



NOTICE OF MEETING

Meeting: Statutory Post Election Meeting

Date: Thursday, 28th April 2024

Location: Council Chambers,
Georgetown

Commencing: 10.00am

Councillors: Cr Hughes
Cr Royes
Cr Haase
Cr Gallagher
Cr Barns

Agenda Attached

Ken Timms PSM
CHIEF EXECUTIVE OFFICER

CONFIDENTIAL

Local Government Act Qld 2009

Section 4(2) of the *Local Government Act Qld 2009* state that the local government principles are:

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

Local Government Regulation 2012

Section 254(J) Closed meetings:

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.
- (2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its Councillors or members consider it necessary to close the meeting to discuss one or more of the following matters –
 - a) The appointment, dismissal or discipline of a chief executive officer
 - b) Industrial matters affecting employees
 - c) The local government's budget
 - d) Rating concessions
 - e) Legal advice obtained by the Council or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government
 - f) Matters that may directly affect the health and safety of an individual or group of individuals
 - g) Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government
 - h) Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*
 - i) A matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State
 - j) An investigation report given to the local government under chapter 5A, part 3, division 5 of the Act.
- (4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made to be closed.
- (5) A resolution that a local government meeting be closed must –
 - a) State the matter mentioned in subsection (3) that is to be discussed; and
 - b) Include an overview of what is to be discussed while the meeting is closed. meeting be closed must state the nature of the matters to be considered while the
 - c) meeting is closed.
- (6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

OPEN SESSION AGENDA

1. OPENING OF THE MEETING AND SIGNING OF THE ATTENDANCE BOOK
2. ACKNOWLEDGEMENT TO COUNTRY
3. PRAYER
4. APOLOGIES, CONDOLENCES AND CONGRATULATIONS
5. DECLARATION OF OFFICE
6. CONSIDERATION OF OPEN SESSION REPORTS
7. CONCLUSION

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Meeting Date	28th March 2024
Subject	Appointment of Deputy Mayor
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

Section 175 of the Local Government Act 2009 states that the Local Government must by resolution appoint a Deputy Mayor from its Councillors (other than the Mayor) at the Statutory Post Election Meeting.

RECOMMENDATION

That Council:

Resolve to appoint Cr _____ as the Deputy Mayor pursuant to Section 175(2) of the Local government Act 2009.

BACKGROUND

At the post-election meeting, Council is required to appoint a deputy mayor pursuant to section 175 (2) of the Local Government Act 2009.

Section 12 of the Local Government Act 2009 outlines the responsibilities of all Councillors as detailed below:

- (1) A councillor must represent the current and future interests of the residents of the local government area.
- (2) All councillors of a local government have the same responsibilities, but the mayor has some extra responsibilities.
- (3) All councillors have the following responsibilities—
 - (a) ensuring the local government—
 - (i) discharges its responsibilities under this Act; and
 - (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.
- (4) The mayor has the following extra responsibilities—
 - (a) 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;
 - (b) leading, managing, and providing strategic direction to, the chief executive officer in order to achieve the high quality administration of the local government;
 - (c) directing the chief executive officer of the local government under section 170;
 - (d) conducting a performance appraisal of the chief executive officer, at least annually, in the way that is decided by the local government (including as a member of a committee, for example);
 - (e) 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;
 - (f) being a member of each standing committee of the local government;
 - (g) representing the local government at ceremonial or civic functions.
- (5) A councillor who is not the mayor may perform the mayor's extra responsibilities only if the mayor delegates the responsibility to the councillor.
- (6) When performing a responsibility, a councillor must serve the overall public interest of the whole local government area.

Section 165 of the Local Government Act 2009 states that the following:

- (1) The deputy mayor acts for the mayor during—
 - (a) the absence or temporary incapacity of the mayor; or
 - (b) a vacancy in the office of mayor.
- (2) If—
 - (a) the office of mayor is vacant and the deputy mayor is prevented, by absence or temporary incapacity, from acting as the mayor; or
 - (b) the mayor and deputy mayor are both prevented, by absence or temporary incapacity, from performing the role of mayor; or
 - (c) the offices of both the mayor and deputy mayor are vacant; the local government may, by resolution, appoint an acting mayor from its councillors.
- (3) A local government may, by resolution, declare that the office of deputy mayor is vacant.
- (4) The resolution may be passed only if notice of the resolution has been given to the councillors at least 14 days before the meeting.
- (5) If a local government declares that the office of deputy mayor is vacant, it must immediately appoint another deputy mayor from its councillors.

The deputy mayor can be appointed for the term duration or the deputy mayor role can be rotated between the councilors by undertaking the requirements of S.165(3), (4),(5)

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

Outcome No 5.1: Council provides community leadership through financial sustainability and an open and accountable governance structure.

Outcome No 5.2: Effective communication between council and the community and across the community.

BUDGET & RESOURCE CONSIDERATIONS

Not applicable

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Not applicable

CONSULTATION

Please consult Council’s Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input type="checkbox"/>	No policy consideration required for this agenda item.	Council will inform the community of the appointed Deputy Mayor
Inform	<input checked="" type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Low

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:**Report Authorised By:**

Renee Bester, Executive Assistant to the CEO

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024**Date:** 27th March 2024ATTACHMENTS

Nil attachments.



Meeting Date **28th March 2024**

Subject	Public Notice of Meetings for 2024
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

At least once in each year, Council must publish a notice of the days and times when its ordinary meetings will be held and furthermore Council must publish this notice on the local government’s website, and in other ways the local government considers appropriate in accordance with Section 254B of the Local Government Regulation 2012.

RECOMMENDATION

That Council:

Adopts the following meeting dates as presented for 2024 pursuant to and in accordance with Section 254B of the Local Government Regulation 2012 and furthermore Council will publish the notice of meeting dates on Council’s website, in the inform newsletter and on display in the Council office.

<u>Month</u>	<u>Date</u>	<u>Venue</u>	<u>Time</u>
April	Wednesday, 24 th April 2024	Georgetown	9:00am
May	Wednesday, 15 th May 2024	Georgetown	9:00am
June	Wednesday, 19 th June 2024	Georgetown	9:00am
July	Wednesday, 17 th July 2024	Georgetown	9:00am
August	Wednesday, 14 th August 2024	Georgetown	9:00am
September	Wednesday, 18 th September 2024	Georgetown	9:00am
October	Wednesday, 16 th October 2023	Georgetown	9:00am
November	Wednesday, 20 th November 2023	Georgetown	9:00am
December	Wednesday, 11 th December 2023	Georgetown	9:00am

BACKGROUND

Section 254B Public notice of meetings of the Local Government Regulation states that:

- (1) A local government must, at least once in each year, publish a notice of the days and times when—
 - (a) its ordinary meetings will be held; and
 - (b) the ordinary meetings of its standing committees will be held.
- (2) The notice mentioned in subsection (1) must be published on the local government’s website, and in other ways the local government considers appropriate.
- (3) A local government must display in a conspicuous place in its public office a notice of the days and times when—
 - (a) its meetings will be held; and
 - (b) meetings of its committees will be held.
- (4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

Over the past 12 months Council has conducted its Ordinary Meetings of Council on the third Wednesday of each month commencing at 9.00am. Management is recommending for the 2024 calendar year that all Ordinary Meetings of Council are to be conducted within its designated public office being Georgetown.

Please note the following:

- April General Meeting date will be held on the fourth week in April in consideration to the Special Mayoral Induction in Brisbane being held on the 17th April.
- August General Meeting date will be held on the second week in August in consideration of the NWQROC meeting scheduled for 21st August 2024.
- December General Meeting date will be held on the second week in December in consideration to Christmas closures.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

Outcome No 5.1: Council provides community leadership through financial sustainability and an open and accountable governance structure.

Outcome No 5.3: Council operations support quality service provision and good governance.

BUDGET & RESOURCE CONSIDERATIONS

Not applicable

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Standing Orders for Council Meetings & Model Meeting Procedures

CONSULTATION

Please consult Council’s Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input type="checkbox"/>	No policy consideration required for this agenda item.	Council will inform the community of the 2024 General Meeting dates.
Inform	<input checked="" type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Low

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024

Date: 27th March 2024

ATTACHMENTS

Nil attachments.



