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# LATE ITEMS BUSINESS PAPER

## General Meeting

Wednesday 13 April 2016

Roma Administration Centre

### NOTICE OF MEETING

Date: 12 April 2016

Mayor:

Councillor T D Golder

Deputy Mayor:  
Councillors:

Councillor J L Chambers  
Councillor R Bryant  
Councillor N H Chandler  
Councillor P J Flynn  
Councillor C J O'Neil  
Councillor G B McMullen  
Councillor D J Schefe  
Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Cameron Castles (Director Infrastructure Services)  
Mr Rob Hayward (Director Development, Facilities &  
Environmental Services)  
Ms Sharon Frank (Director Corporate, Community & Commercial  
Services)

Officers:

Ms Jane Frith (Coordinator Corporate Communications)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on  
**April 13, 2016 at 1.30PM.**

Julie Reitano  
Chief Executive Officer

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## **OFFICER REPORT**

**Meeting:** General 13 April 2016

**Date:** 24 March 2016

**Item Number:** L.1

**File Number:** D16/25283

**SUBJECT HEADING:** Submission of Projects for Building our Regions

**Classification:** Open Access

**Officer's Title:** Coordinator - Grants, Local Development & Council Events

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### **Executive Summary:**

Maranoa Regional Council is eligible to submit projects for funding under the Queensland Government *Building Our Regions Program*. Proposed projects are being submitted for Council's consideration and endorsement.

### **Officer's Recommendation:**

That Council:

1. Submit prioritised project/s under the Queensland Government *Building Our Regions Program*.
  2. Commit to providing appropriate co-contributions in the 2016-17 budget to allow any successful project/s to commence no later than 30 June 2017.
  3. Authorise the Chief Executive Officer to sign the sub-agreement/s with the Department of State Development on behalf of Council for any successful project/s.
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### **Body of Report:**

The Department of State Development has announced that the *Building our Regions Program* has been brought forward by six months, and is now open to regional councils in Queensland.

*Building our Regions* incorporates three separate infrastructure funds. Maranoa Regional Council is one of 17 councils eligible to apply for the *Royalties for Resource Producing Communities Fund*, which has \$55 million available over 2 years (\$27.5M this round).

### **Highlights of the Program:**

- Eligible councils can apply for funding of \$250,000 up to a maximum of \$5 million per project, and can apply for up to 50% of total project costs. A minimum confirmed 50% contribution is required.
- The program purpose is to provide funding for critical infrastructure in regional areas, while supporting jobs, fostering economic development and improving liveability.
- Funding under each of the three funds is only available for the construction of an infrastructure project.
- Local governments should submit projects that are critical to the functioning of a community, where delivery of the project (or failure to deliver the project) will have a significant impact on the community's prosperity and wellbeing.

This round will operate differently to previous rounds – there will be an Expression of Interest (EOI) submitted, and then selected projects will be asked to provide a more detailed business case.

Relevant deadlines are:

- EOI due 29 April 2016
- Announcement of shortlisted projects late June, and submission of detailed applications
- Notification of funding outcomes in October 2016
- **Projects must commence construction by 30 June 2017, or risk having funding withdrawn.**

Projects for consideration are:

**1. Roma Airport Runway**

The main Roma airport runway was designed to take around 16 flights per week. The upgrade will result in a 15m wide centre strip of 150mm new asphalt, (an extra 25mm thickness) capable of taking 40+ aircraft movements per week. It will also include all line marking & runway shoulder works, and will ensure the Airport remains compliant with Civil Aviation Safety Regulations. Detailed design is in progress.

**Potential Cost:** The project is estimated to cost \$5,283,947. Although Council is able to request funding for this project on a 50:50 basis (\$2,641,974) it is recommended that Council request funding of \$2,000,000. Based on feedback, higher contributions are viewed more favourably. This project has also been submitted under National Stronger Regions Fund, and announcements are expected in July.

**2. Remote Townships Water Sustainability Project (Yuleba and Surat)**

This project includes the installation of a pressure system and ground reservoir in Yuleba (estimated cost \$620,000) and a clarifier upgrade and reservoir replacement in Surat (estimated cost \$480,000).

**Potential Cost:** The preliminary cost is \$1,100,000, with Council able to request up to \$550,000 in funding. This project has also been submitted under National Stronger Regions Fund.

**3. Sewer Main Diversion – Major Street, Roma**

This project involves the installation of critical deep trunk gravity sewer main to replace essential existing sewer main which is in extremely poor condition between Station St and the Major St sewerage pump station on the long drain. This upgrade will reduce maintenance costs as the existing line has previously collapsed causing on-going expense for a section which has reached the limits of its life expectancy. An upgrade will provide a sustainable essential sewer service to the south & west region of Roma.

**Potential Cost:** The preliminary cost is \$920,180, with Council able to request up to \$460,090 in funding.

**4. PCYC Extension**

It has been requested by the Marana PCYC staff that the extension to the PCYC be considered under this round. The project will incorporate new gym

area, kitchen, canteen, squash courts, club rooms and activity space. Concept designs and costings have been prepared (2014).

**Potential Cost:** The cost is around \$3,888,700 with Council able to request up to \$1,944,350 in funding.

#### 5. Roma Big Rig Enhancement

The project will deliver upgraded audio-visual and static displays to reflect the latest industry developments. It includes Oil Patch Expansion and CSG Exhibit, Indoor Theatre and new Night Show. Santos have also committed to an in-kind donation of equipment and display material, (approximately \$200,000). This project was submitted unsuccessfully in Round One.

**Potential Cost:** The cost is approximately \$770,000 with Council able to request up to \$385,000 in funding.

#### 6. Yuleba-Taroom Road

Widen and seal existing road to an 8m wide sealed pavement between chainages 38.19 – 41.16km. Detailed designs are in progress, expected completion June 2016.

**Potential Cost:** The cost is approximately \$1,800,000, which is currently being funded under the APLNG road agreement. A potential funding split would be \$1,300,000 from APLNG and requesting \$500,000 from BoR.

