high level advice, oversight and recommendations with respect to matters of financial reporting, corporate governance, risk and control, internal and external audit functions.

The Audit and Business Improvement Advisory Committee has no delegated authority and will make recommendations to Council for deliberation and adoption.

The main functions of the committee are to:

1. Monitor and review –
 - (i) The integrity of financial documents
 - (ii) The internal audit function
 - (iii) The effectiveness and objectivity of the local government's internal auditors;
 - (iv) The Terms of Reference for the Audit & Business Improvement Committee and
2. Makes recommendations to the local government about any matters that the committee considers need action or improvement.

3 RESPONSIBILITIES

The following is a list of functions assigned to the Audit and Business Improvement Advisory Committee:

- Review each of the following matters—
 - (i) The internal audit plan for the internal audit for the current financial year;
 - (ii) The internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
 - (iii) A draft of the local government's financial statements for the preceding financial year before the statements are certified and given to the auditor-general under section 212 of the *Local Government Regulation 2012*;
 - (iv) The auditor-general's audit report and auditor-general's observation report about the local government's financial statements for the preceding financial year

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- Monitor the effectiveness of:
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Other elected members of Council may participate in committee meetings, with approval from the Chairperson or a majority vote of committee members in attendance, however, will not be a member and will not have voting rights.

In accordance with s210(2) of the *Local Government Regulation 2012*, The CEO can not be a member of an Audit Committee but can attend meetings of the committee.

Representatives from external audit will be invited to attend the meetings, however, will not be a member and will not have voting rights.

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5 ROLE OF CHAIR

The Committee Chair will assume overall responsibility for the good governance and order of the committee. If the Chair is absent the committee members present will nominate the Chair.

6 VOTING

Motions are decided on by a majority of the votes of the members present.

If the votes are equal, the Committee Chair will have a casting vote.

6 QUORUM

A quorum of the committee is a majority of its members. However, if the number of members is an even number, one half of the number is the quorum.

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Evan Pardon
Chief Executive Officer

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