



# ORDINARY MEETING

## AGENDA

**14 APRIL 2020**

*Your attendance is required at an Ordinary meeting of Council to be held at the Pilbeam Theatre, Victoria Parade (corner of Cambridge Street), Rockhampton on 14 April 2020 commencing at 9:00am for transaction of the enclosed business.*

*In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead take place via videoconference and will be livestreamed online.*

A handwritten signature in black ink, appearing to be "C. P.", is positioned above the printed name of the Chief Executive Officer.

**CHIEF EXECUTIVE OFFICER**  
9 April 2020

Next Meeting Date: 28.04.20

**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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**1 OPENING**

**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)  
Deputy Mayor, Councillor N K Fisher  
Councillor S Latcham  
Councillor A P Williams  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 3 March 2020  
Minutes of the Special Meeting held 16 March 2020  
Minutes of the Special Meeting held 25 March 2020  
Minutes of the Post-Election Meeting held 8 April 2020

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## **8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

Nil

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 STANDING COMMITTEES AND PORTFOLIOS

**File No:** 10072

**Attachments:**

1. Draft Councillor Portfolio Policy [↓](#)
2. Draft Media Policy - Clean Copy [↓](#)
3. Draft Media Policy - Track Changes [↓](#)
4. Draft Media Procedure [↓](#)
5. Draft Council Meeting Procedures Policy - Clean Copy [↓](#)
6. Draft Council Meeting Procedures Policy - Track Changes [↓](#)

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
Evan Pardon - Chief Executive Officer

**Author:** Damon Morrison - Executive Coordinator to the Mayor  
Evan Pardon - Chief Executive Officer

#### SUMMARY

*The Local Government Regulation 2012 allows Council to appoint Standing Committees. This report seeks direction from Council on the future appointment of Standing Committees and for its consideration of an alternative Councillor Portfolio model.*

#### OFFICER'S RECOMMENDATION

THAT Council:

1. adopt the Council Portfolio Policy as attached to the report; and
2. adopt the amended Media Policy and new Media Procedure as attached to the report; and
3. adopt the amended Council Meeting Procedures Policy as attached to the report; and
4. adopt the following Councillor Portfolio model and structure:

Portfolio	Portfolio Councillor	Assistant Councillor (and area of responsibility)
	Mayor Margaret Strelow	
	Councillor Shane Latcham	
	Councillor Neil Fisher	
	Councillor Tony Williams	
	Councillor Ellen Smith	
	Councillor Cherie Rutherford	
	Councillor Drew Wickerson	
	Councillor Donna Kirkland	

#### COMMENTARY

The *Local Government Regulation 2012* allows for Council to appoint Councillors to Standing Committees or Special Committees.

In the previous Local Government term, Council adopted non-delegated Standing Committees which made recommendations which were endorsed and adopted at the following Council Meeting. Standing Committees were established for the following general areas of responsibility:

- Airport, Waste and Water
- Communities
- Infrastructure
- Parks, Recreation and Sport
- Planning and Regulatory

In addition, Council appointed a Councillor to a separate environment and sustainability portfolio.

There are a range of rationales and objectives relevant to the assignment of Councillors to Standing Committees and/or portfolios including (but not limited to):

- enable the workload associated with being an elected member to be shared across all Councillors;
- the Councillor's individual skills, knowledge and background are utilised by linking them to a particular area of interest;
- residents and stakeholders can identify which Councillor to approach according to the strategic issue at hand;
- informed discussion is generated by the whole of Council.

In light of recent and proposed regulatory reforms within the local government sector instituted by the Queensland Government and in preparation of the new term of Council, a comprehensive review of Council's Standing Committee and Portfolio structure has been undertaken.

This review included undertaking a benchmarking exercise comparing adopted meeting/portfolio models in other Local Government Areas across Queensland. A total of 31 other local governments across Queensland were reviewed (including Council) which represented all Local Government Area across Queensland excluding Brisbane City Council and category 1 Councils (as classified by the Local Government Remuneration Commission).

In addition, the manner in which those Council's media policies and procedures interacted with their relevant Standing Committee/Portfolio structure was reviewed.

Of the 31 models benchmarked and reviewed, 8 local governments (including Council) had instituted Standing Committee frameworks. 13 local governments had a portfolio based (or similar) model in place and 10 local governments had no Standing Committee or portfolio structure enacted. As part of the review, four local governments dissolved Standing Committee models in favour of portfolio (or similar) frameworks since the commencement of the 2016 local government term.

A number of further observations were made from the review as follows:

- None of the local governments which currently adopt the Standing Committee structure have Committee roles allocated for all Councillors;
- By comparison, all but one local government that have adopted a portfolio (or similar) model have ensured a minimum of one portfolio/area of interest/specialty per Councillor (or multiple portfolios in a number of instances);
- Those Councils which adopted an alternative model to the Standing Committee framework typically have a more structured approach in terms of media with responsibilities being shared amongst portfolio Councillors;



- The majority of those local governments that have adopted models outside of the Standing Committee model have implemented guidelines or policies which are identical to the process currently in place for Council's Standing Committees and their relevant Terms of Reference (save for the conduct of meetings).
- More contemporary models adopting a portfolio (or similar framework) had a particular "forward looking" and strategic focus and less direct focus on reviewing prior operational activities of Council (they did however still maintain oversight and review of operational matters).

The recent and proposed reforms introduced to the local government sector since 2018 from the Queensland Government are intended to "*strengthen the transparency, accountability and integrity measures that apply to the system of local government in Queensland*" following the release of the Belcarra report. Following the introduction of a number of these reforms, matters for consideration by Councillors at committee and ordinary meetings (particularly those matters of an operational nature) requires increased attention by Councillors in terms of management and declarations.

Further proposed reforms currently under consideration by the Queensland Parliament as detailed in the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019* include proposals for the publication of the agenda and associated reports and other documents the day following the day it is made available to Councillors. This will likely lead to greater media reporting of items on Council agenda in advance of Council's ordinary meetings and Standing Committee meetings which will likely impact Council generated media that is currently undertaken for matters pending Council decision.

A Standing Committee or portfolio based model which allows for Councillors to be assigned specific responsibilities linked to the strategic priorities of Council and the core responsibilities that it is required to discharge, remains a model adopted across a number of Queensland local governments. There is evidence however that the prevalence of the Standing Committee model/framework across local government may be reducing over time in favour of portfolio or similar models which continues to acknowledge the critical role and responsibilities Councillors are required to perform.

In terms of streamlining decision-making of Council, ensuring Council implements contemporary arrangements in service of the community and risk mitigation to Councillors following recent reforms, an alternative "Portfolio Councillor" model has been proposed for Council's consideration in the form of a draft Councillor Portfolio Policy. In addition, an amended Media Policy, new Media Procedure and amended Council Meeting Procedures Policy have been prepared/drafted for Council to consider in the overall context of this alternative framework option.

A further minor change has been proposed for the Council Meeting Procedures Policy (section 11.2) to reflect a legislative requirement prescribed under the *Public Records Act 2002*.

## **PREVIOUS DECISIONS**

There are no previous decisions relevant to the current determination of Council.

## **BUDGET IMPLICATIONS**

Operational budget implications exist with the establishment and holding of Standing Committees including consumables and staff labour/ time.

## **LEGISLATIVE CONTEXT**

*Local Government Regulation 2012* – section 264 – Appointment of committees

(1) A local government may—

- (a) appoint, from its councillors, standing committees or special committees; and
- (b) appoint advisory committees.

- (2) Two or more local governments may appoint, from their councillors, a joint standing committee.

**LEGAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

The establishment and holding of Standing Committees incurs a range of staffing implications connected with the preparation of reports, agendas, meeting minutes and requirement of attendance by officers at the relevant meetings.

**RISK ASSESSMENT**

Nil

**CORPORATE/OPERATIONAL PLAN**

Corporate Plan – Section 5.2 - Strong leadership that provides quality governance to support and service the community

**CONCLUSION**

That Council consider the report and adopt the new and amended policies attached to this report.

# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Councillor Portfolio Policy**

**Meeting Date: 14 April 2020**

**Attachment No: 1**

## COUNCILLOR PORTFOLIO POLICY

### COUNCILLOR POLICY



#### 1 Scope

This policy applies to portfolio activities undertaken by Councillors and employees of Rockhampton Regional Council.

#### 2 Purpose

The purpose of this policy is to provide a governance framework and associated protocols related to the appointment of Councillors to portfolios that facilitate Council's engagement with the community and productive, professional and appropriate relationships within the organisation to advance the delivery of Council's strategic priorities and services.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

Civic Events Policy

Councillor Acceptable Requests Guidelines Policy

Code of Conduct for Councillors in Queensland (Department of Local Government, Racing and Multicultural Affairs)

Community Engagement Policy

Council Meeting Procedures Policy

Media Policy

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and/or Councillors of Council, within the meaning of the Act.
Corporate Plan	Council's 5 year outline of the strategic direction of the local government as required by the <i>Local Government Regulation 2012</i> .

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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the Act.
Leadership Team	CEO, Deputy Chief Executive Officer, general managers, Manager Workforce and Governance and Chief Financial Officer.
Manager	Employee appointed to a position delegated a corporate band 3.
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.
Meeting	Ordinary meeting at Council.
Operational Plan	The annual plan adopted by Council as required by the <i>Local Government Regulation 2012</i> .
Portfolio	A specified strategic priority, service and function of Council.
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Report	Documents and information that relate to the business to be dealt with at a meeting.

## 5 Policy Statement

Council has established a portfolio system for nominated Councillors to be assigned specific responsibilities linked to the key strategic priorities of Council and the core responsibilities that it is required to discharge consistent with the local government principles contained in the Act.

### 5.1 Role of Portfolio Councillors

In addition to their responsibilities as a Councillor under the Act, Portfolio Councillors are required to:

- (a) Familiarise themselves with the Corporate Plan and Operational Plan, in particular the objectives, strategies, issues and activities which are relevant to their portfolio;
- (b) Liaise with other Portfolio Councillors regarding matters that may affect their respective portfolio areas;
- (c) Keep the Mayor and the relevant divisional Councillor (as appropriate) fully informed on portfolio matters;
- (d) Act as the official Council spokesperson or representative on portfolio relevant matters in accordance with this policy to ensure consistent communication and messaging on portfolio relevant matters;
- (e) Liaise with and engage with industry and community groups and associations on portfolio related matters;
- (f) Provide an elected representative's viewpoint and act as a sounding board for employees and Council on issues relating to their portfolio through participation, discussion and debate at meetings;
- (g) Lead discussion and generally advocate for the advancement of Council's key priorities and decisions relevant to their portfolio responsibilities; and
- (h) Present reports under their relevant portfolio at meetings.