#### 7. Blythdale North Road Upgrade

Upgrade existing road to an 8m wide sealed pavement. Detailed designs have been prepared.

**Potential Cost:** The cost is approximately \$6,100,000, which is currently being funded under the Santos GLNG road agreement. A potential funding split would be \$4,100,000 from GLNG and requesting \$2,000,000 from BoR.

#### 8. Raslie Road Upgrade

Upgrade existing road to an 8m wide sealed pavement. Detailed designs have been prepared.

**Potential Cost:** The cost is approximately \$3,200,000, which is currently being funded under the Santos GLNG road agreement. A potential funding split would be \$2,200,000 from GLNG and requesting \$1,000,000 from BoR.

It is recommended that Council select and prioritise project/s for submission under the Building our Regions program.

#### **Consultation (internal/external):**

Cameron Castles, Director – Infrastructure

Ed Sims, Manager – Economic and Community Development

Ben Jones, Manager – Airports

Troy Pettiford, Manager – Water, Sewerage & Gas

Cindy Irwin, Specialist – Infrastructure Program Funding

Katrina Marsh, Senior Economic Development Officer, Darling Downs & South West, Department of State Development

Robert Orth, A/Manager Program and Financial Reporting, Department of State Development

**Risk Assessment (Legal, Financial, Political etc.):**

Local governments with successful projects will receive an offer of financial assistance. If the local government accepts the offer, it will be required to enter into a formal funding agreement with the Department of Infrastructure, Local Government and Planning within two months of funding approval. An agreement is valid for the duration of the approved project and once signed by both parties forms a legally binding agreement.

Key features of the agreement will include: information about the funding recipient; details of the project; timeframes for completion; how funds will be spent; accountability and acquittal; acknowledgement of government funding.

Projects must commence construction by 30 June 2017, or risk having funding withdrawn.

**Policy Implications:**

Nil.

**Financial Resource Implications:**

Successful funding applications will enable Council to bring forward planned infrastructure projects, and reduce the impact on ratepayers.

**Link to Corporate Plan:**

Corporate Plan 2014-2019

Strategic Priority 2: Our Finances

2.9 Other Council Revenue

2.9.8 Government funding

**Supporting Documentation:**

Nil

**Report authorised by:**

Manager - Economic & Community Development

Director - Development, Facilities & Environmental Services

**OFFICER REPORT**

**Meeting:** General 13 April 2016

**Date:** 10 April 2016

**Item Number:** L.2

**File Number:** D16/29256

**SUBJECT HEADING:** Confidentiality Procedure

**Classification:** Open Access

**Officer's Title:** Chief Executive Officer

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**Executive Summary:**

With the commencement of the new Council (2016-2020) and the inclusion of newly elected Councillors and Mayor, the confidentiality procedure is tabled for Council's information and endorsement.

**Officer's Recommendation:**

That the procedure:

1. Be received and contents noted.
2. Be adopted for use during the Council term 2016 – 2020 unless otherwise amended by Council resolution.

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**Body of Report:**

The procedure has been sourced, as part of the new Council's induction program, particularly for the benefit of those elected members who are new to the local government environment. Key elements of the procedure include:

- Purpose
- Introduction
- Scope
- Legislative and policy context
- Definitions
- Policy statement
- Responsibilities of councillors
- Consideration of confidential material—Council meetings
- Release of confidential information
- Breach of this procedure

**Consultation (internal/external):**

- King and Company

**Risk Assessment (Legal, Financial, Political etc.):**

The report aims to equip new Councillors with the necessary information and background to key obligations to minimise the risk of legal, financial and political implications associated with release of confidential information.

**Policy Implications:**

Section 171(3) of the Local Government Act 2009 sets out provisions relating to the release of confidential information by councillors. It states:

A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

*Note—*

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.

The attached procedure also incorporates a policy statement as follows:

*“Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.*

*At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public’s trust and confidence in the integrity of the local government.*

*It is accepted that councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council’s responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.*

*Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.”*

**Financial Resource Implications:**

The procedure details the importance of confidentiality in relation to dealing with certain matters that form part of Council business, and the consequence of associated breaches.

**Link to Corporate Plan:**

Corporate Plan 2014-2019

Strategic Priority 1: Community Leadership & Accountability

1.4 Councillor Support & Facilities

1.4.7 Councillor professional development

**Supporting Documentation:**

1 Draft Procedure - Councillor Confidentiality

D16/29252

**Report authorised by:**

Chief Executive Officer



## Purpose

This procedure provides guidance to councillors in complying with section 171(3) of the Local Government Act 2009 (“LGA”) regarding the proper handling of confidential information. The procedure aims to assist Council in determining what might be considered confidential information and how this information should be handled.

## Introduction

It is accepted that councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public’s trust and confidence in the integrity of the local government.

This procedure aims to support councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information.

This procedure does not override an individual councillor’s statutory obligations in respect of the use of information, nor does it override Council’s obligations under the LGA or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

## Scope

This procedure applies to confidential information held by Council and councillors.

## Legislative and policy context

Section 171(3) of the LGA sets out provisions relating to the release of confidential information by councillors. It states:

A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

*Note—*

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.

## Definitions

‘Councillor briefing sessions’ or ‘workshops’ are non-decision making forums convened by councillors, the CEO and, as directed by the CEO, other Council officers that create an opportunity for councillors and officers to discuss matters of proposed policy or other strategic or community sensitive issues, as well as providing a forum for councillors to be made aware of issues of significance to the organisation and/or to the community.

‘Information’ comes in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

## Policy statement

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

It is accepted that councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.

### **Responsibilities of councillors**

Councillors must be aware of their responsibilities and agree they should:

- exercise due care when handling or using information acquired in their role as a councillor;
- acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council;
- acknowledge that disclosure of confidential information constitutes a breach of the LGA;
- if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;
- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
  - avoid discussing confidential Council information with family, friends and business associates; and
  - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.