Meeting Date	28th March 2024
Subject	Councillor Remuneration 2023/24
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

Each year the Local Government Remuneration and Discipline Tribunal review the rate of pay applicable to Councillors in each category of Council. Having decided on a maximum amount of remuneration for each category before 1 December each year, the Tribunal must prepare a remuneration schedule and a report within 14 days. A copy of the schedule and report must be provided to the Minister, and the schedule must be published in the Queensland Government Gazette.

Councils must pay the maximum amount of remuneration to councillors unless, by resolution within 90 days of the gazettal of a new schedule, they decide on another amount which cannot exceed the maximum decided by the Tribunal.

RECOMMENDATION

That Council:

Resolve to accept the Local Government Remuneration and Discipline Tribunal Schedule of Rates for Councillor's remuneration effective from 1st July 2023 in accordance with Section 247 of the Local Government Act 2009 and furthermore that Council resolve to identify, that the Ordinary General Meetings and Budget (workshop) Meetings are those "identified" meetings where the presence of all councillors is expected to attend to receive the meeting fee component of the remuneration level set out in the Local Government Remuneration and Discipline Tribunal's remuneration schedule below.

Mayor	\$114,801
Deputy Mayor	\$66,231
Councillors	\$57,401

Note 2

For councillors in Category 1 councils, a base payment of \$38,266.67 is payable for the 12 months commencing 1 July 2023. A meeting fee of \$1594.44 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

BACKGROUND

The process for making remuneration determinations is prescribed in some detail in Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012*. Essentially, Councils are allocated to categories based primarily on size of population, and maximum remuneration, including additional remuneration for the mayor and deputy mayor. Each Council may determine the remuneration for each councillor, up to the maximum. If no determination is made, the maximum applies.

The Local Government Remuneration tribunal must, before 1 December of each year, and for each category of local government, decide the maximum amount of remuneration payable from 1 July of the following year to a councillor, mayor or deputy mayor of a local government in each category. The report explains the rationale behind the adoption of a system of remuneration for Category 1 Councils which comprise a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated Council meetings; however, rather than the meeting fee being based, solely, on attendance at and participation in mandated council meetings, *the tribunal believes that the meeting fee concept should be extended to incorporate other important meetings which require a councillor's attendance, and participation, such as budget meetings, planning sessions, and the like.* This is because the role of a councillor requires them to fully participate in, and contribute to, such meetings.

As such, the Tribunal recommends that councils should identify, at the commencement of each year, those meetings where the presence of all councillors is expected so as to identify the number of meetings which each councillor will need to attend to receive the meeting fee component of the remuneration level set out in the note at the foot of the remuneration schedule.

The following table shows the current level of remuneration:

Mayor	\$114,801
Deputy Mayor	\$66,231
Councillors	\$57,401

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

BUDGET & RESOURCE CONSIDERATIONS

Council’s 2023/24 Budget has provisions for the associated expenditure contained within this policy through to 30th June 2024. New rates will apply from 1 July 2024 and will be reflected in the 2024/25 budget.

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009
Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Not applicable

CONSULTATION

Please consult Council’s Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input checked="" type="checkbox"/>	Not applicable	Not applicable
Inform	<input type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Minor (C2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO	Ken Timms PSM, Chief Executive Officer
Date: 27th March 2024	Date: 27th March 2024

ATTACHMENTS

Local Government Remuneration Commission Annual Report 2021-2022

Local Government Remuneration Commission

Annual Report 2021-22



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not consider individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available at www.statedevelopment.qld.gov.au.

Local Government Remuneration Commission

12 December 2022

The Honourable Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure, Local Government and Planning
1 William Street
Brisbane QLD 4000

Dear Minister

On 30 November 2022, the Local Government Remuneration Commission (Commission) concluded its determination of the levels of remuneration for mayors, deputy mayors and councillors of Queensland local governments (excluding Brisbane City Council) as required by section 177(c) of the *Local Government Act 2009* and Chapter 8, Division 1 of the *Local Government Regulation 2012*.

Our determinations on these matters, together with the Remuneration Schedule to apply from 1 July 2023 are included in the enclosed Report, which we commend to you.

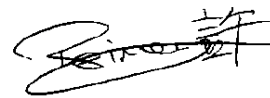
Yours sincerely



Robert (Bob) Abbot OAM
Chair Commissioner



Andrea Ranson
Commissioner



Reimen Hii
Commissioner



Legend
 ● Council chamber locations
 ■ Local Government Area boundaries as at February 2021

N
 0 50 100 300
 Kilometres
 Map created at: A3
 Coordinate system: GDA2020
 Datum: GDA2020
 Map Units: Degree

Local Government Areas and Council chamber locations

Map produced by the Department of State Development, Infrastructure, Local Government and Planning Spatial Services Unit, 12/03/2021

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2022 Report key determinations

Determination of maximum remuneration levels

The Commission has decided to increase the maximum remuneration levels for mayors, deputy mayors and councillors as follows:

Categories 1, 2 and 3	increase by 4% from 1 July 2023
Categories 4, 5, 6, 7 and 8	increase by 3% from 1 July 2023

In making its determination, the Commission considered the following:

- Increase in the Consumer Price Index (CPI)¹:
 - for the period September 2022 Quarter:
 - Weighted average of the eight capital cities: 1.8%; Brisbane: 1.8%
 - for the 12 months to the September quarter 2022:
 - Weighted average of the eight capital cities: 7.3%; Brisbane: 7.9%
 - for the period June 2022 Quarter:
 - Weighted average of the eight capital cities: 1.8% per cent; Brisbane: 2.1%
 - for the 12 months to the June quarter 2022:
 - Weighted average of the eight capital cities: 6.1%; Brisbane: 7.3%
- Increases in the Wage Price Index (WPI) for the financial year ended 30 June 2022 as compared to the financial year ending 30 June 2021²:
 - (All Industries) Australia: 2.6%; Queensland: 2.9%
 - (Public Sector) Australia: 2.1%; Queensland: 2.7%
- Average Weekly Earnings for the period of May 2021 to May 2022³:
 - (All Industries) Australia: 2.0%; Queensland: 3.5%
 - (Public Sector) Australia: 3.0% Queensland: 5.6%
- As in previous years, the Commission considered the Brisbane City Council's Independent Councillor Remuneration Tribunal (ICRT) remuneration determination as a potentially relevant factor. In March 2022, the ICRT determined that the base rate for a Brisbane City Council Councillor be increased by 2.5% effective from 1 June 2022.

¹ Source: *Consumer Price Index (report), September quarter 2022, Consumer Price Index (report), March quarter 2022*, Queensland Government Statisticians Office, Queensland Treasury.

² Source: *Wage Price Index, Australia, June 2022*, Australian Bureau of Statistics (previously cat 6345.0)

³ Source: *Average Weekly Earnings, Australia, May 2022*, Australian Bureau of Statistics (previously cat 6302.0); *Average weekly earnings, Queensland and Australia, 1981–82 to 2021–22 (table)*, 19 August 2022, Queensland Government Statisticians Office, Queensland Treasury.

- The determination of the Queensland Independent Remuneration Tribunal (QIRT) on 31 May 2021 to increase the Base and Additional Salary rates for members of the legislative assembly by:
 - 0% with effect on and from 1 September 2019;
 - 2.0% with effect on and from 1 September 2021;
 - 2.25% with effect on and from 1 March 2022; and
 - 2.5% with effect on and from 1 September 2022.

- On 1 March 2021, the Queensland Industrial Relations Commission (QIRC) made Wages Determination: Certification of Salary Schedules (Wages Determination) which varied the State Government Entities Certified Agreement 2019 (the 2019 Certified Agreement) to:
 - set the salary rate for public service employees under the core agreement at 1 September 2021 as the award rate current at that time (this will be the rate upon which annual increases will be made);
 - align the salary increase dates for public service employees as follows:
 - 2.5% wage increase from 1 September 2019;
 - 2.5% wage increase from 1 September 2021;
 - 2.5% wage increase from 1 March 2022; and
 - 2.5% wage increase from 1 September 2022.

- Determination of the Salaries and Allowances Tribunal of Western Australia dated 7 April 2022: that remuneration, fees, and annual allowance ranges provided to CEOs and elected members be increased by 2.5%.

- Decision of the New South Wales Local Government Remuneration Tribunal Determination and Annual Report dated 20 April 2022: to apply a 2.0% increase in the minimum and maximum fees applicable in each category and that the current allocation of councils into the current categories of councils is appropriate.