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**5.1.1 Limitations**

The role of Portfolio Councillors is subject to the following limitations:

- (a) The Act and the framework established under this policy does not provide for formal delegated authority to a Portfolio Councillor for policy determination and operational decision-making for matters relevant to their portfolio.
- (b) Portfolio Councillors do not hold any specific statutory or governance responsibilities related to their portfolio beyond those which they ordinarily hold as a Councillor.
- (c) In discharging their responsibilities as Portfolio Councillors and consistent with their role under the Act and the local government principles as provided for under the Act, Councillors should maintain a focus on strategic issues relevant to their portfolio, rather than day to day operational matters.
- (d) A Portfolio Councillor does not assume any of the roles, powers and functions assigned to the Mayor under the Act unless delegated by the Mayor. This includes the portfolio responsibilities exclusively assigned to the Mayor.
- (e) This policy does not set aside or amend the provisions contained in the following instruments:
  - (i) The Act;
  - (ii) The Regulation;
  - (iii) The Code of Conduct for Councillors in Queensland; and/or
  - (iv) The Councillors Acceptable Requests Guidelines Policy.
- (f) Where there is any inconsistency between this policy and a provision in any of the instruments detailed in paragraph 5.1.1(e) of this policy the provision of the instrument shall prevail to the extent of any inconsistency.

**5.2 Role of the Mayor and Councillors****5.2.1 Mayor and Councillor Responsibilities**

A Councillor must represent the current and future interests of the residents of the local government area.

All Councillors have the following responsibilities under the Act:

- (a) Ensuring the local government:
  - (i) Discharges its responsibilities under this Act;
  - (ii) Achieves its corporate plan; and
  - (iii) Complies with all laws that apply to local governments;
- (b) Providing high quality leadership to the local government and the community;
- (c) Participating in council meetings, policy development, and decision-making, for the benefit of the local government area;
- (d) Being accountable to the community for the local government's performance.

Specific responsibilities are assigned to the Mayor under the Act including:

- (e) Leading and managing meetings of the local government at which the Mayor is the chairperson, including managing the conduct of the participants at the meetings;
- (f) Leading, managing, and providing strategic direction to, the CEO in order to achieve the high quality administration of the local government;

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- (g) Directing the CEO in accordance with a resolution, or a document adopted by resolution, of the local government;
- (h) Conducting a performance appraisal of the CEO, at least annually, in the way that is decided by the local government;
- (i) Ensuring that the local government promptly provides the Minister with the information about the local government area, or the local government, that is requested by the Minister;
- (j) Being a member of each standing committee of the local government; and
- (k) Representing the local government at ceremonial or civic functions.

### 5.3 Spokesperson/Media

#### 5.3.1 Mayor

The Mayor is typically the spokesperson on regional issues, which include but are not necessarily limited to:

- (a) Matters of emergency, for example floods, fires, cyclones;
- (b) Major reputation management;
- (c) State and/or Federal Government matters, policies, plans, initiatives and relationships;
- (d) Civic events in accordance with Council's Civic Events Policy;
- (e) Initiatives and projects of major regional significance;
- (f) Region wide planning matters;
- (g) Major regional events and promotions;
- (h) General commentary on the performance of the regional economy and Council finances which impact on or are relevant to the Region generally; and
- (i) Matters of regional environmental significance.

If the Mayor is not available to comment on a regional issue and/or project as detailed above, the Deputy Mayor will be the Council spokesperson for the media.

#### 5.3.2 Portfolio Media

The Portfolio Councillor should be the key Council spokesperson on a portfolio related matter (other than those matters specified in paragraph 5.3.1). The Mayor can also make comment on any portfolio matters and be quoted in Council releases along with the Portfolio Councillor (including for media statements arising from decisions of Council).

Where a portfolio-related issue or project has a Divisional focus, the Portfolio Councillor will assist and work with the Divisional Councillor, with the Divisional Councillor being the lead spokesperson on that matter.

If neither the Mayor nor Deputy Mayor is available to comment on a regional issue and/or project, a relevant Divisional Councillor or the CEO may act as the spokesperson in that instance for the media.

All media will be undertaken in accordance with Council's Media Policy and Media Procedure.

### 5.4 Operating Protocols

#### 5.4.1 Support

Portfolio Councillors must be appropriately supported by the Deputy Chief Executive Officer, general managers and managers to enable them to:

- (a) Be across the details of portfolio relevant proposals coming before Council;
- (b) Be well placed to present and advocate portfolio issues within the community;

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- (c) Remain informed of research and other developments relevant to their portfolio; and
- (d) Understand and communicate the implications of decisions by other levels of government on portfolio matters.

#### 5.4.2 Engagement with Leadership Team and Managers

Portfolio Councillors should be engaged by the Leadership Team at the earliest opportunity:

- (a) On all matters where there is an intention to develop a report;
- (b) Where it is proposed to conduct community engagement activities in accordance with Council's Community Engagement Policy; and/or
- (c) On matters which are likely to generate media or strong community interest.

The Deputy Chief Executive Officer, general managers and managers should meet regularly with their Portfolio Councillor(s) to ensure they remain informed of current information, service issues and proposed response strategies.

#### 5.3.3 Reports

Reports presented to a meeting which are relevant to a portfolio should be presented by the Portfolio Councillor(s). A Portfolio Councillor should not delay the progress of a report and must not seek to direct the advice and recommendations in a report. The Portfolio Councillor does not have to support the recommendations in a report but should be aware a report is proposed for a meeting and is fully briefed on the content, direction and proposals in the report.

The Deputy Chief Executive Officer, general managers and managers should ensure the Portfolio Councillor(s) is provided with a detailed briefing note prior to the meeting for any reports that the Portfolio Councillor is presenting.

##### 5.3.3.1 Dual Portfolio Matters

Where a matter spans the responsibilities of more than one Portfolio Councillor, the relevant general manager(s) and manager(s) or Deputy Chief Executive Officer will work collaboratively with the Portfolio Councillors to ensure their needs are addressed in line with the roles, obligations and protocols within this policy. Similarly, the relevant Portfolio Councillors shall engage with each other and the Mayor at the earliest opportunity on issues and matters which span their portfolio responsibilities.

#### 5.5 Assistant Portfolio Councillors

Subject to a resolution of Council, a Councillor may be nominated as an Assistant Portfolio Councillor to assist a Portfolio Councillor. In each case, the areas of responsibility for the Councillor assisting are to be specified. The areas of responsibility may span the whole portfolio, or may be targeted at a specific element of the portfolio.

The Portfolio Councillor should be the spokesperson for matters relevant to that Portfolio. The Portfolio Councillor may however, agree that the Assistant Portfolio Councillor may act as a spokesperson on specific portfolio issues, matters or projects.

When assisting a Portfolio Councillor the Assistant Portfolio Councillor is to receive the same information and support as the Portfolio Councillor on those matters relevant to the responsibilities assigned to the Assistant Portfolio Councillor as detailed in paragraph 5.6.

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### 5.6 Portfolio Appointments

The Portfolio appointments of Portfolio Councillors are as follows:

Portfolio	Portfolio Councillor	Assistant Portfolio Councillor (and area of responsibility)
	Mayor Margaret Strelow	
	Councillor Shane Latcham	
	Councillor Neil Fisher	
	Councillor Tony Williams	
	Councillor Ellen Smith	
	Councillor Donna Kirkland	
	Councillor Drew Wickerson	
	Councillor Cherie Rutherford	

### 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

### 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Executive Officer
Policy Quality Control	Legal and Governance



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# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Media Policy - Clean Copy**

**Meeting Date: 14 April 2020**

**Attachment No: 2**

## MEDIA POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

This policy applies to all Rockhampton Regional Council Councillors, employees, suppliers and volunteers and encompasses all media related activities undertaken by Council.

#### 2 Purpose

The purpose of this policy to ensure consistency when using media to engage, inform and promote Council.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

Councillor Portfolio Policy

Media Procedure

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer 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.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The CEO; 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 Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.

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Supplier	Any supplier/contractor/consultant supplying goods and/or services to Council.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Policy Statement

Media is a key communication tool that allows Council to:

- (a) Engage with and inform the community about Council activities, programs, events, services and initiatives;
- (b) Provide clear and accurate information about Council's processes and decisions; and
- (c) Promote positive, consistent and accurate media coverage of Council.

### 5.1 Spokespersons

#### 5.1.1 Mayor and Councillors

The Mayor and Councillors are spokespersons for those matters as prescribed in the Councillor Portfolio Policy.

Councillors may make personal comment in the media on any other topic, however if they are not acting as the authorised spokesperson, the resources of the Media and Communications Unit will not be made available and Councillors must:

- (a) Make it clear that they are expressing their personal opinion; and
- (b) Respect the democratic process in relation to Council decisions.

#### 5.1.2 Employees

The CEO will be the spokesperson for organisational and employee related matters, however will not provide comment on policy matters.

Media officers in the Media and Communications Unit have delegated authority, by the CEO, to provide responses and briefing notes on behalf of Council as spokesperson to media organisations.

No employee (with the exception of the above spokespersons) will participate in media interviews or provide information to the media unless otherwise authorised to do so by the CEO.

Employees must refer all media enquiries relating to Council to the Media and Communications Unit.

#### 5.1.3 Suppliers and Volunteers

Suppliers and volunteers must refer all media enquiries relating to Council to the Media and Communications Unit.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

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**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Media Policy - Track Changes**

**Meeting Date: 14 April 2020**

**Attachment No: 3**

## MEDIA POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

This policy applies to all Rockhampton Regional Council Councillors, employees, suppliers and volunteers and encompasses all media related activities undertaken by Council. ~~The policy does not apply to media generated by or personally responded to by individual Councillors.~~

#### 2 Purpose

~~The purpose of this policy to ensure consistency when using media to engage, inform and promote Council. To ensure a consistent, streamlined approach to media relation activities managed by Rockhampton Regional Council.~~

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

~~Code of Conduct (Employees)~~

~~Discipline Procedure~~

~~Councillor Portfolio Policy~~

~~Media Procedure~~

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer 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.
<u>Contractor</u>	<u>A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.</u>
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .

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Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Media	<del>Media relation activities include media releases, community notices, media alerts, media responses, photo opportunities and unpaid editorials (which are linked to paid advertising). All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.</del>
Supplier	<del>Any supplier/contractor/consultant supplying goods and/or services to Council.</del>
Volunteer	<del>Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.</del>

## 5 Policy Statement

Media is a key communication tool that allows Council to:

~~(a) Engage with and inform the community about Council activities, programs, events, services and initiatives;~~

~~(b) Provide clear and accurate information about Council's processes and decisions; and~~

~~(c) Promote positive, consistent and accurate media coverage of Council.~~

~~relation activities help Council deliver information to the public. Media activities may be generated proactively by Council or may be produced in response to an enquiry or request from a media organisation or stakeholder.~~

~~Council does not pay for media relations activities; they are cost-free unlike print or broadcast advertising or advertorials. Because of this, it is at the discretion of the media outlet as to whether they publish information or messages from the media relations activities.~~

~~Council resources should not be used to promote personal achievements or plans of individual Councillors or groups of Councillors, which does not directly relate to formal Council resolutions. In particular, media of a political nature must not be used to influence the voters in an election.~~

### 5.1 Spokespersons

#### 5.1.1 Mayor and Councillors

~~The Mayor is the primary spokesperson for key Council messages and can speak on all Council matters.~~

~~Committee chairs will be expected to comment on committee meeting decisions.~~

~~Portfolio Councillors will be expected to comment on their portfolio area.~~

~~The Mayor and Councillors are spokespersons for those matters as prescribed in the Councillor Portfolio Policy.~~

~~Councillors may make personal comment in the media on any other topic, however if they are not acting as the authorised spokesperson, the resources of the Media and Communications Unit will not be made available and Councillors must:~~

~~(a) Make it clear that they are expressing their personal opinion; and~~

~~(b) Respect the democratic process in relation to Council decisions.~~

#### 5.1.2 Employees

The CEO will be the spokesperson for organisational and employee related matters, however will not provide comment on policy matters.

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Media officers in the [Media and Communications Unit](#) have delegated authority, by the CEO, to provide responses and briefing notes on behalf of Council as spokesperson to media organisations.

No employee (with the exception of the above spokespersons) will participate in media interviews or provide information to the media: [unless otherwise authorised to do so by the CEO.](#)

[Employees must refer all media enquiries relating to Council to the Media and Communications Unit. The CEO may approve an exception to this policy to provide the media with an alternative spokesperson. Council employees may, from time to time, be called upon by the Council's media officers to provide technical information to the media.](#)

[Employees may not discuss policy issues with the media as this will remain the responsibility of Councillors.](#)

### **[5.1.3 Suppliers and Volunteers](#)**

[Suppliers and volunteers must refer all media enquiries relating to Council to the Media and Communications Unit.](#)

#### **[5.2 Guidelines:](#)**

[Employees must refer media enquiries direct to the Communications unit for response. Employees are not to make any comments to the media and should they do so, may be subject to disciplinary action.](#)

[Requests from the CEO or Communication unit for employees to provide information for the collation of a media response, must be given a high priority. Ideally, these requests should be answered within four hours.](#)

[The Communications unit will provide same day responses to the media for requests received prior to 11.00am, subject to the response being suitable to meet Council's communications needs. If a response is not possible, the media will be advised, or an alternative timeframe will be negotiated for provision of the requested information.](#)

[In media generated by Council, in particular media releases, Councillors will be quoted where possible.](#)

## **6 Review Timelines**

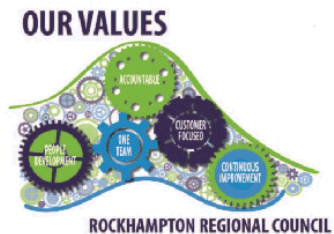
This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

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**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Media Procedure**

**Meeting Date: 14 April 2020**

**Attachment No: 4**

## MEDIA PROCEDURE



### 1 Scope

This procedure applies to all Councillors, employees, suppliers and volunteers of Rockhampton Regional Council and encompasses all media related activities undertaken by Council.

### 2 Purpose

The purpose of this procedure is to establish protocols for the management of external media communications on behalf of Council.

### 3 Related Documents

#### 3.1 Primary

Media Policy

#### 3.2 Secondary

Caretaker Policy

Councillor Portfolio Policy

### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer 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.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The CEO; 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 Council, also referred to as a Councillor, with additional responsibilities as outline in section 12(4) of the <i>Local Government Act 2009</i> .

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Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Procedure

### 5.1 Responding to Media Enquiries

Approaches from representatives of the media are categorised into three types.

#### 5.1.1 Direct Councillor Contact

Where a representative from a media outlet makes contact with a Councillor directly on an issue related to Council business or policy, Councillors are encouraged to inform the Media and Communications Unit as soon as practicable for actioning.

If in this circumstance the Councillor is not the Council endorsed Committee or Portfolio Councillor, the Councillor is encouraged to suggest to the media representative that the Media and Communications Unit be contacted in relation to their enquiry.

#### 5.1.2 Contact to Council Requesting Comment from the Mayor, or an Individual Councillor

If a representative of the media contacts Council requesting comment specifically from the Mayor, or an individual Councillor, the Media and Communications Unit will refer it to the appropriate Council spokesperson and/or the Mayor and CEO.

#### 5.1.3 Contact to Council Requesting General Comment or Information Without Specifying the Preferred Spokesperson

Where the media contacts Council requesting a response from a Council spokesperson or is otherwise seeking a comment from Council, the Media and Communications Unit will establish the identity of the relevant spokesperson in accordance with the Media Policy and notify the spokesperson and/or the Mayor and CEO.

### 5.2 Relationships with the Media

The Media and Communications Unit will provide same day responses where possible in response to enquiries from the media. If a response is not possible, an alternative timeframe will be negotiated for provision of the requested information.

Media releases and information promoting Council decisions, projects, programs and initiatives generated by the Media and Communications Unit which are not distributed in response to direct incoming enquiries will be first distributed on Council's online and social media platforms before wider distribution to media outlets.

### 5.3 Media and Communications Unit Resources and Support

#### 5.3.1 Mayor and Councillors

The Media and Communication Unit will provide advice and support to the Mayor and Councillors on all media matters.

A representative of the Media and Communications Unit will, as required and wherever practicable, accompany the Mayor and Councillors to media opportunities organised in accordance with the Media Policy and this procedure.

Council resources must not be used to promote personal achievements or plans of individual Councillors or groups of Councillors, which does not directly relate to formal Council resolutions.

During an election period, the use of Council resources to undertake media must be in accordance with Council's Caretaker Period Policy.

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**5.3.2 Employees**

Any media enquiries received by employees must be referred to the Media and Communications Unit for actioning.

Requests from the CEO or Media and Communication Unit for employees to provide information for the collation of a response to media, must be given a high priority. Ideally, these requests should be answered within four hours.

**5.3.3 Determination of Priority**

Requests from Councillors or employees for the preparation of information for distribution to the media will be determined by the Media and Communications Unit in line with available resources and priorities.

If necessary, the timing of the release of information will be referred to the Mayor and CEO for determination.

**5.4 Media Releases/Statements**

In creating and issuing media releases/statements, the Media and Communications Unit will follow the below procedure.

**5.4.1 Quotes**

Which Councillor is to be quoted will be determined in accordance with the Councillor Portfolio Policy and the Media Policy. At the discretion of the Mayor, Portfolio Councillors and Divisional Councillors may also be quoted in media releases where the Mayor is the spokesperson.

Key quotes will be prepared in consultation with the Mayor and any Councillor being quoted.

**5.4.2 Approval Process**

Information, releases or statements must be approved by the relevant spokesperson, and provided to the Mayor, CEO and relevant general manager(s) or Deputy Chief Executive Officer prior to distribution to the media and the public.

**5.4.3 Distribution of Media Releases**

The Media and Communications Unit will circulate final copies of all media releases to all Councillors.

**5.5 Jointly Funded Projects and Initiatives****5.5.1 Compliance with Funding Guidelines**

Media activities in relation to Council projects, programs and initiatives in receipt of grant funding from either the Australian or Queensland Government, or other external source are not permitted under any circumstances unless compliance with any relevant funding guidelines are first met.

**6 Review Timelines**

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

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**7 Document Management**

Sponsor	Chief Executive Officer
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Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Council Meeting Procedures Policy - Clean Copy**

**Meeting Date: 14 April 2020**

**Attachment No: 5**



## COUNCIL MEETING PROCEDURES POLICY

### STATUTORY POLICY



#### 1 Scope

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

#### 2 Purpose

The purpose of this policy is to provide direction for the orderly and proper conduct of ordinary and committee meetings, including the post-election meeting.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Public Records Act 2002*

Code of Conduct for Councillors in Queensland (Department of Local Government, Racing and Multicultural Affairs)

Councillor Conduct Register

Councillor Investigation Policy

Councillor Portfolio Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Department of Local Government, Racing and Multicultural Affairs)

Petition Factsheet

Petition Template

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
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Agenda	<p>Compilation of reports to be discussed at an ordinary or committee meeting. The agenda for any meeting must indicate:</p> <p>(a) Business to be conducted at the meeting;</p> <p>(b) Business arising from previous meetings; and</p> <p>(c) Any business for which due notice has been given (Notice of Motion, Questions on Notice).</p> <p>An agenda will not include any matter that is unlawful.</p>
Alternative/ Foreshadowed Motion	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.
Amendment	<p>In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p> <p>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.</p>
Behavioural Standard	The standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	<p>Chief Executive Officer</p> <p>A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.</p>
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 Act or Regulation 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 Act.
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	<p>Local government employee:</p> <p>(a) The Chief Executive Officer; or</p> <p>(b) A person holding an appointment under section 196 of the Act.</p>
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 Act.
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.

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Non-Delegated Committee	A committee that does not have authorisation 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.
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio.
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.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>
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 <i>Information Privacy Act 2009</i> .
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.
Seriatim	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.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct:  (a) Happens during a local government meeting; and  (b) Contravenes a behavioural standard.

## 5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of ordinary meetings and committees of Council.

Council is committed to conducting its meetings in accordance with the principles of the Act, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our Region.

### 5.1 Special Meeting

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

- (a) The special meeting is required by resolution;
- (b) 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;
- (c) A special meeting is required to comply with the Act or some other legislation; or

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(d) 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 for special meetings.

## 5.2 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.

## 5.3 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:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Business Outstanding;
  - (i) Business Arising from Previous Meetings;
  - (ii) Matters Lying on the Table and to be Dealt With;
- (f) Public Forums/Deputations;
- (g) Presentation of Petitions (for ordinary meetings only);
- (h) Reports;
  - (i) Committee (for ordinary meetings only);
  - (ii) Portfolio Councillor (for ordinary meetings only);
  - (iii) Officers;
- (i) Notice of Motions;
- (j) Questions on Notice (for ordinary meetings only);
- (k) Urgent Business/Questions;
- (l) Closed Session; and
- (m) Closure of Meeting.

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

- (a) Procedural directions given to the meeting by resolution;
- (b) Procedural directions specified in this policy; or
- (c) 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.

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**5.4 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:

- (a) The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting;
- (b) The time period allowed for the deputation has expired;
- (c) The person uses insulting or offensive language; or
- (d) 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 deputations are located on the Council website.

**5.5 Petitions**

A petition may be presented to an ordinary meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) 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.

A petition must have at least 10 signatures from people supporting the petition objective.

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:

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

A factsheet and template for submitting a petition is located on the Council website.