### **Confidential information**

The following types of information shall be deemed to be confidential to Council unless or until Council resolves to the contrary in a particular instance:

- Commercial in confidence information — including where the release of information would affect a third party's competitive advantage; this is particularly relevant in a competitive tender situation.
- Information derived from government departments or ministers that has been classified as confidential.
- Information of a personal nature or about personal affairs, for example the personal details of councillors or council staff.

- Information relating to a property disposal or acquisition process where release of the information may prejudice Council (see also section 171(1) and 171A of the LGA).
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else.
- Information that could result in action being taken against Council for defamation.
- Information involving legal advice to Council or a legal issue or a matter before the courts.
- Information that is expressly given to councillors in confidence.
- Information examined or discussed at councillor briefing sessions, unless the CEO declares that such information (or part thereof) is not confidential.
- Information about:
  - the appointment, dismissal or discipline of employees
  - industrial matters affecting employees
  - the Council's budget
  - rating concessions
  - contracts proposed to be made by Council
  - starting or defending legal proceedings involving Council
  - any action to be taken by the local government under the Sustainable Planning Act 2009, including deciding applications made to it under that Act.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the Right to Information Act 2009.

Nevertheless, this procedure deems that as a minimum:

- The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.
- An item on a Council meeting agenda – and the information contained in the documentation or supporting material – that is declared confidential by the CEO is to remain confidential unless or until Council or the committee resolves to the contrary.
- If the mayor or a councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning the matter is confidential.
- If a meeting of an advisory or other committee determines that an item – and the information contained in the documentation or supporting material – is to be confidential it remains confidential unless or until Council resolves to the contrary.
- If Council exercises its powers under section 275 of the Local Government Regulation 2012 to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.
- Confidential information shall be clearly identified as confidential.

- Any information of a type deemed to be confidential is to be presumed by councillors to be confidential to Council and must not be released without seeking advice from the CEO.
- If a councillor has any doubt as to whether Council considers information to be confidential, the councillor is to act on the assumption that Council does so intend until the doubt is resolved at a subsequent meeting of Council.

### **Consideration of confidential material—Council meetings**

The following procedures will apply to the preparation of an agenda and material for consideration at meetings of the Council:

1. If it is considered by the Chief Executive Officer (CEO) that the council should consider a matter in a closed meeting, the CEO will clearly indicate such recommendation on the agenda.
2. The CEO will make a declaration that all information contained in the documentation and associated material is information confidential to the council.
3. The CEO will ensure that the documentation and material is clearly marked as confidential.
4. The reason for the recommendation will be set out in the material.

The following procedures will apply to a recommendation by the CEO that a matter be considered in a closed meeting:

1. Council will consider the recommendation in open session unless to do so would result in the public release of the information concerning the matter.
2. Council shall determine by resolution whether the matter is confidential or not for the purposes of declaring that a meeting should be a closed one.
3. Upon moving that an issue be dealt with in a closed meeting, the mover must clearly state the reason for the motion.
4. Council will resolve that:
  - the matter is to be considered in a closed meeting, and all information relating to that matter is confidential to Council, or
  - the matter will be considered in open session.

Information considered at a closed meeting of Council shall remain confidential unless or until Council resolves otherwise.

### **Release of confidential information**

Any release of confidential information for any purpose to any person or organisation (other than those who are entitled to the information, such as other councillors or council staff) is a breach of section 171(3) of the LGA. Release includes:

- orally telling any person about the information or any part of the information
- providing the original or a copy of documentation or any part of the documentation that is marked confidential

- paraphrasing – putting into your own words – any confidential information and providing that in writing or orally.

### **Breach of this procedure**

A person may make a complaint about a breach by a councillor of section 171(3) by giving notice of the complaint to the Council's CEO. A breach of section 171(3) is "misconduct" (see the definition of "misconduct" in section 176(3)(d) of the LGA). Allegations of misconduct must be referred by the Council's CEO to the chief executive of the Department (see section 176C(4) of the LGA). Thereafter the chief executive of the Department must refer the complaint to a Regional Conduct Review Panel or the Local Government Remuneration and Discipline Tribunal (see section 177(3) of the LGA).

If a Regional Conduct Review Panel decides that a councillor has breached section 171(3) of the LGA, section 180(2) of the LGA provides that a Regional Conduct Review Panel may make any one or more of the following orders or recommendations: -

- (a) an order that the councillor be counselled about the misconduct, and how not to repeat the misconduct;
- (b) an order that the councillor make an admission of error or an apology;
- (c) an order that the councillor participate in mediation with another person;
- (d) a recommendation to the department's chief executive to monitor the councillor or the local government for compliance with the Local Government Acts;
- (e) an order that the councillor reimburse the local government;
- (f) a recommendation to the CCC or the police commissioner that the councillor's conduct be further investigated;
- (g) an order that the councillor pay to the local government an amount of not more than the monetary value of 50 penalty units.

If the Local Government Remuneration and Discipline Tribunal decides that a councillor has breached section 171(3), section 180(5) of the LGA provides that the Local Government Remuneration and Discipline Tribunal may make any one or more of the following orders or recommendations: -

- (a) an order that the councillor be counselled about the misconduct, and how not to repeat the misconduct;
- (b) an order that the councillor make an admission of error or an apology;
- (c) an order that the councillor participate in mediation with another person;
- (d) a recommendation to the department's chief executive to monitor the councillor or the local government for compliance with the Local Government Acts;
- (e) an order that the councillor forfeit an allowance, benefit, payment or privilege;

(f) an order that the councillor reimburse the local government;

(g) a recommendation to the Minister that the councillor be suspended for a specified period, either wholly or from performing particular functions;

*Examples of particular functions—*

- attending council meetings or offices
- representing the council at public functions

(h) a recommendation to the Minister that the councillor be dismissed;

(i) a recommendation to the CCC or the police commissioner that the councillor's conduct be further investigated;

(j) an order that the councillor pay to the local government an amount of not more than the monetary value of 50 penalty units.