- Decision of the Victorian Independent Remuneration Tribunal dated 7 March 2022: new base levels and increases for 5 years from 18 December 2021, for mayors, deputy mayors and councillors, as set out in tables 1-13 of Allowance payable to Mayors, Deputy Mayors, and Councillors (Victoria) Determination No. 01/2022.

- In Tasmania, the remuneration for local government councillors is automatically increased under the provisions of the Local Government (General) Regulations 2015. The increase, effective 1 November 2022, is an automatic indexation of local government allowances provided for under the Local Government Act 1993 (Tas) by multiplying the allowances for the previous year by the inflationary factor (determined by calculating the current year's June quarter Wage Price Index divided by the previous years' June Wage Price Index).

- In the Northern Territory, the allowances for local government council members are indexed by CPI (Darwin) at 1 July each year.

- The Commission also considered the impact of inflation and relative volatility of CPI in the past twelve (12) months, along with:
 - the Commission’s inability to predict changes in CPI in the short or long term;
 - the potential differential impact of CPI changes across various parts of Queensland (including rural and remote regions); and
 - whether in a significantly inflationary environment remuneration should match inflation, and the potentially differential impact on sustainability in different parts of the State.
- The application of principles of consistency and austerity, when reviewing wages in the public sector.
- The continued impact of the COVID-19 pandemic, global trade tensions, and the ongoing impact and disruption caused by extreme or natural weather events impacting many parts of the State.
- The impact on communities of global supply chain shortages and disruption.
- The impact on communities of global transition to renewable energy sources, climate change and sustainability.
- Anecdotal evidence of:
 - ‘communities in transition’, changing demographics and population movement, resilience and sustainability challenges and opportunities;
 - rapid trade and infrastructure diversification, and the potential for disproportionate impact throughout communities;
 - uncertainty and the cost to communities of ensuring sustainability, trade diversification and investment in infrastructure and innovation; and
 - the Commission’s observation of a generally increasing call for role recognition through remuneration, particularly with regard to attracting and retaining reasonable and diverse mayoral and councillor candidates, along with the desire to foster and keep local talent, by creating competitive career path opportunities.
- The disparity in actual dollar terms between the remuneration paid to Mayors and councillors from the smaller rural, regional, and remote communities versus those residing in the larger or more metropolitan communities as was highlighted for the Commission through written and oral depositions this year.
- The gap between the remuneration (in real dollar/wage terms) payable to Mayors and Councillors in Categories 1 to 3, compared to those Mayors and Councillors in Categories 4 to 8, notwithstanding the work being carried out by local governments generally in Categories 1 to 3 is no less important as those in Categories 4 to 8. This is an issue the Commission will continue to consider as part of its general and category review in 2023.

- The impact of the unforeseen significant rise in inflation, interest rates and CPI, and the disproportionately greater impact it has had on the communities in rural, remote, and regional areas since the start of the 2022 calendar year, as observed and reported to the Commission.
- The current observed volatility and uncertainty regarding inflation, and the impact of this on councils and their constituents.
- The importance of maintaining wages growth in a sustainable and fiscally responsible manner, while measures are being taken by other government authorities to combat inflation.
- The need to ensure financial sustainability of local governments and the diverse communities they serve.
- Local governments' role in Queensland's economic development and innovation.

The Commission gratefully acknowledges the increased number of submissions it received this year which have assisted in its discharge of its statutory obligations.

Councillor advisors

The Commission did not receive any direction or request to make recommendations relating to councillor advisors in the period between 1 December 2021 to 30 November 2022.

Category review and future actions

The Act requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election. The next review of the categories is due in 2023.

In its 2019 report, the Commission determined not to make any category changes to the categories of local government.

In its 2019 and subsequent reports, the Commission stated its intention to undertake an analysis of the categories and category system in the period 2021-2023, with the intention of commencing after the 2021 quadrennial Queensland Local Government Elections. This anticipated analysis was delayed due to the impact of the COVID-19 global pandemic. COVID-19 inevitably resulted in an increased focus on other priorities for Queensland local government. The Commission commends all local government members for their on-going contribution to their communities and the State of Queensland in the recent and consecutively challenging years,

The Commission has advised of its intention to proceed with a general review of categories and the category system during 2023, and will engage with, and invite submissions from, councils and stakeholders commencing in early 2023. The

Commission expects that in addition to the category review due in December 2023, that the Commission will conduct a general review of its methodology in determining its maximum remuneration and categories in early 2023. After the scope of the general review has been formulated, the Commission will also invite submissions from councils and stakeholders to assist it in its general review.

To that end, the Commission intends to issue practice directions to assist councils and stakeholders to engage with, and make relevant submissions, to the Commission to inform and assist in the discharge of the Commission's statutory functions.

2. The Commission

Formation and composition

The Local Government Remuneration Commission (the Commission) is an independent entity established under the *Local Government Act 2009* (the Act). On 1 October 2019, His Excellency the Governor, acting by and with the advice of the Executive Council, approved three new appointees to the Commission for a term of four years.

This is the fourth report of the new Commission, and the sixteenth report including the reports of the former Local Government Remuneration and Discipline Tribunal and the Local Government Remuneration Tribunal.

The current Chair and Commissioners of the Commission are:

Mr. Robert (Bob) Abbot OAM

Chair

Mr. Abbot has extensive experience in the local government sector with 32 years as an elected councillor and mayor. Mr. Abbot has experience working at state and national local government organizations and has held board and panel positions, including Deputy Chair of the South East Queensland Council of Mayors, Director of the Local Government Association of Queensland (LGAQ), and Director of the Australian Local Government Association. Mr. Abbot has been a mentor for newly elected mayors on behalf of the LGAQ, with a particular focus on mentoring Queensland Indigenous mayors.

In the Australia Day 2021 Honours List, Mr. Abbot was the recipient of an Order of Australia (OAM) for his service to local government and to the communities of Noosa and the Sunshine Coast.

Ms. Andrea Ranson

Commissioner

Ms. Ranson is a lawyer experienced in public and private sector business and governance. Ms. Ranson brings substantial legal experience in business and commercial law, industrial relations, dispute resolution, justice, and ethics. Ms Ranson is also passionate about regional development, communities, and sustainability. Ms. Ranson is a Nationally Accredited Mediator currently working with the Queensland Civil and Administrative Tribunal (QCAT) and is a member of the Queensland Department of Justice & Attorney-General Dispute Resolution Panel. Ms. Ranson is also now in her second term as a Non-Executive Director appointed to the Board of North Queensland Bulk Ports Corporation, a government owned corporation. Ms. Ranson is Chair of the Corporate Governance & Planning Committee and a Member of the Audit & Financial Risk Management Committee of that Board. Ms. Ranson holds a Master of Laws (LLM), Bachelor of Laws (Hons) and Bachelor of Arts from Monash University. She is a Graduate of the Australian Institute of Directors (GAICD) and a Fellow of the Governance Institute of Australia (FGIA).

Mr. Reimen Hii

Commissioner

Mr. Hii is a barrister and Nationally Accredited Mediator. He holds the degrees of Bachelor of Laws and Bachelor of Arts. He is a practicing lawyer with extensive knowledge in public administration and community affairs, and a particular interest in civil and commercial law. Mr. Hii is experienced in professional discipline matters, including investigations, public administration, corporate and public governance, public sector ethics and finance. Mr. Hii has a culturally and linguistically diverse background and experience working with diverse communities. Mr. Hii has previously been recognized as Australian Young Lawyer of the Year by the Law Council of Australia, in recognition of his significant contribution to access to justice and diversity advocacy. Mr Hii provides a deep understanding of diversity and brings well respected analytic skill, together with legal and business acumen to the role.

Remuneration responsibilities

Chapter 6, Part 3 of the Act, proclaimed into force on 3 December 2018, established the Local Government Remuneration Commission to assume the remuneration functions of the former Local Government Remuneration and Discipline Tribunal which ceased to exist on 3 December 2018.