**5.6 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.

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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 committee recommendation or it may simply correct the wording.

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

#### **5.7 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.

#### **5.8 Portfolio Councillor Reports**

Reports to an ordinary meeting and relevant to portfolios allocated under Council's Councillor Portfolio Policy should be presented by the relevant Portfolio Councillor.

#### **5.9 Notice of Motion**

Submission of notice of motion must be given at least five 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:

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

Notice of motions must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be an action that could be dealt within operational procedures.

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**5.10 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:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) 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.

**5.11 Urgent Business/Questions**

A provision in the agenda for Councillors 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 meeting.

**5.12 Closed Meetings**

Council and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- (a) Appointment, dismissal or discipline of employees;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Contracts proposed to be made by the Council;
- (f) Starting or defending legal proceedings involving the Council;
- (g) Any action to be taken by the Council under the *Planning Act 2016*, including deciding applications made to it under the *Planning Act 2016*; and
- (h) 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.

A Council or committee must not make a resolution (other than procedural) in a closed session meeting.

A closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

To take an issue into a closed session, Council must first pass a resolution to do so.

In the interests of accountability and transparency, Council must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.

The agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.

The minutes of Council must detail the matter discussed and reasoning for discussing the matter in closed session. Council must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

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.

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## 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.

### 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:

- (a) Before the motion is voted on; or
- (b) 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.

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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 has the final right of reply, provided there has been a speaker against the motion or amendment; and
- (e) 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.

#### 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 Regulation timeframes, at least five days before the meeting.

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.

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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.

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.

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) 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 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.

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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.

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

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:

- (a) The report/document be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) 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:

- (a) Another Councillor has failed to comply with proper meeting procedures;
- (b) A matter before the Council is in contravention of the Act or the Regulation or any other relevant State or Federal Legislation; or
- (c) 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 Regulation 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 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 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.

If the chairperson, Mayor and Deputy Mayor 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 in accordance with the Regulation.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted approval 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. 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.

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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. (An apology is not considered a leave of absence request.)

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.

In the event that a Councillor leaves the meeting place for the duration of the discussion of that item, the time of the absence will be recorded in the minutes.

#### **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 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 Regulation, 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.

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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.

#### 8.8 Teleconferencing

The Council has delegated to the CEO under section 276(2) and (3)(b) of the *Local Government Regulation 2012* the power to allow a person to take part in a meeting (Council or committee meetings) by teleconferencing and approve the teleconferencing arrangement.

### 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:

- (a) Moving any motion or amendment;
- (b) Seconding any motion or amendment;
- (c) Taking part in any discussion;
- (d) Replying to any question; or
- (e) Addressing the Council for any other purpose.

Councillors will, during a meeting, address:

- (a) Other Councillors by their respective titles, "Mayor" or "Councillor"; and
- (b) 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:

- (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.

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

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**9.2 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting**

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- (a) The chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
  - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - (ii) Apologising for their conduct; or
  - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson's request for remedial actions, the chairperson may make one or more of the orders below:
  - (i) An order reprimanding the Councillor for the conduct; or
  - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
  - (i) Details of any order issued is recorded in the minutes of the meeting;
  - (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct in accordance with the Act; and
  - (iii) The CEO is advised to ensure details of any order made must be updated in the Councillor Conduct Register in accordance with the Act.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (a), (g) and (h) above.

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### 9.3 Material Personal Interest

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

- (a) A Councillor with a material personal interest must inform the meeting of the Council of their material personal interest and set out the nature of the interest, including:
  - (i) The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
  - (ii) How a person or other entity stands to gain the benefit or suffer the loss; and
  - (iii) If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- (b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (c) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand.
- (d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from part (a) above.
- (f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
  - (i) The Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
  - (ii) If the matter cannot be delegated under section 257 of the Act, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - (i) The name of the Councillor who has a material personal interest in the matter;
  - (ii) The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest; and
  - (iii) Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

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#### 9.4 Conflict of Interest

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

- (a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Council of their personal interest and set out the nature of the interest, including:
  - (i) The nature of the interest; and
  - (ii) If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
    - (A) The name of the other person;
    - (B) The nature of the relationship or value and date of receipt of the gift or benefit received; and
    - (C) The nature of the other person's interests in the matter.
- (b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- (c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) of the Act as to whether another Councillor may stay in the meeting.
- (d) If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- (e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
  - (i) The size or significance of the benefit of the subject Councillor stands to receive or benefit;
  - (ii) The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
  - (iii) The closeness of any relationship the subject Councillor may have with a given person or group.
- (g) In making the decision under (f) it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

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- (i) The Chairperson should then ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from part (a).
- (j) In the event the majority of Councillors inform of a personal interest in a matter:
  - (i) Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
  - (ii) If the matter cannot be delegated under section 257 of the Act, Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (k) Where a Councillor informs the meeting of a personal interest in the matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - (i) The name of the Councillor who has declared the conflict of interest;
  - (ii) The nature of the personal interest, as described by the Councillor;
  - (iii) The decisions made under parts (c) and (e) above;
  - (iv) Whether the Councillor participated in the meeting under an approval by the Minister;
  - (v) If the Councillor voted on the matter, how they voted; and
  - (vi) How the majority of Councillors voted on the matter.

#### 9.5 Acts of Disorder by a Person Other than a Member

In accordance with *Local Law No. 1 (Administration) 2011* a person who is not a member of the Council or a Committee must not obstruct the proper conduct of a meeting of the Council or Committee.

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 Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council

In accordance with section 150AF of the Act, after receiving a referral by the Independent Assessor or under paragraph 9.2(i)(ii) of this document of an instance of suspected inappropriate conduct, Council must complete an investigation into the alleged conduct in accordance with the Councillor Investigation Policy.

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

When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor, the Council must:

- (a) Be consistent with the Council's principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the Regulation.

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- (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in paragraph 9.4.
- (c) The Council should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- (d) If Council decides that the subject Councillor has engaged in inappropriate conduct, Council is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
  - (i) An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
  - (ii) An order reprimanding the Councillor for the conduct;
  - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - (iv) An order that the Councillor be excluded from a stated Council meeting;
  - (v) An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Council on a State board or committee;
  - (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
  - (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the Council can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Council is reasonably satisfied is true.
- (f) The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- (g) Council must ensure the meeting minutes reflect the resolution made.

## 11 Record of Meetings

### 11.1 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 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.

### 11.2 Audio and Video Recording of Meetings

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

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An audio or video recording made in accordance with this direction:

- (a) May only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- (b) Must be retained for a period of seven years after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

## 12 Exclusions

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

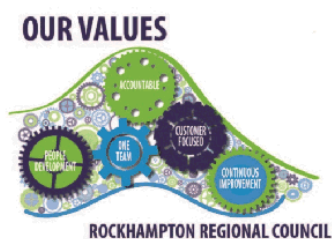
## 13 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

## 14 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Executive Officer
Policy Quality Control	Legal and Governance



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# **STANDING COMMITTEES AND PORTFOLIOS**

## **Draft Council Meeting Procedures Policy - Track Changes**

**Meeting Date: 14 April 2020**

**Attachment No: 6**

## COUNCIL MEETING PROCEDURES POLICY

### STATUTORY POLICY



#### 1 Scope

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

#### 2 Purpose

The purpose of this policy is to provide direction for the orderly and proper conduct of ordinary and committee meetings, including the post-election meeting.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

[Public Records Act 2002](#)

Code of Conduct for Councillors in Queensland (Department of Local Government, Racing and Multicultural Affairs)

Councillor Conduct Register

Councillor Investigation Policy

[Councillor Portfolio Policy](#)

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Department of Local Government, Racing and Multicultural Affairs)

Petition Factsheet

Petition Template

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
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Agenda	<p>Compilation of reports to be discussed at an ordinary or committee meeting. The agenda for any meeting must indicate:</p> <p>(a) Business to be conducted at the meeting;</p> <p>(b) Business arising from previous meetings; and</p> <p>(c) Any business for which due notice has been given (Notice of Motion, Questions on Notice).</p> <p>An agenda will not include any matter that is unlawful.</p>
Alternative/ Foreshadowed Motion	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.
Amendment	<p>In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p> <p>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.</p>
Behavioural Standard	The standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	<p>Chief Executive Officer</p> <p>A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.</p>
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 Act or Regulation 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 Act.
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	<p>Local government employee:</p> <p>(a) The Chief Executive Officer; or</p> <p>(b) A person holding an appointment under section 196 of the Act.</p>
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 Act.
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.

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Non-Delegated Committee	A committee that does not have authorisation 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.
<u>Portfolio Councillor</u>	<u>A Councillor who has been allocated responsibility of a portfolio.</u>
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.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>
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 <i>Information Privacy Act 2009</i> .
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.
Seriatim	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.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard.

## 5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of ordinary meetings and committees of Council.

Council is committed to conducting its meetings in accordance with the principles of the Act, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our Region.

### 5.1 Special Meeting

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

- (a) The special meeting is required by resolution;
- (b) 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;
- (c) A special meeting is required to comply with the Act or some other legislation; or

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(d) 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 for special meetings.

## 5.2 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.

## 5.3 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:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Business Outstanding;
  - (i) Business Arising from Previous Meetings;
  - (ii) Matters Lying on the Table and to be Dealt With;
- (f) Public Forums/Deputations;
- (g) Presentation of Petitions (for ordinary meetings only);
- (h) Reports;
  - (i) Committee (for ordinary meetings only);
  - (ii) [Portfolio](#) Councillor/[Delegate](#) (for ordinary meetings only);
  - (iii) Officers;
- (i) Notice of Motions;
- (j) Questions on Notice (for ordinary meetings only);
- (k) Urgent Business/Questions;
- (l) Closed Session; and
- (m) Closure of Meeting.

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

- (a) Procedural directions given to the meeting by resolution;
- (b) Procedural directions specified in this policy; or
- (c) 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.

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#### 5.4 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:

- (a) The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting;
- (b) The time period allowed for the deputation has expired;
- (c) The person uses insulting or offensive language; or
- (d) 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 deputations are located on the Council website.

#### 5.5 Petitions

A petition may be presented to an ordinary meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) 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.

A petition must have at least 10 signatures from people supporting the petition objective.

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:

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

A factsheet and template for submitting a petition is located on the Council website.

#### 5.6 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.

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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 committee recommendation or it may simply correct the wording.

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

## 5.7 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.

## 5.8 Portfolio Councillor Reports

Reports to an ordinary meeting and relevant to portfolios allocated under Council's Councillor Portfolio Policy should be presented by the relevant Portfolio Councillor.

### 5.8.5.9 Notice of Motion

Submission of notice of motion must be given at least five 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:

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

Notice of motions must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be an action that could be dealt within operational procedures.

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**5.95.10 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:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) 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.