## **OFFICER REPORT**

**Meeting:** General 13 April 2016

**Date:** 10 April 2016

**Item Number:** L.3

**File Number:** D16/29258

**SUBJECT HEADING:** Councillor Code of Conduct

**Classification:** Open Access

**Officer's Title:** Chief Executive Officer

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### **Executive Summary:**

With the commencement of the new Council (2016-2020) and the inclusion of newly elected Councillors and Mayor, the Councillor Code of Conduct is tabled for Council's information and endorsement.

### **Officer's Recommendation:**

That the procedure:

1. Be received and contents noted.
2. Be adopted for use during the Council term 2016 – 2020 unless otherwise amended by Council resolution.

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### **Body of Report:**

The procedure has been sourced, as part of the new Council's induction program, particularly for the benefit of those elected members who are new to the local government environment. Key elements of the procedure include:

- Introduction
- Key ethical and behavioural obligations
- Consequences of failing to comply with this Code

### **Consultation (internal/external):**

- King and Company

### **Risk Assessment (Legal, Financial, Political etc.):**

Provision of information upfront minimises the risk of issues arising during the Council term.

### **Policy Implications:**

Council has in place a detailed code of conduct for its employees. The attached document provides a simple but effective framework for Councillors' reference.

### **Financial Resource Implications:**

Nil

**Link to Corporate Plan:**

Corporate Plan 2014-2019

Strategic Priority 1: Community Leadership & Accountability

1.4 Councillor Support & Facilities

1.4.7 Councillor professional development

**Supporting Documentation:**

1 Draft Councillor Code of Conduct

D16/29253

**Report authorised by:**

Chief Executive Officer



## **Introduction**

This Code of Conduct sets out the standards of behaviour expected of councillors of the Maranoa Regional Council.

The requirements of this code are in addition to the roles, responsibilities and obligations of councillors, as set out in the *Local Government Act 2009*.

This code has been adopted by resolution of Council. Council accordingly considers this code to be a “procedure”, as that term is used in section 176(4) of the *Local Government Act 2009* (see below).

## **Key ethical and behavioural obligations**

Councillors must:

- ensure their personal conduct does not reflect adversely on the reputation of the Council
- demonstrate respect for fellow councillors, council staff and other members of the public
- refrain from harassing, bullying or intimidating fellow councillors, council staff or other members of the public
- not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that communication
- when communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council
- when communicating with the public or the media to express a personal opinion disagreeing with a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council

## Consequences of failing to comply with this Code

Section 176(4) of the *Local Government Act 2009* provides: -

*(4) **Inappropriate conduct** is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—*

*(a) a councillor failing to comply with the local government's procedures;  
or*

*(b) a councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.*

A failure to comply with this code by a Councillor (other than by the Mayor or Deputy Mayor) will be considered inappropriate conduct (as defined in section 176(4) (a) of the *Local Government Act 2009*) and render a Councillor liable to disciplinary action prescribed by section 181(2) of that Act. Section 181 (2) relevantly provides that the Mayor may make either or both of the following orders that the Mayor considers appropriate in the circumstances:

- a) an order reprimanding the Councillor for the inappropriate conduct;
- b) an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.

A failure to comply with this code by the Mayor or Deputy Mayor will be referred to the Chief Executive of the Department who is entitled to take disciplinary action prescribed by section 181(2) of that Act. Again, section 181 (2) relevantly provides that the Chief Executive of the Department may make either or both of the following orders that the Chief Executive considers appropriate in the circumstances:

- a) an order reprimanding the Mayor or Deputy Mayor for the inappropriate conduct;
- b) an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.

**OFFICER REPORT**

**Meeting:** General 13 April 2016

**Date:** 12 April 2016

**Item Number:** L.4

**File Number:** D16/29707

**SUBJECT HEADING:** Standing Orders Policy

**Classification:** Open Access

**Officer's Title:** Chief Executive Officer

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**Executive Summary:**

The report tables the draft Standing Order Policy for the Council term 2016-2020.

**Officer's Recommendation:**

That the policy be adopted.

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**Body of Report:**

The policy includes the following key sections:

**Part 1 Preliminary**

**Part 2 Meetings of the local government**

- Division 1 Time of meetings of the local government**
- Division 2 Agenda for meetings of the local government**
- Division 3 Quorum**

**Part 3 Standing orders**

- Division 1 Application of standing orders**
- Division 2 Procedures for meetings of the local government**
- Division 3 Motions**
- Division 4 Mayoral minute**
- Division 5 Conduct during meetings**
- Division 6 Questions**
- Division 7 Disorder and business**
- Division 8 Attendance and non-attendance**
- Division 9 Advisory Committees**
- Division 10 Procedure not provided for**
- Schedule A Dictionary**
- Schedule B Material Personal Interest**
- Schedule C Conflict of Interest**
- Schedule D Definition of Ordinary Business Matter**

Please note that **Part 2 Division 3** and **Schedules B, C and D** are not part of the standard template but have been included for ease of reference. They pertain to sections of the legislation that are referred to regularly as part of the conduct of the meetings, so these will provide a handy reference for Councillors having the information contained within the single document.

**Consultation (internal/external):**

- King and Company

**Risk Assessment (Legal, Financial, Political etc.):**

Nil

**Policy Implications:**

In earlier years, local governments had a meeting procedures local law. In many cases across the state, local laws have been replaced by policies. The attached policy is based on the latest template policy developed by King and Company incorporating refinements applicable to Maranoa Regional Council custom and practice.

**Financial Resource Implications:**

Nil

**Link to Corporate Plan:**

Corporate Plan 2014-2019

Strategic Priority 1: Community Leadership & Accountability

1.1 Council Meetings & Workshops

1.1.1 Council Meetings

**Supporting Documentation:**

1 Standing Orders Policy - 13 April 2016

D16/29892

**Report authorised by:**

Chief Executive Officer

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## Part 1 Preliminary

### 1 Background

Chapter 8 part 2 of the *Local Government Regulation 2012* provides core requirements for the conduct of meetings of the local government and the committees of the local government.

### 2 Object

These standing orders supplement the statutory requirements by providing standard processes to be observed at such meetings. In accordance with this policy, these standing orders may be suspended at any time by resolution.