Section 177 of the Act provides the functions of the Commission are:

- to establish the categories of local governments, and
- to decide the category to which each local government belongs, and
- to decide the maximum amount of remuneration payable to the councillors in each of the categories, and
- to consider and make recommendations to the Minister about the following matters relating to councillor advisors—
 - (i) whether or not to prescribe a local government under section 197D(1)(a);
 - (ii) the number of councillor advisors each councillor of a local government may appoint;
 - (iii) the number of councillor advisors a councillor of the council under the City of Brisbane Act 2010 may appoint; and
- another function related to the remuneration of councillors if directed, in writing, by the Minister.

Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012* (Regulation) sets out the processes of the Commission in deciding the remuneration that is payable to councillors.

The Regulation requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Commission to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to mayors, deputy mayors and councillors in each category from 1 July of the following year.

In addition, section 248 of the Regulation allows a local government to make a submission to the Commission to vary the remuneration for a councillor, or councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Commission may, but is not required to, consider any such submission. If the Commission is satisfied that exceptional circumstances exist, the Commission may approve payment of a higher amount of remuneration.

On 12 October 2021, the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2021* and section 197A of the *Local Government Act 2009* came into force. These changes formed part of the Queensland Government rolling reform agenda in the local government sector to further strengthen transparency, accountability and integrity measures that apply to the system of local government in Queensland.

Section 197A of the Act established requirements for councils that wish to employ councillor advisors and councillor administrative support staff to assist councillors complete their duties. The role of councillor advisors is currently restricted to Brisbane City Council and to those councils within category 4 to 8 as prescribed by this Commission.

The requirements in relation to the appointment of councillor advisors include the following:

- must vote to pass a resolution to create councillor advisor positions (except Brisbane City Council)
- appoint advisor, at the discretion of councillors and only until the councillor's term ends, unless re-appointed by a new councillor
- must report the costs of councillor advisors to the community, for example through the council's annual report.

Requirements for councillor advisors include the following:

- they must submit registers of interests and keep them up-to-date
- they must follow a new Code of conduct for councillor advisors in Queensland
- they must comply with the local government principles and can be found guilty of integrity offences.

A dedicated telephone hotline (07 3452 6747) has been established by the Department of State Development, Infrastructure, Local Government and Planning to respond to any questions regarding councillor advisors. The hotline is available between the hours of 8.30am to 5.00pm, Monday to Friday.

Alternatively, email enquiries can be forwarded to lgreforms@dildp.qld.gov.au.

The Commission is yet to receive any submissions or enquiries in relation to councillor advisors as at the date of its determination.

3. Remuneration determination

Remuneration determination for councillors

As required by section 246 of the Regulation the Commission has prepared a remuneration schedule for the 2022-2023 financial year, applicable from 1 July 2023 (the Schedule), which appears below.

Arrangements have been made to publish the Schedule in the Queensland Government Gazette and for this Report to be printed and presented to the Minister for Local Government.

Methodology

The Commission had regard to the matters in section 244 and 247 (2), (5) of the Regulation in determining the Schedule. The Commission also noted and had regard to the matters listed on pages 6 to 10 of this Report to determine the appropriate maximum remuneration in each category of local government.

Matters not included in the remuneration schedule

During the 2022 consultation period, the Whitsunday Regional Council sought clarification in relation to whether a mechanism may be implemented to ensure that Mayors and Councillors remuneration is suspended when campaigning for Federal political office, similar to the provisions which are provided for in s.160B of the Act for Mayors and Councillors campaigning for State political office.

Whitsunday Regional Council also requested the introduction of additional remuneration rates for Acting Mayors and Acting Deputy Mayors for prolonged relief arrangements (e.g., paid at 80% of the scheduled rate for periods in excess of a four-week vacancy or absence).

The Commission notes that the submission is not a request for approval for a specific councillor to remunerated at a level more than the maximum amount payable under the Schedule, or in relation to categories of local government generally. The Commission considers that it is unable to issue any determination about the remuneration payable to sitting Mayors or Councillors who are running for office in Federal elections as this is a matter that is outside the Commission's statutory functions. The Commission also does not have the power to approve remuneration at an amount lower than in the Schedule.

The Commission nevertheless notes the submission regarding potential inconsistency between candidates for State elections and Federal elections, and will refer this matter back to the Department for further consideration.

The Commission has informed Whitsunday Regional Council of this determination.

Pro rata payment

Should an elected representative hold a councillor position for only part of a financial year, they are only entitled to remuneration to reflect the portion of the year served.

Remuneration schedule to apply from 1 July 2023

		Remuneration determined (from 1 July 2023)		
		(\$ per annum; see Note 1)		
Category	Local governments assigned to categories	Mayor	Deputy mayor	Councillor
Category 1 (see Note 2)	Aurukun Shire Council Balonne Shire Council Banana Shire Council Barcaldine Regional Council Barcoo Shire Council Blackall-Tambo Regional Council Boulia Shire Council Bulloo Shire Council Burdekin Shire Council Burke Shire Council Carpentaria Shire Council Charters Towers Regional Council Cherbourg Aboriginal Shire Council Cloncurry Shire Council Cook Shire Council Croydon Shire Council Diamantina Shire Council Doomadgee Aboriginal Shire Council Douglas Shire Council Etheridge Shire Council Flinders Shire Council Goondiwindi Regional Council Hinchinbrook Shire Council Hope Vale Aboriginal Shire Council Kowanyama Aboriginal Shire Council Lockhart River Aboriginal Shire Council Longreach Regional Council Mapoon Aboriginal Shire Council McKinlay Shire Council Mornington Shire Council Murweh Shire Council Napranum Aboriginal Shire Council North Burnett Regional Council Northern Peninsula Area Regional Council Palm Island Aboriginal Shire Council Paroo Shire Council	\$114,801	\$66,231	\$57,400

	Pormpuraaw Aboriginal Shire Council Quilpie Shire Council Richmond Shire Council Torres Shire Council Torres Strait Island Regional Council Winton Shire Council Woorabinda Aboriginal Shire Council Wujal Wujal Aboriginal Shire Council Yarrabah Aboriginal Shire Council			
Category 2	Mareeba Shire Council Mount Isa City Council Somerset Regional Council	\$132,461	\$79,478	\$66,231
Category 3	Cassowary Coast Regional Council Central Highlands Regional Council Gympie Regional Council Isaac Regional Council Livingstone Shire Council Lockyer Valley Regional Council Maranoa Regional Council Noosa Shire Council Scenic Rim Regional Council South Burnett Regional Council Southern Downs Regional Council Tablelands Regional Council Western Downs Regional Council Whitsunday Regional Council	\$141,294	\$88,308	\$75,061
Category 4	Bundaberg Regional Council Fraser Coast Regional Council Gladstone Regional Council Rockhampton Regional Council	\$166,171	\$109,324	\$96,204
Category 5	Cairns Regional Council Mackay Regional Council Redland City Council Toowoomba Regional Council	\$192,410	\$131,187	\$113,698
Category 6	Ipswich City Council Townsville City Council	\$218,647	\$148,681	\$131,187
Category 7	Logan City Council Moreton Bay Regional Council Sunshine Coast Regional Council	\$244,886	\$169,671	\$148,681
Category 8	Gold Coast City Council	\$271,124	\$188,038	\$161,799

Notes to the remuneration schedule

In its 2014 report the then Tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated council meetings.

Note 1 The monetary amounts shown are the per annum figures to apply from 1 July 2023. If an elected representative only serves for part of a full financial year (that is, 1 July to 30 June) they are only entitled to a pro rata payment to reflect the portion of the year served.

Note 2 For councillors in category 1 councils, a base payment of \$38,266.67 is payable for the 12 months commencing on 1 July 2023. A meeting fee of \$1,594.44 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

4. Matters raised with the Commission during the remuneration review program

A summary table of submissions made to the Commission during the review period and the Commission's determination is provided below.

Meetings and deputations

Local governments were provided with the opportunity to engage with the Commission at the Annual Conference of the LGAQ at the Cairns Convention Centre held from 17 to 19 October 2022.

Central Highlands, Gladstone, Isaac, Somerset, Western Downs and Whitsunday Regional Councils, and Douglas Shire Council, provided the Commission with oral deputations during the 2022 LGAQ Conference in Cairns.

Local governments were also given an opportunity to provide written submissions to the Commission. The Commission determined and advised councils that the date for written submissions would close on 4 November 2022.

Nine written submissions were received by 4 November 2022: from the Northern Peninsula Area Regional Council, Toowoomba Regional Council, Whitsunday Regional Council, Western Downs Regional Council, Fraser Coast Regional Council, Mackay Regional Council, Central Highlands Regional Council, and Somerset Regional Council.