**5.105.11 Urgent Business/Questions**

A provision in the agenda for Councillors 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 meeting.

**5.115.12 Closed Meetings**

Council and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- (a) Appointment, dismissal or discipline of employees;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Contracts proposed to be made by the Council;
- (f) Starting or defending legal proceedings involving the Council;
- (g) Any action to be taken by the Council under the *Planning Act 2016*, including deciding applications made to it under the *Planning Act 2016*; and
- (h) 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.

A Council or committee must not make a resolution (other than procedural) in a closed session meeting.

A closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

To take an issue into a closed session, Council must first pass a resolution to do so.

In the interests of accountability and transparency, Council must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.

The agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.

The minutes of Council must detail the matter discussed and reasoning for discussing the matter in closed session. Council must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

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.

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## 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.

### 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:

- (a) Before the motion is voted on; or
- (b) 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.

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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 has the final right of reply, provided there has been a speaker against the motion or amendment; and
- (e) 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.

#### 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 Regulation timeframes, at least five days before the meeting.

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.

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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.

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.

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) 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 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.

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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.

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

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:

- (a) The report/document be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) 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:

- (a) Another Councillor has failed to comply with proper meeting procedures;
- (b) A matter before the Council is in contravention of the Act or the Regulation or any other relevant State or Federal Legislation; or
- (c) 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 Regulation 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 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 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.

If the chairperson, Mayor and Deputy Mayor 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 in accordance with the Regulation.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted approval 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. 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.

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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. (An apology is not considered a leave of absence request.)

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.

In the event that a Councillor leaves the meeting place for the duration of the discussion of that item, the time of the absence will be recorded in the minutes.

#### **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 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 Regulation, 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.

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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.

#### 8.8 Teleconferencing

The Council has delegated to the CEO under section 276(2) and (3)(b) of the *Local Government Regulation 2012* the power to allow a person to take part in a meeting (Council or committee meetings) by teleconferencing and approve the teleconferencing arrangement.

### 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:

- (a) Moving any motion or amendment;
- (b) Seconding any motion or amendment;
- (c) Taking part in any discussion;
- (d) Replying to any question; or
- (e) Addressing the Council for any other purpose.

Councillors will, during a meeting, address:

- (a) Other Councillors by their respective titles, "Mayor" or "Councillor"; and
- (b) 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:

- (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.

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

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**9.2 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting**

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- (a) The chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
  - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - (ii) Apologising for their conduct; or
  - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson's request for remedial actions, the chairperson may make one or more of the orders below:
  - (i) An order reprimanding the Councillor for the conduct; or
  - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
  - (i) Details of any order issued is recorded in the minutes of the meeting;
  - (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct in accordance with the Act; and
  - (iii) The CEO is advised to ensure details of any order made must be updated in the Councillor Conduct Register in accordance with the Act.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (a), (g) and (h) above.

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### 9.3 Material Personal Interest

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

- (a) A Councillor with a material personal interest must inform the meeting of the Council of their material personal interest and set out the nature of the interest, including:
  - (i) The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
  - (ii) How a person or other entity stands to gain the benefit or suffer the loss; and
  - (iii) If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- (b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (c) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand.
- (d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from part (a) above.
- (f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
  - (i) The Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
  - (ii) If the matter cannot be delegated under section 257 of the Act, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - (i) The name of the Councillor who has a material personal interest in the matter;
  - (ii) The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest; and
  - (iii) Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

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#### 9.4 Conflict of Interest

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

- (a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Council of their personal interest and set out the nature of the interest, including:
  - (i) The nature of the interest; and
  - (ii) If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
    - (A) The name of the other person;
    - (B) The nature of the relationship or value and date of receipt of the gift or benefit received; and
    - (C) The nature of the other person's interests in the matter.
- (b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- (c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) of the Act as to whether another Councillor may stay in the meeting.
- (d) If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- (e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- (f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
  - (i) The size or significance of the benefit of the subject Councillor stands to receive or benefit;
  - (ii) The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
  - (iii) The closeness of any relationship the subject Councillor may have with a given person or group.
- (g) In making the decision under (f) it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

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- (i) The Chairperson should then ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from part (a).
- (j) In the event the majority of Councillors inform of a personal interest in a matter:
  - (i) Council must resolve to delegate the consideration and decision on the matter, in accordance with section 257 of the Act; or
  - (ii) If the matter cannot be delegated under section 257 of the Act, Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (k) Where a Councillor informs the meeting of a personal interest in the matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - (i) The name of the Councillor who has declared the conflict of interest;
  - (ii) The nature of the personal interest, as described by the Councillor;
  - (iii) The decisions made under parts (c) and (e) above;
  - (iv) Whether the Councillor participated in the meeting under an approval by the Minister;
  - (v) If the Councillor voted on the matter, how they voted; and
  - (vi) How the majority of Councillors voted on the matter.

#### 9.5 Acts of Disorder by a Person Other than a Member

In accordance with *Local Law No. 1 (Administration) 2011* a person who is not a member of the Council or a Committee must not obstruct the proper conduct of a meeting of the Council or Committee.

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 Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council

In accordance with section 150AF of the Act, after receiving a referral by the Independent Assessor or under paragraph 9.2(i)(ii) of this document of an instance of suspected inappropriate conduct, Council must complete an investigation into the alleged conduct in accordance with the Councillor Investigation Policy.

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

When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor, the Council must:

- (a) Be consistent with the Council's principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the Regulation.

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- (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in paragraph 9.4.
- (c) The Council should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- (d) If Council decides that the subject Councillor has engaged in inappropriate conduct, Council is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
  - (i) An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
  - (ii) An order reprimanding the Councillor for the conduct;
  - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - (iv) An order that the Councillor be excluded from a stated Council meeting;
  - (v) An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Council on a State board or committee;
  - (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
  - (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the Council can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Council is reasonably satisfied is true.
- (f) The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- (g) Council must ensure the meeting minutes reflect the resolution made.

## 11 Record of Meetings

### 11.1 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 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.

### 11.2 Audio and Video Recording of Meetings

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

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An audio or video recording made [in accordance with this direction](#):

(a) 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.~~

(b) [Must be retained for a period of seven years after confirmation of the minutes of the meeting in accordance with the Public Records Act 2002.](#)

## 12 Exclusions

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

## 13 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

## 14 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Executive Officer
Policy Quality Control	Legal and Governance



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## 11.2 APPOINTMENT OF REPRESENTATIVES OF COUNCIL TO EXTERNAL ORGANISATIONS

**File No:** 10072  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Damon Morrison - Executive Coordinator to the Mayor  
 Evan Pardon - Chief Executive Officer

### SUMMARY

*The Chief Executive Officer is seeking nominations to represent Rockhampton Regional Council on external organisations.*

### OFFICER'S RECOMMENDATION

THAT Council appoint members to represent Rockhampton Regional Council on organisations, associations or bodies as below:

Organisation	Council Representative
Art Gallery Trust	
Australian Local Government Women's Association	
CQ Airport Group	
Capricorn Pest Management Group	
Capricornia Domestic & Family Violence Steering Committee	
Fitzroy Basin Association	
Fitzroy Partnership for River Health	
Fitzroy River Restocking Group	
Floodplain Management Australia	
Great Barrier Reef Marine Park Authority/Reef Guardian	
Leichhardt Way/Drive Inland Promotions Association	
Local Authority Waste Management Advisory Committee	
Local Disaster Management Group	
Queensland Futures Institute	
Regional Arts Development Fund Committee	
Regional Capitals Australia	
Rockhampton Regional Roads and Transport Group	
Safe Night Rockhampton CBD Precinct Inc	

**COMMENTARY**

Rockhampton Regional Council has extensive involvement in numerous organisations across the region and it is necessary that Council determine its ongoing representation on those bodies and organisations.

While the below list of relevant organisations is not exhaustive, it is considered to encapsulate those bodies which currently have a high priority within the region and for which Council currently has representation.

- Art Gallery Trust
- Australian Local Government Women's Association
- CQ Airport Group
- Capricorn Pest Management Group
- Capricornia Domestic & Family Violence Steering Committee
- Fitzroy Basin Association
- Fitzroy Partnership for River Health
- Fitzroy River Restocking Group
- Floodplain Management Australia
- Great Barrier Reef Marine Park Authority / Reef Guardian
- Leichhardt Way/Drive Inland Promotions Association
- Local Authority Waste Management Advisory Committee
- Local Disaster Management Group
- Queensland Futures Institute
- Regional Arts Development Fund Committee
- Regional Capitals Australia
- Rockhampton Regional Roads and Transport Group
- Safe Night Rockhampton CBD Precinct Inc

**BUDGET IMPLICATIONS**

Operational expenditure associated with Council representation on the external organisations listed in the report has been allowed for in Council's 2019-2020 operational budget.

**LEGISLATIVE CONTEXT**

There are no legislative implications associated with Council representation on external organisations.

**LEGAL IMPLICATIONS**

There are no direct legal implications associated with Council representation on external organization, save for decisions made by external organisations are not binding on Council in the absence of a formal Council resolution.

**CORPORATE/OPERATIONAL PLAN**

*Corporate Plan:*

5.1 Productive partnerships with all levels of government and relevant stakeholders

5.2 Strong leadership that provides quality governance to support and service the community

**CONCLUSION**

Council has existing representation on a number of organisations, association and bodies across the region and it is recommended that Council determine its ongoing representation on those bodies and organisations.

**11.3 APPOINTMENT TO COUNCIL'S AUDIT AND BUSINESS IMPROVEMENT COMMITTEE****File No:** 5207**Attachments:** 1. Terms of Reference - Audit and Business Improvement Committee [↓](#)**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

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**SUMMARY**

*This report seeks the appointment of two (2) Councillors to Council's Audit and Business Improvement Committee.*

**OFFICER'S RECOMMENDATION**

THAT Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ be appointed to Council's Audit and Business Improvement Committee.

**COMMENTARY**

At the commencement of each term of Council, appointments to its Audit and Business Improvement Committee are made. The committee structure follows the requirements of the *Local Government Regulation 2012*. It consists of three (3) external members (1 current vacancy) and two (2) Councillors.

**PREVIOUS DECISIONS**

Presently Councillor Strelow and Councillor Smith are Councillor representatives on this Committee. Whilst the legislation stipulates that Council only needs to appoint one (1) Councillor, two (2) appointments has been Council's preferred position and reflected in the Terms of Reference.

The Terms of Reference, as previously approved are attached. No changes are recommended to these Terms.

**BUDGET IMPLICATIONS**

Committee expenses are included in Council operating budget.

**LEGISLATIVE CONTEXT**

s210 *Local Government Regulation 2012* states that the audit committee of a local government must -

(a) consist of at least 3 and no more than 6 members; and

(b) include -

(i) 1, but no more than 2, councillors appointed by the local government; and

(ii) at least 1 member (external) 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) The local government must appoint 1 of the members of the audit committee as chairperson.

**LEGAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

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**RISK ASSESSMENT**

Nil

**CORPORATE/OPERATIONAL PLAN**

Nil

**CONCLUSION**

It is recommended that Council continue to have two (2) Councillors appointed to its Audit and Business Improvement Committee.

# **APPOINTMENT TO COUNCIL'S AUDIT AND BUSINESS IMPROVEMENT COMMITTEE**

## **Terms of Reference - Audit and Business Improvement Committee**

**Meeting Date: 14 April 2020**

**Attachment No: 1**



**Subject:** Terms of Reference – Audit and Business Improvement Committee

**File Ref:** 8237

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**1 Purpose**

The Audit and Business Improvement 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 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 and Business Improvement Committee and
2. Make 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 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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**Corporate Improvement and Strategy use only**

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- 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 three and no more than six members; and
- (b) include –
  - (i) one, but no more than two, Councillors appointed by the local government; and
  - (ii) At least one member who has significant experience and skills in financial matters.

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

- (a) 2 Councillors
- (b) 3 Independent External Members with appropriate qualifications and experience

In accordance with section 210(3) of the *Local Government Regulation 2012*, the local government must appoint one member of the Audit Committee as chairperson.

Best practice indicates the chair should be one of the independent external members.

In accordance with s266 of the *Local Government Regulation 2012*, an Audit Committee may appoint one 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. 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 cannot 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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#### Corporate Improvement and Strategy use only

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**5 Role of Chair**

The Committee Chair 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.

**7 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.

**8 Meetings**

The Audit and Business Improvement 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.

**9 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*.

**10 Administrative Support**

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

**EVAN PARDON**  
**CHIEF EXECUTIVE OFFICER**

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**Corporate Improvement and Strategy use only**

**Adopted/Approved:** Adopted, 10 November 2015  
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**11.4 EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY****File No:** 11979**Attachments:** 1. **Mark-up Version Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy**[↓](#)**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

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**SUMMARY**

*Each new term of Council considers the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy. This Policy and associated process is a requirement of the Local Government Regulation 2012. The intention is for Council to consider this report at this meeting. Any associated changes will be made to this policy for adoption at the next Council meeting.*

**OFFICER'S RECOMMENDATION**

THAT the suggested alterations as noted be incorporated into the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy and be presented at the next meeting of Council for formal adoption.

**COMMENTARY**

The current Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy has worked well by all accounts hence only some minor changes are being recommended. Councillors will note these suggested changes by the track changes feature in the attachment.

Councillors of course may well have a different view and this is the opportunity to have these discussions. The legislation also requires these discussions not to be held in closed session.

The suggested course of action is to take Councillors feedback and incorporate this into the policy for formal adoption at the next Council meeting. Following formal adoption this policy must be published on Council's website and available for inspection and/or purchase.

**BACKGROUND**

Each term of Council reviews its Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy. Once adopted this is made available for the public via the website or inspection and/or purchase.

**PREVIOUS DECISIONS**

This policy has previously been adopted by the former Council and suggested changes made as per the attached document.

**BUDGET IMPLICATIONS**

The suggested changes have no impact on Council's operating budget. Any significant deviation may have a budget impact.

**LEGISLATIVE CONTEXT**

This matter is considered pursuant to s249-252 of the *Local Government Regulation 2012*.

**LEGAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Based on experiences of previous Councils it is proposed that the Councillor support (excluding Mayor) be reduced to one FTE employee.

**RISK ASSESSMENT**

Nil

**CORPORATE/OPERATIONAL PLAN**

Nil

**CONCLUSION**

All feedback will be integrated into the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy and presented for formal adoption at the next meeting of Council.

# **EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY**

## **Mark-up Version Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy**

**Meeting Date: 14 April 2020**

**Attachment No: 1**

## EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS

### STATUTORY POLICY



#### 1 Scope

This policy applies to Councillors of Rockhampton Regional Council. This policy does not provide for salaries or other form of Councillor remuneration. Councillor remuneration is in accordance with the determination of the Local Government Remuneration and Discipline Tribunal.

#### 2 Purpose

The purpose of this policy is to ensure accountability and transparency in the reimbursement of expenses and the provision of facilities provided or incurred by the Councillors.

#### 3 Related Documents

##### 3.1 Primary

*Local Government Regulation 2012*

##### 3.2 Secondary

*Income Tax Assessment Act 1997 (Cwth)*

*Local Government Act 2009*

Civic Events Policy

Declaration of Travel Expenses Form

Entertainment and Hospitality General Ledger Expense Allocation Guideline

Fleet Vehicle Greenhouse Gas Emissions Reduction Policy

Notice of Incident – Insurance Purposes (Internal)

Insurance Claim Request Form

Insurance Form – Motor Vehicle

Purchasing Policy – Acquisition of Goods and Services

Taxation Rulings issued by the Australian Taxation Office

Travel and Conference Proposal Form

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Activity	Meeting, event, function, conference, training, course or other activity a Councillor may be required to attend as part of their role in attending to Council business.
CEO	Chief Executive Officer 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.

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Civic Event	An event or ceremony which involves a guest/s of honour and invites guests approved by the Mayor. Civic events are initiated by the Mayor.
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> .
Council	Rockhampton Regional Council
Council Business	Official business conducted on behalf of Council that should result in a benefit being achieved for the local government and/or local government Region (for example opening a school fete). Council business also includes where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council (for example official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to portfolios or Council appointments). Participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.
Council Table	The body of elected Councillors of Council.
Councillors	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Discretionary Training	Training a Councillor wishes to attend, outside the provisions of mandatory training.
Entertainment or Hospitality Expense	The expense to Council of providing an entertainment or hospitality service.
Entertainment or Hospitality Service	Includes the following: (a) Entertaining members of the public in order to promote a local government initiative or project; and (b) Providing food or beverages: (i) To a person visiting council in an official capacity; or (ii) For a conference, meeting, training course, seminar, workshop or another forum that is held by Council for its Councillors, employees or other persons.
Expenses	Costs reasonably incurred, or to be incurred, by a Councillor whilst fulfilling their obligations under the <i>Local Government Act 2009</i> . The expenses may be either reimbursed to Councillors or paid direct by Council.
Facilities	Facilities deemed necessary to assist Councillors in their role.
GVG	Green Vehicle Guide
Mandatory Training	Training the CEO deems mandatory for a Councillor to attend for skill development directly related to the Councillor's role.
Mayor	An elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Reasonable	Council must make sound judgements and consider what is prudent, responsible and acceptable to the community when determining reasonable levels of facilities and expenditure.

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Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Resolution	A motion 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.

## 5 Policy Statement

Council is committed to ensuring Councillors are provided with facilities and have Council business expenses paid or reimbursed to enable them to perform their duties.

Payment or reimbursement of expenses and provision of facilities for Councillors is:

- (a) In accordance with statutory requirements;
- (b) To be open and transparent, prudent, responsible;
- (c) Acceptable to the community;
- (d) Based on ensuring economy and efficiency; and
- (e) Subject to budget provisions.

Family members, including partners, of Councillors are not entitled to reimbursement of expenses or to have access to facilities allocated to Councillors.

This policy is deemed to be a "procedure" for the purposes of section 250(1) of the *Local Government Regulation 2012*.

A leave of absence is automatically granted where a Councillor is appointed as a Council representative on a committee or association by Council resolution. If there may be a lack of quorum at a committee or ordinary meeting due to the Councillor attending an activity, the CEO will refer the approval for a leave of absence to the Council table.

### 5.1 Expense Categories

#### 5.1.1 General Council Business

Council pays or reimburses expenses incurred in undertaking Council business which includes:

- (a) Preparing, attending and participating in Council meetings, committee meetings, workshops, strategic briefings, deputations and inspections;
- (b) Attending civic functions or civic events to perform official duties or as an official council representative;
- (c) Attending public/community meetings, presentation dinners and annual general meetings where invited as a Councillor; or
- (d) Attending a community event where a formal invitation has been received.

#### 5.1.2 Professional Development

Council pays or reimburses expenses incurred by a Councillor attending the following professional development:

- (a) Mandatory training; and
- (b) Discretionary training provided the expenses do not exceed the following limits:
  - (i) Mayor No limit
  - (ii) Deputy Mayor \$10,000 per year
  - (iii) Committee Chairs \$7,500 per year
  - (iv) Councillors \$5,000 per year

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If a Councillor exceeds the above limits and wishes to attend discretionary training, a Council resolution is required.

### 5.1.3 Travel Expenses

If in line with budget allocation, Council pays or reimburses local, interstate and overseas travel expenses incurred by a Councillor (for example, flights, car, accommodation, meals) as set out in this policy provided the expenses are deemed necessary for undertaking Council business or training.

The following travel expenses must be approved by Council resolution:

- (a) All international travel (excluding New Zealand) and associated costs; and
- (b) Expenses incurred outside of current budget allocation.

Councillors must take into consideration the value and benefit to Council of an activity before deciding whether or not to attend an activity.

Details of all proposed flights, accommodation, hire car and other known travel expenses must be completed on a Travel and Conference Proposal Form and submitted prior to travel. All travel arrangements must be coordinated with Committee Support.

#### 5.1.3.1 Flights

Airline bookings are made with respect to convenience of scheduling, and where practical, to take advantage of discounted air fares.

Standard of air travel is economy class however when Councillors are required to travel on long range flights the CEO may approve travel other than economy class.

#### 5.1.3.2 Accommodation

All Councillor accommodation should be selected having regard to:

- (a) The best price value; and
- (b) Convenience to the conference/meeting.

In determining accommodation locations and standards for all Councillors, every effort is made to minimise the total cost associated with attendance at the event. Travel time to the event, taxi (or like service), costs, convenience and hotel services is considered when booking accommodation. When practical and available, accommodation is arranged within close proximity to the event venue.

When attending conferences, Councillors should utilise the costs savings from any package provided by conference organisers. Alternative accommodation arrangements may be chosen taking into account the total costs, location, value for money, convenience and safety.

One night's accommodation prior to the event is only approved where travel to the event on the day of commencement is not practical.

All expenses incurred at the accommodation venue other than accommodation and meals must be settled at the time of departure.

#### 5.1.3.3 Private Vehicle Use

Use of private motor vehicles is not encouraged and should only be utilised where no other means of transport is available, practical or economical. The use of private vehicles for Council business is only acceptable where every effort to use Council vehicles has been explored in advance of its required need.

Council insurance does not cover private vehicles used for Council business.

Any use of private motor vehicles must be approved by the CEO prior to the commencement of travel.

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Where a Councillor utilises their own vehicle to attend an activity, the Councillor is entitled to a travel allowance in accordance with the Australian Taxation Office vehicle mileage rates per kilometre schedule.