### 3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in these standing orders.

## Part 2 Meetings of the local government

### Division 1 Time of meetings of the local government

#### 4 Times of ordinary meetings

- (1) The local government may, by resolution, fix dates and times for its ordinary meetings<sup>1</sup>.
- (2) If there is no resolution fixing the date and time for an ordinary meeting, the chief executive officer must fix the date and time for the meeting.
- (3) Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer must, if practicable, consult with the mayor about the proposed date and time for the meeting.

#### 5 Special meetings

- (1) The chief executive officer must call a special meeting of the local government if—
  - (a) the special meeting is required by a resolution of the local government; or
  - (b) a written request for the special meeting is lodged with the chief executive officer under subsection (2).
- (2) A request for a special meeting<sup>2</sup> of the local government must—
  - (a) be approved by the mayor or 3 or more councillors; and
  - (b) specify the business to be conducted at the special meeting; and
  - (c) propose a day and time for the holding of the special meeting.

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<sup>1</sup> See section 257 (Frequency and place of meetings) of the *Local Government Regulation 2012* and section 175 (Post-election meetings) of the *Local Government Act 2009*.

<sup>2</sup> See section 258 (Notice of meetings) of the *Local Government Regulation 2012*.

## **Division 2            Agenda for meetings of the local government**

### **6      Agenda for meeting**

- (1) A list of the items to be discussed at a meeting of the local government must be available for inspection at the time the agenda for the meeting is made available to councillors.<sup>3</sup>
- (2) The agenda for a meeting must include—
  - (a) items required under the Act or a local law to be included on the agenda; and
  - (b) items required under these standing orders to be included on the agenda; and
  - (c) items that are by resolution of the local government to be included on the agenda; and
  - (d) each item whose inclusion on the agenda is requested by a councillor.
- (3) A councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the chief executive officer at least 2 business days before the notice of meeting is given.

## **Division 3            Quorum**

### **7      Quorum**

A quorum for meetings of Council is a majority of its councillors (i.e. 5 / 9)<sup>4</sup>.

**Division 4            Not applicable/Intentionally deleted**

**Division 5            Not applicable/Intentionally deleted**

## **Division 6            Standing orders**

### **8      Standing orders**

The standing orders which regulate the conduct of meetings of the local government include the provisions set out in part 3.

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<sup>3</sup> See section 277 (Public notice of meetings) of the *Local Government Regulation 2012*.

<sup>4</sup> See section 259 (1) (Quorum at meetings) of the *Local Government Regulation 2012*.



## **Part 3 Standing orders**

### **Division 1 Application of standing orders**

#### **9 Application**

- (1) The standing orders in part 3 provide rules for the conduct of meetings of the local government (other than a post-election meeting)
- (2) The standing orders shall apply to a post-election meeting of the local government as far as practicable.
- (3) Any provision of the standing orders may be suspended by resolution of a meeting of the local government.
- (4) A separate resolution is required for a suspension of a standing order.
- (5) A resolution to suspend a standing order must specify the application and duration of the suspension.
- (6) Where a matter arises at a meeting of the local government which is not provided for in the standing orders, the matter may be determined by resolution upon a motion which may be put without notice, but otherwise in conformity with the standing orders.

### **Division 2 Procedures for meetings of the local government**

#### **10 Order of business**

- (1) The order of business must be determined by resolution of the local government from time to time.
- (2) The order of business may be altered for a particular meeting where the councillors at the meeting pass a motion to that effect.
- (3) A motion to alter the order of business may be moved without notice.
- (4) Unless otherwise altered pursuant to subsection (2), the order of business will be—
  - (a) for ordinary meetings—
    - Attendance;
    - Apologies;
    - Confirmation of Minutes;
    - Business Arising from Previous Minutes;
    - On the Table;
    - Reception of Deputations by Appointment/Presentations/Petitions;
    - Reception and Consideration of Officers' Reports;
    - Reception and Consideration of Councillors' Reports (including Consideration of Notices of Motion);
    - Miscellaneous Business;
  - (b) for special meetings
    - Attendance;
    - Apologies;
    - Reception of Deputations by Appointment/Presentations/Petitions;
    - Reception and Consideration of Officers' Reports.

- (5) The minutes<sup>5</sup> of the previous meeting (**previous minutes**) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.
- (6) Admission of deputations, invitees and visitors shall be at the discretion of either of—
  - (a) the mayor; or
  - (b) the local government.

## 11 Meeting agenda

- (1) The chief executive officer must prepare or have prepared a meeting agenda for each meeting.
- (2) The agenda must, where practicable, be made available to councillors 2 days prior to the meeting.
- (3) A meeting agenda shall include, but not be limited to—
  - (a) matters requiring attention from a previous meeting;
  - (b) officers' reports;
  - (c) councillors' reports including matters or recommendations referred to the local government by an advisory committee;
  - (d) any other business the local government determines should be included in the meeting agenda.

## 12 Petitions

- (1) Any petition presented to a meeting of the local government must be in accordance with Petition Guidelines.

## 13 Deputations

- (1) A deputation wishing to attend and address a meeting must do so in writing, addressed to the chief executive officer.
- (2) The chief executive officer must notify the mayor who must determine an appropriate meeting time and place when the deputation may be heard. In some instances the deputation may be at a Council workshop or other forum; in other instances at a Council meeting.
- (3) The chief executive officer or delegate must inform the deputation of the determination.
- (4) Where it has been determined that the deputation may be heard, a convenient time and place must be arranged for that purpose, and a time period allowed.
- (5) For deputations comprising 3 or more persons, only 2 persons may be heard unless the local government determines otherwise.
- (6) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- (7) The chairperson of a meeting may terminate an address by a person in a deputation at any time if—

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<sup>5</sup> See section 272 (Minutes) of the *Local Government Regulation 2012*.

- (a) the chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
- (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting; or
- (c) the person uses insulting or offensive language.