In making its determination, the Commission had regard to all submissions it received, together with the matters on pages 6 to 10 of this report.

Key points raised with the Commission during the 2022 review period included:

- increasing demands on councils in relation to innovation and sustainability;
- increasing demands on councils in relation to trade diversification and industry engagement, particularly in light of the global move towards renewable energy sources;
- role and career recognition, through remuneration, particularly in attracting and retaining diverse and reasonable mayoral and councillor candidates;
- role and career recognition, through remuneration, in order to attract greater diversity in age, and to support regional communities in developing and keeping local talent
- potential recognition of innovation;
- the impact of the sudden increase in inflation over the last 12 months on all local governments, and the disproportionate effect on those on lower wages, as well as those from rural, regional and remote communities.
- the current observed volatility and uncertainty regarding inflation, and the impact of this on councils and their constituents.
- continuing concerns for the future and sustainability of their communities and community constituents, economic growth, development, and sustainability.

especially with global transition to renewables in mind and significant uncertainty around future large infrastructure changes required to meet new demands.

Table – Summary of 2022 submissions

1	Date received	<p>Written Submission on 10 October 2022 Oral Submission on 17 October 2022 LGAQ Conference</p>
	Received from	<p>Western Downs Regional Council: CEO Jodie Taylor Councillor Paul McVeigh Deputy Mayor Andrew Smith</p>
	Summary of submission	<p>Council is currently identified by the LGRC as a category 3 council. Council submitted that it be elevated to Category 4. The following factors were relied upon in Council’s submission:</p> <ol style="list-style-type: none"> 1. Size, Geographical & Environmental terrain of Western Downs RC is extensive and Council covers >38,000km² and comprises six principal towns – Chinchilla, Dalby, Jandowae, Miles, Tara and Wandoan – with 23 smaller towns and 99 communities. Significant travel is required in order for Councillors to fulfill their duties, and provide Representation across the region, particularly at community and business events. 2. Councillors hold additional portfolio responsibilities linked to key council business functions and the corporate plan, carrying additional responsibilities and constraints on Councillor’s time. 3. Population, demographics, spread of population & extent of services provided are important considerations for Council. Council submitted that its population unlike many other regional areas, has expanded rapidly with 56% growth in migration from urban areas in last 12 months. The Region was one of top 5 LGAs in Australia (and only LGA in Qld) achieving this level of migration increase. Managing 6 principle towns, 23 smaller towns and 99 communities creates significant challenges in service delivery, additional budget and financial management complexity, as well as significant asset and infrastructure management outside of the scope of a Category 3 Council, in particularly highlighting that Council has the Largest road network in Qld – 7,500km of local roads and 2,500km of state/federal roads managed by council; 20 water schemes; 7 sewerage schemes; 18 transfer stations and landfills; gas reticulation network; over 1000 buildings; 116,000 hectares of stock routes; large network of parks & open spaces; 8 airport facilities; saleyards business - throughput over 230,000 head per annum. Council submitted these factors require significant time spent on strategic development, building skills, knowledge and understanding the diversity of

services delivered by council in region. Diverse range of business activities unique for council size.

4. **Strong regional economic growth, investment and consistently high employment** - GRP (region) grown 34% in 5 years - \$4.31B.
5. **High confidence in regional development** having approval for 23 solar farms (6 operational and 1 under construction), 3 wind farms (1 operational and 3 approved), approved renewable-based hydrogen plant; and the largest battery plant in Qld (more proposed).
6. **Existing and growing trade** –coal mines, gas or coal powered plants, strong and growing gas resources sector; intensive agriculture growth (42% of national feed lot capacity; 57 feedlots operating; highly developed and productive agricultural base); 123 manufacturing businesses with total sales volume of \$696M in 2021 = 100% increase in 5 years. Council submitted that continued economic growth places greater responsibilities upon mayor and councillors to understand and manage the diverse development occurring withing region and strategic needs of community.
7. **Financial sustainability** - Council operates on a financially sustainable basis despite five (5) significant flooding events expected to equate to \$170M in regional flood damage funding to be delivered in 18 months.

Request

Change from category 3 to Category 4.

Determination

The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. Council is invited to participate in the 2023 review. No change to the current category pending the Commission’s 2023 review.

The matters raised specifically in the submissions have also been considered by the Commission as part of the 2022 annual review of the maximum remuneration payable to mayors and councillors.

2	Date received	<u>Written Submission</u> on 10 October 2022
	Received from	<u>Individual submission:</u> Cr Tim McMahon, Toowoomba Regional Council
	Summary of submission	Council is currently identified by the LGRC as a category 5 council. Council submitted that it be elevated to Category 6. The following factors were relied upon in Council’s submission:

Request	Change from Category 5 to Category 6.	
Determination	The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. Council is invited to participate in the 2023 review. No change to the current category pending the Commission’s 2023 review.	
3	Date received	<u>Written Submission</u> on 10 October 2022
	Received from	<u>Individual submission:</u> Cr Alison Jones, Mackay Regional Council
	Summary of submission	<p>Local Government councillors are the closest to the community and put in long hours that are no different to a state or federal politician. As a third term councillor, concern that the true value of councillors’ work is not being considered. The factors relied upon in Councillor Jones’ submission included:</p> <ol style="list-style-type: none"> Councillor income of \$108,000, while performing an average of 50-80 hours per week. Average 50 hour per week post-tax salary equates to approximately \$66,000 per annum or \$24 per hour. Councillor roles are 24/7, with evening calls, weekend work and no overtime to recompense Councillors for their time. Remuneration should fairly reflect role and responsibilities – using the analogy of Council as a company, Councillors are effectively members of a company board with responsibility for budgets exceeding \$100 million per year.

	Request	Consideration be given to these matters when considering Councillor remuneration.
	Determination	The Commission will give consideration to the matters raised when it commences its review of categories and the category system in 2023. The Council is invited to participate in the 2023 review. The matters raised specifically in Cr Jones' submissions have been considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.
4	Date received	<u>Written Submission</u> on 13 October 2022
	Received from	<u>Individual submission:</u> Cr Jade Wellings, Fraser Coast Regional Council
	Summary of submission	Remuneration for a category 4 Deputy Mayor does not fairly compensate or incentivise Councillors for the additional workload of a Deputy Mayor. Category 4 Mayoral roles have full time assistant support, while Councillors (including the Deputy Mayor) share one assistant.
	Request	An increase in the remuneration for the role of Deputy Mayor.
	Determination	The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. Council is invited to participate in the 2023 review. The matters raised specifically in Cr Jones' submissions have been considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors. The matters raised specifically in Cr Jones' submissions have been considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.
5	Date received	<u>Written Submission</u> on 14 October 2022 <u>Oral Submission</u> on 17 October 2022 LGAQ conference
	Received from	<u>Central Highlands Regional Council:</u> Deputy Mayor Christine Rolfe CEO Sharon Houlihan
	Summary of submission	Remuneration is considered too low to attract high calibre councillor candidates, this ultimately limits the pool of councillor candidates. Query whether remuneration should be based on council categories - mayor and councillors of small councils have just

	<p>as complex a job and similar workload as those in medium councils.</p> <p>Remuneration is not the complete picture for explaining what a councillor role entails and other aspects for example leave entitlements should be taken into consideration.</p> <p>Taxation treatment differs depending on how the role of Councillor is defined.</p> <p>The impact of taking leaves of absence is not currently addressed in setting remuneration, this is a complex area for councils.</p> <p>Councillor roles / criteria should be defined in a similar way to a normal position description, including duties description, remuneration, skills required to undertake role and conditions (for example, leave entitlements, coverage of expenses, access to child-care, vehicle and so on).</p> <p>Request</p> <p>Consideration be given by the Commission to the matters raised.</p> <p>Determination</p> <p>The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review.</p> <p>The matters raised specifically in the submission have also been considered by the Commission as part of the 2022 annual review of the maximum remuneration payable to mayors and councillors.</p>
<p>6</p> <p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p><u>Written Submission</u> on 14 October 2022 <u>Oral Submission</u> on 17 October 2022 LGAQ conference</p> <p><u>Somerset Regional Council:</u> Mayor Graeme Lehmann Cr Bob Whalley, Cr Sean Choat, Cr Cheryl Gaedtke, Cr Jason Wendt</p> <p>Pre amalgamation Somerset RC was a Category 3 Council. Somerset RC is now a Category 2 Council and should be reinstated to Category 3.</p> <p>The following factors were relied upon:</p> <ol style="list-style-type: none"> Membership to SEQ Council of Mayors - Somerset is the only Local Government in the South East Queensland (SEQ) area which is also a member of the SEQ Council of Mayors, and categorised as a category two (2) Council.