#### 5.1.3.4 Parking and Associated Fees

Council reimburses parking costs where a vehicle has incurred fees (excluding infringement notices) whilst attending an activity.

#### 5.1.3.5 Public Transport/Taxi Fares

Council reimburses the cost of travel to and from activities. Where possible, cabcharge vouchers and airtrain tickets should be obtained from Committee Support prior to travel.

#### 5.1.3.6 Conference Proceedings

Council reimburses the cost of conference proceedings where the information is deemed valuable to convey information about the conference content that could not be conveyed as well by other means.

#### 5.1.3.7 Laundry/Dry Cleaning

Council reimburses the cost of laundry/dry cleaning charges when the Councillor's travel exceeds four consecutive days.

#### 5.1.3.8 Business Telephone Calls, Facsimiles and Postage

Council reimburses the cost of official business telephone calls, modem and internet connections, facsimiles and correspondence, photocopying and postage.

#### 5.1.3.9 Personal Telephone Calls and Calls from Mobile Phones

Council recognises the personal sacrifice of travelling for Council business and the impact it has on family life. In recognition of this, personal calls are allowed to a maximum of \$15.00 per day.

#### 5.1.3.10 Meals

If breakfast is able to be purchased at the place of accommodation and can be charged to the room account, the standard hotel breakfast rate is covered.

If not included as part of the activity or accommodation package, the cost of meals allowable is up to:

- (a) Breakfast \$50.00
- (b) Lunch \$50.00
- (c) Dinner \$100.00

Meal allowances must be utilised independently for each meal type per day and not to be added together for one meal.

Should the Councillor choose not to attend a provided meal, then the full cost of the alternative meal is to be met by the Councillor.

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**5.1.3.11 Non Allowable Expenditure**

As a guide, expenses not normally reimbursed at home, are not reimbursed when travelling. The following expenses are not reimbursed by Council:

- (a) Beverages not included within a meal allowance;
- (b) Tips and gratuities other than where travel is to a place where tips and gratuities are the custom;
- (c) Applying for or renewing passports;
- (d) Airline club fees (that is, Qantas Frequent Flyer or Virgin Australia Velocity Club), other than approved by the CEO;
- (e) Excess baggage claims, unless items are directly related to the approved event;
- (f) Toiletries;
- (g) Barber or hair stylist;
- (h) Babysitting fees;
- (i) Kennel fees;
- (j) Tourism related costs;
- (k) Traffic parking fines;
- (l) Travel costs not applicable to the approved activity;
- (m) In-flight and in-house movies;
- (n) In-house or external entertainment not directly related to the approved activity;
- (o) Personal gifts, goods or services purchased;
- (p) Costs incurred for family members (partners and children):
  - (i) Meals;
  - (ii) Travel;
  - (iii) Incidentals, for example, laundry, in-house video hire;
  - (iv) Partner's programme; and
- (q) Public transport or taxi fares for personal matters, for example, shopping, visiting friends/relatives etc.

**5.1.3.12 Other Travel Matters****5.1.3.12.1 Travel Insurance**

Councillors are covered by Council insurance while travelling on authorised Council business. Details of cover may be obtained from the Manager Corporate and Technology Services

If the level of cover is considered by the Councillor to be inadequate for their personal requirements, additional insurance can be obtained at the Councillor's expense.

**5.1.3.12.2 Local Government Workcare**

Councillors engaged in travel on authorised Council business, including intrastate, interstate or overseas travel are entitled to the statutory protection of WorkCare, as in the normal course of employment.

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Cover is extended to Councillors for the full duration of the Councillor's absence from the normal place of work, but excludes personal/recreational activities of a high-risk nature outside the normal course of employment.

#### **5.1.3.12.3 Extended Personal Travel**

Should travel time be extended by the Councillor for personal reasons beyond what is necessary for the purposes of the authorised travel, all additional costs and arrangements is the responsibility of the Councillor.

#### **5.1.3.12.4 Travel by Family Members**

A Councillor may choose to have a companion travel with them to an activity. The Councillor is responsible for charges over and above the standard Council rate for one adult travelling, for example, standard room as opposed to larger room to accommodate a family or car hire to accommodate a family.

#### **5.1.3.12.5 Rewards Programs**

Councillors may accumulate reward points for travel for business and/or personal use as a result of travel in the course of their duties. Councillors are to use their best endeavours to allocate rewards points accumulated in the course of their duties for future Council business travel.

#### **5.1.3.12.6 Non-Attendance**

It is the Councillor's responsibility to ensure they undertake the approved confirmed attendance, travel and/or accommodation booked.

Council reserves the right to recoup costs incurred for the failure of such attendance.

#### **5.1.3.12.7 Purchase Cards**

Councillors must not use corporate purchase cards to book travel arrangements, including flights, accommodation or registrations. The only exception is for emergency flight or accommodation changes outside the Councillor's control.

#### **5.1.3.12.8 Additional Expenses**

Any additional costs not covered by this policy may be approved by the CEO provided the costs are fully substantiated and receipts or declarations of all expenditure incurred are provided on the Declaration of Travel Expenses Form.

#### **5.1.3.12.9 Claiming and Declaration of Travel Expenses**

It is the Councillor's responsibility to seek reimbursement of legitimate expenses upon return.

Expenses incurred during travel on Council business must be declared on the Declaration of Travel Expenses Form. This includes both expenses to be reimbursed and expenses incurred on corporate purchase cards. The original itemised tax invoice/receipt must be submitted with the Declaration of Travel Expenses Form. If the original tax invoice cannot be produced, a statutory declaration must be completed.

All travel supporting documentation including unused cab charge vouchers and airtrain tickets must be returned with the Declaration of Travel Expenses Form within 14 days of completion of travel.

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## 5.2 Entertainment and Hospitality Expenses

Council recognises that there are circumstances where incurring entertainment and hospitality expenses are appropriate in the conduct of local government business. As Council is a publicly funded body, Council must ensure entertainment and hospitality expenses are incurred for the purpose of Council operations, and a high standard of accountability for funds are maintained.

Entertainment or hospitality expenses incurred by Councillors must be:

- (a) for official purposes;
- (b) properly documented with the purpose identified;
- (c) available for scrutiny by both internal and external audit;
- (d) be appropriate and responsible and withstand the public defensibility test; and
- (e) in accordance with the adopted budget.

Entertainment or hospitality expenses incurred by Councillors must be within the allocation of funding in the annual budget.

### 5.2.1 Approved Entertainment and Hospitality Expenditure

Entertainment and hospitality expenditure is allowed where it is considered important for the conduct of public business and/or facilitating corporate and professional relationships.

#### 5.2.1.1 CEO Approval

Where practicable, entertainment and hospitality expenses must be approved by the CEO prior to spending funds.

When approving the claim, the CEO considers the following:

- (a) the frequency of claims;
- (b) factors such as accepted community practice or standard;
- (c) be satisfied it is reasonable;
- (d) includes appropriate documentary evidence; and
- (e) whether the claim withstands the public defensibility test.

#### 5.2.1.2 Expenditure Limit

Provided entertainment and hospitality expenses are incurred in accordance with the requirements of this policy, Council pays or reimburses entertainment and hospitality expenses incurred by Councillors provided the expenses do not exceed:

- (a) \$6,000 per annum for the Mayor; and
- (b) \$1,200 per annum for each Councillor.

Hospitality expenses related to official receptions and other functions organised by Council are excluded from the expenditure limits mentioned above and are met from relevant approved budgets.

#### 5.2.1.3 Use of Corporate Purchase Card

A Councillor issued with a corporate purchase card in the name of Council may use this card to pay for entertainment and hospitality expenses subject to the terms and conditions of the card.

#### 5.2.1.4 Reporting

Entertainment and hospitality expenses are charged to specified accounts as per the Entertainment and Hospitality General Ledger Expense Allocation Guideline to ensure compliance with tax obligations relating to goods and services tax and fringe benefits tax.

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### 5.3 Facilities

Facilities provided for Councillors must be deemed necessary and required to assist Councillors in their official duties.

Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than prescribed by Council, any difference in cost must be met by the Councillor.

Facilities provided to Councillors remain Council's property and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires, unless Council agrees to dispose of the facility in some other manner.

#### 5.3.1 Administrative Tools and Office Amenities

Council provides Councillors with the facilities listed below:

##### 5.3.1.1 Office Space and Access to Meeting Rooms

The Mayor ~~and Deputy Mayor are~~is provided with a dedicated office in the Rockhampton City Hall.

Council provides access to occasional office accommodation and meeting rooms for Councillors to meet with constituents and the public.

##### 5.3.1.2 Support

The Mayor is provided with a coordinator, an administration officer and a communications officer.

The Deputy Mayor and Councillors are provided with ~~two and two thirds~~one shared administrative support officers as determined by the CEO.

##### 5.3.1.3 Computer

Councillors are provided with a laptop computer for Council business use.

An iPad or similar tablet type mobile device is made available on request to the CEO.

##### 5.3.1.4 Photocopier and Paper Shredder

Councillors are entitled to access photocopiers and paper shredders for business use at ~~the various Council offices~~City Hall.

Access to domestic photocopiers/scanners may be provided for the home based offices, on request to the CEO.

##### 5.3.1.5 Stationery

Councillors are provided stationery for official purposes only.

Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of the role of Councillor.

Stationery does not include any form of advertising by Council.

##### 5.3.1.6 Telecommunication Needs

Councillors are provided with a smartphone as designated by the CEO.

It is recognised that community obligations and demands on the Mayor, Deputy Mayor and Councillors are such that generally all calls are deemed to be Council business. Therefore, the Mayor, Deputy Mayor and Councillors are entitled to have the full cost of Council business related mobile devices charges paid by Council.

##### 5.3.1.7 Publications

Councillors are provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties.

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**5.3.1.8 Advertising**

Council does not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.

**5.3.1.9 Community Consultation**

Councillors may use Council provided facilities to correspond with community representatives for the purpose of clarifying issues relevant to their division or the Region in general. If a Councillor chooses to undertake more community consultation than the consultation approved by Council, the Councillor must pay the costs of the further consultation.

**5.3.1.10 Other Equipment**

Councillors may be provided with home office equipment (in addition to a laptop computer as identified in paragraph 5.3.1.3) comprising of a:

- (a) Laptop docking station;
- (b) Printer;
- (a) Computer screen;
- (c) Lockable filing cabinet;
- (d) Desk and chair; and
- (e) Internet access for business use only.

**5.3.1.11 Personal Protective Equipment, ~~Uniforms-Blazer~~ and Name Badge**

Councillors are provided with any personal protective equipment such as overalls, safety shoes, safety helmets or glasses, as required.

Councillors may be provided with ~~corporate uniforms comprising five items~~, a blazer and a name badge if required.