## **Division 3            Motions**

### **14    Motions**

- (1) A motion brought before a meeting in accordance with the Act or the standing orders may be received and put to the meeting by the chairperson.
- (2) The chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- (3) The chairperson may call the notices of motion in the order in which they appear on the meeting agenda, and where no objection is taken to a motion being taken as a formal motion, the chairperson may put the motion to the vote without discussion.
- (4) An item on the meeting agenda must not be removed from the agenda where a councillor at the meeting objects to its being removed.
- (5) When a motion has been moved and seconded, it becomes subject to the control of the local government and must not be withdrawn without the consent of both the mover and the seconder.

### **15    Absence of mover of motion**

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

### **16    Motion to be seconded**

- (1) A motion or an amendment to a motion must not be debated at a meeting of the local government unless or until the motion or the amendment is seconded, with the exception of a procedural motion.
- (2) A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- (3) Notwithstanding subsection (1), a councillor who moves a motion or an amendment to a motion may, with the permission of the chairperson, speak in support of the motion or amendment before it is seconded.

### **17    Amendment of motion**

- (1) An amendment to a motion must—
  - (a) be in terms which retain the identity of the motion; and
  - (b) not negative the motion.
- (2) Not more than 1 motion or 1 proposed amendment to a motion may be put before a meeting at any one time.
- (3) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put.

- (4) Where a motion (the **original motion**) is amended by another motion (the **other motion**), the original motion must not be put as a subsequent motion to amend the other motion.
- (5) In the case of minor refinements to an **original motion** or **other motion**, the matter can proceed to a vote with the approval of the mover and seconder.

## 18 Speaking to motions and amendments

- (1) Subject to section 20(2), the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, and—
  - (a) may only speak in support of the amendment before it is seconded with the permission of the chairperson; and
  - (b) may speak in support of the amendment after it is seconded.
- (2) A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.
- (3) Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment and each subsequent speaker alternatively against and in favour of the motion or amendment, unless the chairperson in his or her discretion rules otherwise.
- (4) The mover of a motion has the right of reply.
- (5) The mover of an amendment to a motion has no right of reply.
- (6) Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.
- (7) Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.
- (8) Where 2 or more councillors attempt to speak at the same time, the chairperson is to determine who is entitled to priority.

## 19 Method of taking vote<sup>6</sup>

- (1) Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer or minutes officer.
- (2) The chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (3) The local government must vote by a show of hands or as otherwise directed by the chairperson.
- (4) Any councillor may call for a division or a question in relation to the taking of a vote immediately following the chairperson declaring the result of the vote.
- (5) If a division is taken, the chief executive officer or minutes officer must record—
  - (a) the names of the councillors voting in the affirmative; and
  - (b) the names of the councillors voting in the negative.
- (6) The chairperson must declare the result of a vote or a division as soon as it has been determined.

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<sup>6</sup> See section 260 (Procedure at meetings) of the *Local Government Regulation 2012*.

- (7) Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.

## 20 Repealing or amending resolutions

- (1) A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act.<sup>7</sup>
- (2) Where a motion (a **relevant motion**) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.
- (3) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than 3 months.
- (4) Where a resolution (a **later resolution**) of the local government relates to a matter the subject of a previous resolution (a **previous resolution**) passed more than 3 months previous, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

## 21 Procedural motions

At a meeting, a councillor may, during the debate of a matter at the meeting and without the need for a seconder, move a motion (each a **procedural motion**)—

- (a) that the question/motion be now put to the vote; or
- (b) that the motion and amendment now before the meeting be adjourned; or
- (c) that the meeting proceed to the next item of business; or
- (d) that the question/motion lie on the table; or
- (e) a point of order; or
- (f) a motion of dissent against a point of order; or
- (g) that a report or document be tabled; or
- (h) to suspend the rule requiring that ...; or
- (i) that the meeting stand adjourned.

## 22 Motion that the question be put

- (1) A procedural motion that the question be put about a matter before a meeting, may be moved when a councillor believes that there has been sufficient debate about the matter at the meeting.
- (2) Where a motion under subsection (1) is carried, the chairperson must immediately put the motion or amendment before the meeting to the vote.
- (3) Where a procedural motion under subsection (1) is lost, debate on the motion or amendment before the meeting must continue.

## 23 Motion that debate be adjourned

- (1) A procedural motion that another motion or an amendment before a meeting be adjourned, may specify a time and date, to which the debate is to be adjourned.
- (2) A motion under subsection (1) must not adjourn debate on a matter the subject of

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<sup>7</sup> See section 262 (Repeal or amendment of resolutions) of the *Local Government Regulation 2012*.

a motion for more than 2 months after the date of the procedural motion.

#### **24 Motion to proceed to next item of business**

- (1) Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter the subject of the motion must cease.
- (2) However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders.

#### **25 Motion that the motion lie on the table**

- (1) A procedural motion that a motion or question lie on the table can only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the local government or a person is required) before the matter may be concluded at the meeting.
- (2) Where a motion under subsection (1) is passed, the local government must proceed with the next matter on the agenda.
- (3) Where a motion under subsection (1) is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

#### **26 Points of order**

- (1) A councillor may ask the chairperson to decide a point of order where it is believed that another councillor—
  - (a) has failed to comply with proper procedures; or
  - (b) is in contravention of these standing orders or the Act<sup>8</sup>; or
  - (c) is beyond the jurisdictional power of the local government.
- (2) A point of order cannot be used as a means of contradicting a statement made by a councillor speaking about a matter.
- (3) Where a point of order is raised, consideration of the matter about which the councillor was speaking may be suspended subject to section 13(3).
- (4) The chairperson must determine whether the point of order is upheld.
- (5) Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.
- (6) Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

#### **27 Motion of dissent**

- (1) A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order.
- (2) Where a motion is moved under subsection (1), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (3) Where a motion of dissent is carried—
  - (a) the matter to which the ruling of the chairperson was made must proceed as though that ruling had not been made; and

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<sup>8</sup> See chapter 6, part 2, division 6 (Conduct and performance of councillors) of the *Local Government Act 2009*.