2. **Comparison to neighbouring LGR** – Councillor participation and workload in fulfilling SEQ duties are the same as neighbouring rural-based councils, for example, Scenic Rim and Lockyer Valley Regional Councils, each of which are category three (3).
3. **Existing remuneration metrics** require change to reflect effort and participation.
4. **Community expectation** - there is a high level of community expectation as communities benchmark Council against adjoining densely populated communities, resulting in an increased workload.
5. **Councillor remuneration in Somerset has reduced** since amalgamation, while Somerset continues to grow, is located in SEQ, and the representation (and workload increased),
6. **Changes in legislation** have increased scrutiny and burden on elected members. This increased burden needs to be considered.

Request

Reinstate Council from Category two (2) to Category (3).

Determination

The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review. No change to the current category pending the Commission’s 2023 review.

The matters raised specifically in the submissions have been also considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.

7	Date received	<p><u>Written Submission</u> on 14 October 2022 <u>Oral Submission</u> on 17 October 2022 LGAQ Conference</p>
	Received from	<p><u>Whitsunday Regional Council:</u> CEO Rod Ferguson Mayor Julie Hall, Deputy Mayor Gary Simpson</p>
	Summary of submission	<p>Consideration is requested to introducing additional remuneration rates for Acting Mayor and Acting Deputy Mayor for prolonged relief arrangements (e.g., paid at 80% of the scheduled rate for periods in excess of a four-week vacancy or absence).</p> <p>Council identified discrepancy in current pay structures with reliance upon the following factors:</p> <ol style="list-style-type: none"> 1. Acting Mayoral or Acting Deputy Mayoral roles do not currently receive compensation for the higher duties. Acting roles have been for extended periods of time to cover leave of absence, for example, a former Deputy

Mayor recently performed duties as Acting Mayor for period of four (4) months without additional remuneration.

2. **Retention** former Mayor and Deputy Mayor resigned to contest Federal and State roles.
3. **Local Government Act 2009** – drafted in a way to cater for acting periods of short duration and does not adequately consider longer term acting roles. The current remuneration structure requires flexibility to allow for unplanned and prolonged vacancies and absences.
4. **Remuneration consistency during Federal and State election campaigns** – there is currently no mechanism to suspend Mayoral or Deputy Mayor remuneration when contesting Federal elections. This appears to be an anomaly. There should be a mechanism that allows for the removal of access to remuneration as per section 16oB of the Act that relates to candidates running for office at a State election.

Request

Council seeks clarification as to the remuneration payable to Councillors running Federal election campaigns, and that consideration be given to these matters in the Commission’s review.

Determination

The Commission notes that the submission is not a request for approval for a specific councillor to remunerated at a level more than the maximum amount payable under the Schedule, or in relation to categories of local government generally. The Commission considers that it is unable to issue any determination about the remuneration payable to sitting Mayors or Councillors who are running for office in Federal elections as this is a matter that is outside the Commission’s statutory functions. The Commission also does not have the power to approve remuneration at an amount lower than in the Schedule.

The Commission nevertheless notes the submission regarding potential inconsistency between candidates for State elections and Federal elections and will refer this matter back to the Department for consideration.

As to increasing the amount of compensation payable to councillors in acting Mayoral and Acting Deputy Mayoral roles and long term acting roles generally, the Commission notes that it has the power to consider specific request to remunerate a specific councillor at an amount more than the maximum payable under the Schedule if there are exceptional circumstances that exist in relation to such request.

8 **Date received**

Oral Submission on 17 October 2022 LGAQ Conference

Received from	<p><u>Gladstone Regional Council:</u> Mayor Matt Burnett Deputy Mayor Kahn Goodluck Councillor Natalia Muszkat CEO Leisa Dowling</p>	
Summary of submission	<p>The focus of council’s oral submission was recognition of Council roles as full-time, and fair remuneration for full time workload and responsibilities.</p> <p>Councillors advocated the importance of fair remuneration for full time councillor roles and consider there is no long term financial security, including in relation to superannuation or long-service benefits.</p>	
Request	<p>Council seeks consideration be given to how remuneration best supports matters such as progression, career recognition and longevity; as well as arrangements for unpaid leave, sick leave, which at the moment it is at the discretion of councillors by resolution</p>	
Determination	<p>The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review.</p> <p>The matters raised have been also considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.</p>	
9	Date received	<u>Oral Submission</u> on 17 October 2022 LGAQ Conference
	Received from	<p><u>Isaac Regional Council:</u> Deputy Mayor Kellie Veava Mary-Anne Uren CEO Jeff Stewart-Harris</p>
	Summary of submission	<p>Council provided suggestions for changes to the remuneration categories which would explore innovation or amendments. Council representatives relayed the current experience of serving in a councillor role in their local government area. This includes high expectations from the community, industry and other tiers of government to carry out the role. Councillors play a key role in local economic development and yet the role is neither remunerated as a full time role nor at a competitive level with local industry. Added to this is the pressures of lengthy travel time in a dispersed area and the pressures and time commitment of social media as a public figure. There is a distinct lack of incentive for younger community members to enter local government and it is not perceived as a viable career path.</p>

Request	Council requests the Commission instigate change to remuneration categories with new criteria that encourage councillor role as career path and recognise that the role is no longer a part-time vocation.	
Determination	<p>The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review.</p> <p>The matters raised have been also considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.</p>	
10	Date received	Oral Submission on 17 October 2022 LGAQ Conference
	Received from	Douglas Shire Council: Mayor Michael Kerr
	Summary of submission	<p>Council advocated that category 1 is not the appropriate classification for council.</p> <p>There are a number of reasons why council feels that the role can no longer be treated or remunerated as part-time:</p> <ol style="list-style-type: none"> 1. COVID era resulted in council having to manage vaccinations, requirements for businesses, council operations/arrangements. 2. Tackling the increased crime rates in the local government area. 3. The population is increasing to above 13,000 and growing rapidly. 4. Impact of social media and digital access and scrutiny on the role of local government. 5. Increasing threat of legal implications on the role of local government. 6. Increasingly broad skill set required for role in modern local government.
	Request	The Mayor requested that Council be reclassified as category 3 rather than category 1.
	Determination	<p>The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review. No change to the current category pending the Commission’s 2023 review.</p> <p>The matters raised have been also considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.</p>

11	Date received	<u>Written Submission</u> on 31 October 2022
	Received from	<u>Toowoomba Regional Council:</u>
		CEO Brian Pidgeon
	Summary of submission	Toowoomba Regional Council is currently a Category 5 Council and Council observes that the characteristics of Toowoomba RC are currently deemed consistent with Cairns, Mackay and Redland Regional / City councils. Council proposes that Toowoomba is in fact more closely aligned to Ipswich and Townsville City Councils which are both in Category 6.
		Council relied upon the following factors:
		<ol style="list-style-type: none"> 1. Principal Regional Activity Centre - Toowoomba City is vibrant regional capital and regional hub; designated in the South East Queensland Regional Plan 2017 as a Principal Regional Activity Centre. 2. Population Growth - In the next 30 years the population is anticipated to grow by 55,000 with 36,000 new jobs expected to be created. 3. Western Gateway - Toowoomba also functions as the western gateway – with inland port services trade in and out of agricultural areas of Darling Down and South West QLD. 4. Supply Chain significance - Council submitted that the Wellcamp Airport & Toowoomba Bypass has a unique character, role & function. These both service freight to Asian markets; and in the future Melbourne to Brisbane Inland Rail connections to Port of Brisbane. 5. Geographical Area – large area with dispersed population – specifically one city, and 31 independent towns spread across 12,937km². 6. Longer than Average Road Network - Council maintains a road network which is 3 times longer than the average road network compared to other category 5 and 6 councils. 7. Councillor Travel - Councillors are expected to travel extensive distances to meet community expectation. Within its local government area there is approximately 3,350km sealed roads, 3,248km unsealed roads, 162 major structures including 54 ridges; 644km stormwater network, 5,225 cross drains; and 577km of footpaths. 8. Contribution to State Economy - Its work is also diverse and has a significant impact on the State economy. 9. Inland Rail Project - Toowoomba RC will be reviewing many large infrastructure projects in the coming decade (of about \$15M - \$200M). While the full impacts of the Inland Rail project are yet to be determined, it is anticipated to be significant. 10. Annual Capital Expenditure - Council’s average annual capital expenditure over the past five years approximately \$163.2M per annum.