**5.3.1.12 Maintenance**

Council covers ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

**5.3.2 Vehicles****5.3.2.1 Vehicle Allowance**

Councillors, with the exception of the Mayor, are provided with a Council vehicle for official business use, up to Council's fleet purchase price of ~~\$35,000~~\$37,500 (exclusive of GST but inclusive of any extras or accessories fitted to the vehicle).

As a result of the community expectations and demands on the Mayor, all vehicle use by the Mayor is deemed to be Council business. The Mayor is provided with a Council vehicle for Council business use, up to Council's fleet purchase price of ~~\$65,000~~\$69,500 (exclusive of GST but inclusive of any extras or accessories fitted to the vehicle).

During the term of Council, a Councillor or Mayor may make a request to the CEO to change vehicle arrangements providing it is cost neutral for Council. Should there be excessive costs to Council, the CEO may refuse the request or require the Councillor to reimburse such costs.

**5.3.2.2 Greenhouse Gas Emissions**

Council provided vehicles must meet the requirements of the Fleet Vehicle Greenhouse Gas Emissions Reduction Policy.

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**5.3.2.3 Private Use**

Councillors may elect to have limited private use of a Council vehicle, however are required to contribute to private use operating and FBT costs. This can be contributed post-tax or salary sacrificed pre-tax pending any changes to applicable taxation laws.

Private use of Council vehicles is limited to within 100km of the Region's boundaries. Any private use outside of these boundaries requires a record to be kept and advice provided to the CEO within 30 days of the use. The CEO invoices the Councillor based on the mileage allowances recommended by the Australian Taxation Office.

Councillors who choose to elect to have limited private use are required to reimburse Council an annual amount of \$ ~~4232.54~~ ~~4153.43~~ plus yearly Council plant hire increases.

Reimbursement is not required for any business travel.

It is considered that all vehicle use by the Mayor is deemed to be Council business use, therefore this requirement to calculate private use is not applicable.

**5.3.2.4 Conditions of Use****5.3.2.4.1 Roadworthiness and Appearance**

It is the Councillor's responsibility to ensure the vehicle is maintained in a roadworthy condition. No vehicle is to be driven if there is doubt as to its roadworthiness.

It is a Councillor's responsibility to ensure:

- (a) servicing is carried out in accordance with manufacturer's guidelines and contractual obligations;
- (b) the vehicle is clean and maintained at a high standard to promote a positive image of Council;
- (c) regular maintenance including fluid and tyre pressure checks are carried out; and
- (d) obvious tyre, windscreen or other wear or abnormal noises are reported to Fleet Services.

**5.3.2.4.2 Authorised Drivers**

Unless an emergency exists, the following are authorised drivers of a Council vehicle:

- (a) the Councillor allocated to that vehicle;
- (b) the Councillor's spouse or partner;
- (c) any other licensed driver, provided the Councillor is in the vehicle at the time; or
- (d) another licensed Council employee or Councillor for work related travel.

**5.3.2.4.3 Refuelling of Vehicles**

Vehicles are to be refuelled at Council's preferred supplier's service station using the supplied fuel card.

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**5.3.2.4.4 Infringements**

Council is not liable to pay any fine or costs incurred by the driver of a Councillor allocated vehicle if that person infringes against Road Traffic Regulations, the local laws of a local government or any other regulation that relates to the use of vehicles.

The onus for payment of a fine or other costs resides with the offender. If the actual driver cannot be determined, the Councillor may be held liable for the penalties involved.

**5.3.2.4.5 Insurance**

Council vehicles are insured under a comprehensive policy. This insurance policy becomes null and void if the driver is:

- (a) not in possession of a current driver's licence;
- (b) convicted of being under the influence of alcohol or prohibited substances; or
- (c) not authorised to drive the relevant Council vehicle.

In such cases the driver could become personally liable for damages.

Personal property left in motor vehicles is not insured under any circumstances.

**5.3.2.4.6 Theft of a Council Vehicle**

In the event of the theft of a Council vehicle, Councillors are required to notify the police and CEO immediately.

**5.3.2.4.7 Loss of Drivers Licence**

Any Councillor disqualified or suspended from driving automatically forfeits rights for usage of a Council vehicle for at least the period of disqualification or suspension.

Councillors must report any loss of drivers licence to the CEO immediately.

**5.3.2.4.8 Accidents**

In the event of an accident, Councillors must comply with the Council Vehicle Incident Procedure.

**5.4 Legal Costs and Insurance Cover**

Councillors are covered under Council insurance policies when discharging civic duties. Insurance cover is provided for:

- (a) public liability;
- (b) professional indemnity;
- (c) personal accident and/or workers compensation; and
- (d) international and domestic travel insurance.

Any claim over and above the stated requires the approval of a Council resolution.

Council will cover costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillors performance of their civic functions. If it has been found that the Councillor breached the provisions of the governing legislation, the Councillor will reimburse Council with all associated costs incurred by Council. Should a Councillor obtain their own legal advice, Council may consider at its discretion making a contribution in full or in part towards the legal costs incurred subject to the Councillor not being found to be in breach of the provisions of the governing legislation.

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**5.5 Vacation of Office**

In cases resulting in the vacation of office, any facilities and vehicles allocated to the Councillor (including keys, fleet cards, log books and any other documentation) must be returned to Council on cessation date.

**5.6 Payment of Expenses**

Councillors who require reimbursement of personal expenses incurred whilst undertaking Council duties, must submit original receipts to their Executive Support Officer to be approved by the CEO. Receipts must be submitted no later than 30 June of that year. Reimbursements must be made in the financial year they were incurred.

**5.7 Reporting**

Council's Annual Report must contain information on Councillor expenses reimbursement and provision of facilities as stipulated in the *Local Government Regulation 2012*.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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**11.5 COMMUNITY SERVICES - ROSE'S ANGELS NETWORK**

**File No:** 8022  
**Attachments:** Nil  
**Authorising Officer:** Alicia Cutler - Acting General Manager Community Services  
**Author:** Kerri Dorman - Administration Supervisor

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**SUMMARY**

*As the Rockhampton Region prepared to face the COVID-19 Pandemic, the 'Rose's Angels' Network was established to assist those vulnerable members of our Region during these uncertain times.*

**OFFICER'S RECOMMENDATION**

THAT Council approve to provide Rose Swadling with Council resources to enable her to continue to support 'Rose's Angels' for a further two months after which a review will be undertaken on the service.

**COMMENTARY**

It is proposed to continue the service of 'Rose's Angels' Network for another two (2) months with a further review to be undertaken on an 'as needs basis'.

As Rose Swadling will still be involved in the service, it is proposed to provide her the same tools of trade that was available whilst a Councillor.

Accordingly, a mobile phone, laptop computer and printer as well as a vehicle is proposed to be provided for a further two (2) months.

**BACKGROUND**

'Rose's Angels' Network was established to assist vulnerable members of our Region during the COVID-19 Pandemic to ensure no one in the Rockhampton Regional Council community is left feeling isolated and without support. Former Councillor Rose Swadling has contributed to the set-up of the service as well as the ongoing trouble shooting that is required. Since the time of establishment, there have also been a number of other community groups stepping forward to fill some of the gaps identified in the community and the need has not yet been significant.

**PREVIOUS DECISIONS**

On 16 March 2020 Council resolved that Council support and resource an office for the purpose of providing a service to our community that accesses various agencies and programmes to find and fill the gaps for those who are impacted by COVID-19. The service is authorised to receive cash and in-kind donations in accordance with any guidelines provided by Rockhampton Regional Council Chief Executive Officer.

**BUDGET IMPLICATIONS**

Associated costs in supporting Rose Swadling with Council resources.

**LEGAL IMPLICATIONS**

No legal implications foreseen.

**STAFFING IMPLICATIONS**

The Community Services Directorate team quickly established an agency and resource pool and procedures to assist in dealing with requests received through 'Rose's Angels' and staff have continued to provide this service from their remote individual sites. Therefore, there are no staffing implications expected with the continuation of the service.

**RISK ASSESSMENT**

Risk assessment not required.

**CORPORATE/OPERATIONAL PLAN**

1.3.7 Public safety initiatives and emergency response services and systems are in place to respond to a disaster effectively.

**CONCLUSION**

It is recommended that to enable Rose Swadling to continue to support Rose's Angels for a further two months the relevant equipment be provided for the same period.

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**11.6 DATE CHANGE OF GAZETTED ROCKHAMPTON AGRICULTURAL SHOW HOLIDAY FOR 2020****File No:** 6097**Attachments:** Nil**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Annette Pearce - Manager Tourism, Events and Marketing

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**SUMMARY**

*The Chief Executive Officer is seeking approval to write to the Minister for Industrial Relations Policy and Regulation asking for permission to change the gazetted Rockhampton Agricultural Show Holiday date for 2020.*

**OFFICER'S RECOMMENDATION**

THAT Council authorise the Chief Executive Officer to write to the Minister for Industrial Relations Policy and Regulation seeking permission to postpone the gazetted Rockhampton Agricultural Show holiday date from 11 June 2020 to a later date in 2020 to be determined once COVID-19 Event regulations have been lifted to allow community events to resume.

**COMMENTARY**

Due to COVID-19 the 2020 Rockhampton Agricultural Show planned for 10-12 June 2020 was cancelled. Council nominated 11 June 2020 as the public holiday for the show and this was approved by the Minister for Industrial Relations Policy and Regulation as a gazetted holiday.

Rockhampton Regional Council would like to postpone the gazette holiday to when a community event is able to be held post COVID-19 to celebrate the coming together of the community. Due to the uncertain timeline around the pandemic it is not feasible to set a date at this time, however it is envisaged the gazetted holiday would fall between 1 October and 20 December 2020.

Further to this, a public holiday in June will also add cost to the region at a critical time, with employers paying for a day off, as well as enticing the community to be out of home in a period that is forecast to still have social distancing regulations in force.

**BUDGET IMPLICATIONS**

There are no budget implications to be considered.

**LEGISLATIVE CONTEXT**

Section 4 of the *Holidays Act 1983*, the Minister for Industrial Relations appoints the holiday for the Rockhampton Region for the purpose of the Rockhampton Agricultural Show.

**LEGAL IMPLICATIONS**

Outside the requirements of Section 4 of the *Holiday Act 1983* as noted in this report, there are no additional relevant legal implications for consideration.

**CORPORATE/OPERATIONAL PLAN**

Corporate Plan – Section 2.1 “A destination sought for lifestyle, community events and tourism”.

**CONCLUSION**

In light of the current COVID-19 pandemic, it is crucial that bringing the Rockhampton community together to celebrate our recovery and growth is part of our forward plan. To extend this to include our gazetted Show holiday will enable the event to be a step in a forward direction



## **12 NOTICES OF MOTION**

Nil

## **13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS/QUESTIONS**

*Urgent Business is 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.*

## **15 CLOSURE OF MEETING**