- (b) where, as a result of a ruling of the chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

## **28 Motion that a report be tabled**

A motion that a report or document be tabled may be used by a councillor to introduce a report or other document to a meeting.

## **29 Motion to suspend requirements of a rule**

- (1) A procedural motion to suspend the requirements of a rule may be made by a councillor in order to permit some action that otherwise would be prevented by the standing orders.
- (2) A motion under subsection (1) must specify the duration of the suspension.

## **30 Motion that meeting stands adjourned<sup>9</sup>**

- (1) A procedural motion that a meeting stands adjourned may be moved by a councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor's time for speaking to the matter, and must be put without debate.
- (2) A motion under subsection (1) must specify the time for the resumption of the meeting and on the resumption of the meeting the local government must continue with the business before the meeting at the point where it was discontinued on the adjournment.

## **Division 4 Mayoral minute**

### **31 Mayoral minute**

- (1) The mayor may direct the attention of the local government at a meeting of the local government to a matter or subject not on the agenda by a minute (a **mayoral minute**) signed by the mayor.
- (2) The mayor must deliver a copy of the mayoral minute for a meeting of the local government to the chief executive officer.
- (3) The mayoral minute shall, when introduced, take precedence over all business before, or to come before, the meeting of the local government.
- (4) The motion comprising the mayoral minute may be put by the mayor—
  - (a) to the meeting of the local government without being seconded; and
  - (b) at any stage of the meeting of the local government considered appropriate by the mayor.
- (5) If the motion comprising the mayoral minute is passed by the local government, the mayoral minute becomes a resolution of the local government.

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<sup>9</sup> See section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.

## Division 5 Conduct during meetings

### 32 Conduct during meetings

- (1) After a meeting of the local government has been formally constituted and the business commenced, a councillor must not enter or leave the meeting without first notifying the chairperson.
- (2) A councillor must address the chairperson while—
  - (a) moving any motion or amendment; or
  - (b) seconding any motion or amendment; or
  - (c) taking part in any discussion; or
  - (d) placing or replying to any question; or
  - (e) addressing the local government for any other purpose.
- (3) Councillors must address each other during a meeting by their respective titles, “mayor” or “councillor”, and in speaking of or addressing officers must—
  - (a) designate them by their respective official or departmental title; and
  - (b) confine their remarks to the matter then under consideration.
- (4) Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- (5) A councillor must not make personal reflections on or impute improper motives to another councillor or any officer of the local government.
- (6) A councillor must not interrupt another councillor who is speaking except upon a point of order being raised either by the chairperson or the councillor.
- (7) If the chairperson intervenes during the process of a debate, any councillor then speaking or offering to speak, and each councillor present, must preserve strict silence so that the chairperson may be heard without interruption.

## Division 6 Questions

### 33 Questions

- (1) At a meeting a councillor may ask a question for reply by another councillor or an officer of the local government regarding any matter under consideration at the meeting.
- (2) A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- (3) A councillor or officer who is asked a question may request that the question be taken on notice for later in the meeting or the next meeting.
- (4) A councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- (5) The chairperson may disallow a question which he or she considers is inconsistent with good order.
- (6) A councillor may move a motion that a ruling of the chairperson under subsection (5) be disagreed with, and if such motion is carried, the chairperson must allow the question.



## **Division 7            Disorder and business**

### **34    Disorder**

- (1) Where disorder arises at a meeting, the meeting may be adjourned in accordance with section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.
- (2) On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- (3) Where a motion under subsection (2) is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

### **35    Business of objectionable nature**

At a meeting, if the chairperson or a councillor considers that a matter or motion before the meeting is of an objectionable nature or outside the powers of the local government, the chairperson or the councillor may declare on a point of order, that the matter not be considered further.

## **Division 8            Attendance and non-attendance**

### **36    Attendance of public and media at meetings**

- (1) An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- (2) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (3) Each councillor present at a meeting of the local government must sign his or her name in a book to be kept for that purpose by the chief executive officer.

### **37    Public participation at meetings**

- (1) The chairperson may invite a member of the public to take part in the proceedings of a meeting.
- (2) Except when invited to do so by the chairperson pursuant to subsection (1), a member of the public must not take or attempt to take part in the proceedings of a meeting.
- (3) During debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.
- (4) If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the chairperson may require the member of the public to cease making the submission or comment.
- (5) For any matter arising from a submission or comment from a member of the public, the local government may—
  - (a) refer the matter to an advisory committee; or

- (b) deal with the matter immediately; or
  - (c) place the matter on notice for discussion at a future meeting; or
  - (d) note the matter and take no further action.
- (6) Any person invited to address a meeting must—
- (a) stand, act and speak with decorum; and
  - (b) frame any remarks in respectful and courteous language.
- (7) If a person is considered by the local government, mayor or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting.
- (8) Failure to comply with a direction under subsection (7) may be considered an act of disorder.

## **Division 9            Advisory Committees**

### **38    Minutes by advisory committees**

- (1) All advisory committee minutes must be submitted to a meeting of the local government through the chief executive officer or a delegate of the chief executive officer.
- (2) If the advisory committee makes distinct recommendations, the local government may make a separate decision on each recommendation.

### **39    Attendance at advisory committee meetings**

- (1) Any councillor may attend a meeting of an advisory committee and may address the committee in accordance with the procedures established by the chairperson of the committee.

## **Division 10           Procedure not provided for**

### **40    Procedure not provided for**

If an appropriate or adequate method of dealing with a matter is not provided for in the standing orders, the method of dealing with the matter may be determined by resolution of the local government upon a motion which may be put without notice in conformity with the standing orders.

## Schedule A Dictionary

section 3

**Act** means the *Local Government Act 2009*.

**chief executive officer** means the chief executive officer of the local government.

**committee** means a committee of the local government appointed under section 264 of the *Local Government Regulation 2012*.