	<p>11. Financial Responsibility - it has a significant comparative level of financial responsibility compared to other category 6 councils. Details are contained within Council's written submission.</p> <p>12. Spillway Improvements - Two of Council's three dams have been identified as requiring a large investment over the coming years at projected cost of over \$200M to improve spillways.</p> <p>Council advocated that these comparisons warrant the Commission's favourable consideration as factors relevant to reclassification of the currently allocated Category 5 level of remuneration. Considerable information and provided comparative data is available in Council's written submission.</p> <p>Request Toowoomba Regional Council be reclassified from category 5 to a category 6 council.</p> <p>Determination The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review. No change to the current category pending the Commission's 2023 review.</p>
<p>12</p> <p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p>Written Submission on 31 October 2022</p> <p>Northern Peninsula Area Regional Council: Acting Chief Executive Officer Kate Gallaway</p> <p>The current remuneration structure does not recognise the additional responsibilities of divisional councillors of amalgamated indigenous councils.</p> <p>Council observed that in 2008, five (5) surrounding Indigenous Community Councils, Seisia Island Council, New Mapoon Aboriginal Shire Council, Bamaga Island Council, Umagico Aboriginal Shire Council and Injinoo Aboriginal Shire council, were amalgamated to form Northern Peninsula Area Regional Council (NPARC), with NPARC being only one of two councils in the region to be amalgamated <u>and</u> hold Deed of Grant in Trust (DOGIT) land.</p> <p>Council submitted that prior to amalgamation, each of the five (5) community councils had a council structure where they had their own chair, deputy and 3 councillors (with the exception of Seisia Island Council, which had a chair and 2 councillors), to make trust and council decisions.</p>

Council advocated that the structure has been reduced to 1 person to hold the responsibility of these previous 5 communities, leading to a high workload and pressure.

Council stated that under the *Local Government Act 2009*, divisional councillors hold veto rights for decisions relating to trust matters, as the trustee of DOGIT Land. While community forums are established in the legislation for the governance of veto, this has not been practical as it would require a secretary to be funded by NPARC and community members would need to be compensated for their time if expected to be involved in community forums, leading an increased workload on divisional councillors compared to councillors within other Indigenous shire councils.

Additionally, Council stated that the current remuneration structure does not empower community members into career pathways into the stream of elected members. Further that there are limited opportunities for the younger population to have career pathways in the space of governance of local government. Council argued that the community used to look forward to the leadership and opportunities that were available.

Request

The Commission review the current remuneration structure to ensure that:

- (a) Local Government can remain a viable career pathway for the future sustainability of our councils; and
- (b) the remuneration structure recognises the additional responsibilities of divisional councillors of amalgamated indigenous councils.

Determination

The Commission will commence its review of categories and the category system in 2023 and take into consideration the matters raised. All Councils are invited to participate in the 2023 review. No change to the current category pending the Commission's 2023 review.

The matters raised have been also considered by the Commission as part of its annual review of the maximum remuneration payable to mayors and councillors.

5. Other activities of the Commission

Exceptional circumstances submissions (matters raised under Local Government Regulation 2012, section 248):

Nil.

6. Commission's future priorities

The Commission will invite further submissions from all Councils in early 2023 as part of its general review of categories and the category system. The Commission encourages local government to participate and looks forward to engaging with local government and its stakeholders over the next 12 months.

Further information about the Commission can be located at www.statedevelopment.qld.gov.au.

Local Government Remuneration Commission

PO Box 15009
City East Qld 4002

1 William Street
Brisbane Qld 4000

Email: LGRcenquiries@dsdilgp.qld.gov.au

Phone: (07) 3452 6735

Website: www.statedevelopment.qld.gov.au





Meeting Date 28th March 2024

Subject	Councillor Reimbursement of Expenses and Provision of Facilities Policy
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

Section 250(1) of the Local Government Regulation 2012 states that a Local Government, must adopt by resolution an expenses reimbursement policy.

The Councillor's reimbursement of expenses and provision of facilities policy is a policy providing for the following –

- a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
- b) provision of facilities to councillors for that purpose

This policy ensures accountability and transparency in the reimbursement of expenses incurred by councilors and ensures that councilors are provided with reasonable facilities to assist them in carrying out their civic duties.

RECOMMENDATION

That Council:

Resolve to adopt the “Councillor Reimbursement of Expenses and Provision of Facilities Policy” in accordance with and pursuant to Section 250(1) of the Local Government Regulation 2012.

BACKGROUND

In accordance with Division 2, Section 249 of the Local Government Regulation 2012 (Reimbursement of expenses and provision of facilities) is about the expenses reimbursement policy for Councillors.

The expenses reimbursement policy is a policy providing for the following -

- a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
- b) provision of facilities to councillors for that purpose.

Section 250 of the Regulation relates to the requirement to adopt an expenses reimbursement policy or amendment to the said policy.

- A local government must adopt an expenses reimbursement policy; and
- A local government may, by resolution, amend its expenses reimbursement policy at any time.

As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must -

- a) ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
- b) publish the policy on the local government's website.

The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase, which is in accordance with Section 251

Section 252 relates to meetings about expenses reimbursement policy, which states that a local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed to the public.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

Outcome No 5.1: Council provides community leadership through financial sustainability and an open and accountable governance structure.

Outcome No 5.2: Effective communication between council and the community and across the community.

Outcome No 5.3: Council operations support quality service provision and good governance.

BUDGET & RESOURCE CONSIDERATIONS

Council’s 2023/24 Budget has provisions for the associated expenditure contained within this policy.

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

This policy will supersede any previous policies of Council relating to the reimbursement of expenses and provision of facilities to Councillors.

CONSULTATION

Please consult Council’s Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input checked="" type="checkbox"/>	Policy has been reviewed and upon adoption will supersede previous policies	Council will inform the community of the 2024 General Meeting dates.
Inform	<input type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Low (D2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024

Date: 27th March 2024

ATTACHMENTS

Councillor Reimbursement of Expenses and Provision of Facilities Policy



**ESC – S001 – Councillors Reimbursement of Expenses
Provision of Facilities Policy**

POLICY VERSION AND REVISION

Version History	Meeting date	
Post-Election Meeting – Dated 11 th April 2016	28 th March 2024	
General Meeting – Dated 15 th January 2017		
General Meeting – Dated 15 th January 2018	Resolution number	
General Meeting – Dated 23 rd January 2019		
General Meeting – Dated 24 th January 2024		
Approval by CEO		
Effective date	Review date	
28 th March 2024	31 st December 2024	
Policy Author		
Current incumbent		
Implementation Officer		
Chief Executive Officer		
Current incumbent	Contact number	Official file no.
Ken Timms PSM	4079 9090	



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1. PURPOSE

The Etheridge Shire Council is committed to ensuring that Councillors are provided with the facilities required to enable them to perform their duties.

Councillors should not be financially disadvantaged when carrying out their roles, and should be fairly and reasonably compensated in accordance with statutory requirements and community expectations.

The Councillors' Reimbursement of Expenses and Provision of Facilities Policy is a statutory policy¹ ensuring accountability and transparency in the reimbursement of expenses incurred by councillors and ensures that councillors are provided with reasonable facilities to assist them in carrying out their civic duties.

2. SCOPE

Chapter 8 Part 1 Division 2 of the *Local Government Regulation 2012* states that and Expenses Reimbursement Policy is a policy providing for the following² —

- a) Payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
- b) Provision of facilities to the councillors for that purpose.

This policy applies to all councillors of Etheridge Shire Council for the reimbursement of expenses incurred, or to be incurred, by them in undertaking their responsibilities.

Council will reimburse councillors for eligible expenses set out in this policy. Any expenses not provided for by this policy will not be reimbursed without approval from the Chief Executive Officer.