**later resolution** see section 24(4).

**mayoral minute** see section 35(1).

**original motion** see section 21(4).

**other motion** see section 21(4).

**post-election meeting** see section 175 of the Act.

**previous minutes** see section 14(5).

**previous resolution** see section 24(4).

**procedural motion** see section 25.

**relevant motion** see section 24(2).

**standing orders** see parts 1 to 3 inclusive.

## Schedule B Material Personal Interest

### Extract from Local Government Act 2009

#### 172 Councillor's material personal interest at a meeting

(1) This section applies if—

- (a) a matter is to be discussed at a meeting of a local government, or any of its committees; and
- (b) the matter is not an ordinary business matter; and
- (c) a councillor has a material personal interest in the matter.

*Note—*

See the dictionary for the definition of an *ordinary business matter*.

(2) A councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- (a) the councillor;
- (b) a spouse of the councillor;
- (c) a parent, child or sibling of the councillor;
- (d) a partner of the councillor;
- (e) an employer (other than a government entity) of the councillor;
- (f) an entity (other than a government entity) of which the councillor is a member;
- (g) another person prescribed under a regulation.

(3) However, a councillor does not have a material personal interest in the matter if the councillor has no greater personal interest in the matter than that of other persons in the local government area.

(4) Subsection (2)(c) only applies to a councillor if the councillor knows, or ought reasonably to know, that their parent, child or sibling stands to gain a benefit or suffer a loss.

(5) The councillor must—

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

Maximum penalty—

- (a) if the councillor votes on the matter with an intention to gain a benefit, or avoid a loss, for the councillor or someone else—200 penalty units or 2 years imprisonment; or
- (b) otherwise—85 penalty units.

(6) However, a councillor does not contravene subsection (5) by taking part in the meeting, or being in the chamber where the meeting is being conducted, if—

- (a) the councillor is a person to whom approval is given under subsection (7); and
- (b) the councillor is complying with all conditions on which the approval is given.

(7) The Minister may, by signed notice, approve a councillor taking part in the meeting, or being in the chamber where the meeting is being conducted, if—

- (a) because of the number of councillors subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; or
- (b) it appears to the Minister to be in the interests of the local government area that the approval be given.

(8) The Minister may give the approval subject to conditions stated in the notice.

(9) The following information must be recorded in the minutes of the meeting, and on the local government's website—

- (a) the name of the councillor who has the material personal interest, or possible material personal interest, in a matter;
- (b) the nature of the material personal interest, or possible material personal interest, as described by the councillor;
- (c) whether the councillor took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (7)

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## Schedule C Conflict of Interest

### Extract from Local Government Act 2009

#### 173 Councillor's conflict of interest at a meeting

(1) This section applies if—

- (a) a matter is to be discussed at a meeting of a local government or any of its committees; and
- (b) the matter is not an **ordinary business matter**; and
- (c) a councillor at the meeting—
  - (i) has a conflict of interest in the matter (the **real conflict of interest**); or
  - (ii) could reasonably be taken to have a conflict of interest in the matter (the **perceived conflict of interest**).

(2) A **conflict of interest** is a conflict between—

- (a) a councillor's personal interests; and
  - (b) the public interest;
- that might lead to a decision that is contrary to the public interest.

(3) However, a councillor does not have a conflict of interest in a matter—

- (a) merely because of—
  - (i) an engagement with a community group, sporting club or similar organisation undertaken by the councillor in his or her capacity as a councillor; or
  - (ii) membership of a political party; or
  - (iii) membership of a community group, sporting club or similar organisation if the councillor is not an office holder for the group, club or organisation; or
  - (iv) the councillor's religious beliefs; or
  - (v) the councillor having been a student of a particular school or the councillor's involvement with a school as parent of a student at the school; or
- (b) if the councillor has no greater personal interest in the matter than that of other persons in the local government area.

(4) The councillor must deal with the real conflict of interest or perceived conflict of interest in a transparent and accountable way.

(5) Without limiting subsection (4), the councillor must inform the meeting of—

- (a) the councillor's personal interests in the matter; and
- (b) if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

(6) Subsection (7) applies if a quorum at the meeting can not be formed because the councillor proposes to exclude himself or herself from the meeting to comply with subsection (4).

(7) The councillor does not contravene subsection (4) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the councillor, together with any other required number of councillors, forms a quorum for the meeting.

(8) The following must be recorded in the minutes of the meeting, and on the local government's website—

- (a) the name of the councillor who has the real or perceived conflict of interest;
- (b) the nature of the personal interest, as described by the councillor;
- (c) how the councillor dealt with the real or perceived conflict of interest;
- (d) if the councillor voted on the matter—how the councillor voted on the matter;
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.

(9) For subsection (2), a councillor who is nominated by a local government to be a member of a board of a corporation or other association does not have a personal interest merely because of the nomination or subsequent appointment as the member.

(10) To remove any doubt, it is declared that nonparticipation in the meeting is not the only way the councillor may appropriately deal with the real or perceived conflict of interest in a transparent and accountable way.

## Schedule D            Definition of Ordinary Business Matter

### Extract from Local Government Act 2009

**ordinary business matter** means—

- (a) the remuneration of councillors or members of a local government committee; or
- (b) the provision of superannuation entitlements or accident insurance for councillors or local government employees; or
- (c) the terms on which goods, services or facilities are to be offered by the local government for use or enjoyment of the public in the local government area; or
- (d) the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or
- (e) a planning scheme, or amendment of a planning scheme, for the local government area; or
- (f) a resolution required for the adoption of a budget for the local government; or
- (g) a matter that is of interest to a person merely as—
  - (i) an employee of the State or a government entity; or
  - (ii) an elector, ratepayer or resident of the local government area; or
  - (iii) a beneficiary under a policy of accident insurance, public liability or professional indemnity insurance held, or to be held, by the local government; or
  - (iv) a user of goods, services or facilities supplied, or to be supplied, by the local government (whether under a contract or otherwise) as a member of the public in common with other members of the public; or
  - (v) a candidate for election or appointment as a mayor, deputy mayor or member of a committee of the local government; or
  - (vi) a member of a non-profit, charitable or religious organisation involving no personal financial gain or loss to the person.