Councillor Remuneration is not covered by this policy. Councillor remuneration is determined annually by the Local Government Remuneration and Disciplinary Tribunal.

Spouses, partners and family members of councillors are not entitled to reimbursement of expenses or have access to facilities allocated to councillors.

Failure to comply with this policy, falsifying claims or the misuse of facilities may breach the Councillors' Code of Conduct and/or represent an offence under the Criminal Code and may be referred to the Crime and Misconduct Commission.

3. POLICY STATEMENT

3.1. GENERAL PRINCIPLES

This policy ensures that the Council's reimbursement of expenses incurred by Councillors is consistent with the local government principles and financial sustainability criteria as defined in the Local Government Act 2009³.

In addition, the principles that underpin this policy are:

- Councillors should not receive a private benefit through their role as a councillor;
- The use of public monies in the public interest by responsible budgeting and accounting;
- Fair and reasonable allocation of council resources (allowances, facilities and other benefits) to enable all councillors to conduct the duties of their office;
- Transparent decision-making by public disclosure of policy and resolutions; and
- Accountability for expenditure and use of facilities through full justification and acquittal.

Expenses will be paid to a councillor through administrative processes approved by Etheridge Shire Council's Chief Executive Officer (CEO) subject to the limits outlined in this policy, or council endorsement by resolution.

¹ Local Government Regulation 2012 (Qld). S250a

² Local Government Regulation 2012 (Qld). S249

³ Local Government Act 2009 (Qld). S4



3.2. EXPENSE CATEGORIES

Professional Development

Council will reimburse expenses incurred for mandatory professional development and/or discretionary professional development deemed essential for the Councillors' role. The Mayor attends the Local Government Association Queensland (LGAQ), Australian Local Government Association (ALGA) and any other relevant conferences/seminars/workshops as the primary delegate (council shall appoint the other delegates). Councillors can attend workshops, courses, seminars and conferences that are related to the role of a councillor. Approval to attend is made by council resolution and therefore councillors should advise the CEO of their desire to attend an event. The CEO will provide a report to council seeking approval on behalf of the councillor.

Discretionary Professional Development

Each councillor can attend (at their own discretion) workshops, courses, seminars and conferences that improve the skills relevant to their role. This training is initially limited to \$5000 per councillor over the current term of office, but will be reviewed annually when setting the budget. There is no requirement for a council resolution to approve these attendances, however, the councillor would need to submit a request to the CEO (prior to attendance) and provide all relevant documentation within 14 days of attending the event to ensure their expenses are reimbursed.

Travel

Council will reimburse local, interstate and, in some cases, intrastate and overseas travel expenses (such as flights, motor vehicle, accommodation, meals and associated registration fees) deemed necessary to achieve the business of council where a councillor is an official representative of council and the activity/event and travel has been endorsed by resolution of council.

Council will pay for reasonable expenses incurred for overnight accommodation when a councillor is required to stay outside or in some cases within the Etheridge Shire. All councillor travel approved by council will be booked and paid for by council. This includes transfers to and from airports (e.g. taxis, trains and buses).

Councillors will be reimbursed for parking costs that they have incurred while attending to official council business (e.g. secured vehicle parking at the airport).

Private Vehicle Usage

Councillors' private vehicle usage will be reimbursed if the usage is for official council business. This includes travel to and from councillors' principal place of residence to:

- attend official council business/meetings/functions/community events and public meetings in the role of councillor;
- investigate issues/complaints regarding council services raised by residents/rate payers and visitors to the region.

Councillors making a claim for reimbursement of private vehicle usage can do so by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based on the published Australian Tax Office business-use-of-motor vehicle-cents-per-kilometre method and kilometre rate applicable at the time of travel.

The Commissioner of Australian Taxation Office determines claimable cents per kilometre rates in each income year.

Rates per business kilometre		
Engine capacity		Cents per kilometre
Ordinary engine	Rotary engine	
N/A	N/A	68 cents

Meals

Council will reimburse reasonable costs of meals for a councillor when the councillor has incurred the cost personally and the meal was not provided within the registration cost of the approved



activity/event, upon production of a valid tax invoice. If a councillor elects not to produce tax invoices and seek reimbursement for meals while attending official council business, he/she may claim a meal allowance where the meal was not provided within the registration costs of the approved activity/event. Expenses relating to the consumption of alcohol will not be reimbursed.

Should the councillor choose not to attend a provided dinner/meal, then the full cost of the alternative meal shall be met by the councillor.

Incidental Daily Allowance

An incidental daily allowance of \$10.00 up to five nights away and \$15.00 after five nights will be paid to councillors to cover incidental costs incurred while they are traveling and staying away from home overnight.

Councillors claiming this allowance should do so on the appropriate form within 14 days of the conclusion of the event and submit to the CEO for reimbursement.

Hospitality

Councillors may have occasion to incur hospitality expenses while conducting council business apart from civic receptions organised by council. The Mayor may particularly require additional reimbursement when entertaining dignitaries outside of official events.

To allow for this expense, the following amounts can be claimed: \$500 per annum for councillors and up to \$5,000 per annum for the Mayor.

Accommodation

Councillors may need to stay away from home overnight while attending to council business. When attending conferences, councillors should take advantage of the package provided by conference organisers (if applicable) and therefore stay in the recommended accommodation unless prior approval has been granted by the CEO. All councillor accommodation for council business will be booked and paid for by council. Suitable accommodation will be sought within a reasonable distance to the venue that the councillor is to attend. Should more than one councillor attend the same event, council will book and pay for a separate room for each attending councillor.

3.3. PROVISION OF FACILITIES

Council will provide facilities for the use of councillors in the conduct of their respective roles with council. All facilities provided remain the property of council and must be returned when the councillor's term expires.

The facilities provided by council to councillors are to be used only for council business unless prior approval has been granted by resolution of council.

Secretarial Support

The Mayor's office will be assisted with secretarial support by Council's executive assistant.

Secretarial support will be provided to Councillors with prior approval by the Chief Executive Officer.

Administrative Tools and Office Amenities

Councillors are entitled to use Council facilities as required to assist in discharging their duties and responsibilities including (but not limited to):

- Shared office space and meeting rooms;
- Shared access to landlines, internet, photocopiers, fax, scanner, printers and shredders;
- Stationary;
- Promotional material necessary for official Council business;
- Other resources as approved by the Mayor or Chief Executive Officer.

IT Equipment

Councillors will be provided with the following IT equipment to assist in discharging their duties and responsibilities:

- laptop computer and/or tablet device and necessary software

Council will provide all software necessary to enable Councillor's to carry out their duties as elected members. All software is licensed to the Etheridge Shire Council and remains the property of Council at the end of term. All software licensed to Council that has been installed on a councillor's tablet device will be removed prior to the end of the Councillor's term.

Telephone and Data

Councillors will be provided with the following:

- mobile phone (where a mobile phone is provided by council, all costs attributed to council-business use shall be paid by Council (including total plan costs).

Maintenance Costs of Council-Owned Equipment

Council is responsible for the ongoing maintenance and reasonable wear-and-tear costs of council-owned equipment that is supplied to councillors for official business use. This includes the replacement of any facilities that fall under council's Asset Replacement Program.

Uniforms and Safety Equipment

Council will provide to a councillor:

- Uniform allowance as per staff policy
- Necessary safety equipment for use on official business (e.g. safety helmet, boots and safety glasses).

Use of Council Vehicles

Councillors will have access to a suitable council vehicle for official business. A councillor wishing to use a council vehicle for council business use must submit a request to the CEO at least two days prior, except in exceptional circumstances as determined between the councillor concerned, Mayor and CEO.

The Mayor will be provided with a fully maintained Toyota Prado (or equivalent) including all running costs provided for unlimited and unrestricted use by the Mayor for council business in recognition of the duties required to be performed by the Mayor and the irregular hours required to attend council, community and civic responsibilities. This vehicle is also available for councillor's use while the Mayor is not utilizing the vehicle.

All fuel used in a council-owned vehicle on official council business will be provided or paid for by council.

Insurance

Councillors will be covered under relevant council insurance policies while discharging civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors' liability and personal accident. Council will pay the excess for injury claims made by a councillor resulting from the conduct of official council business and on any claim made under insurance cover.

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 councillor's performance of his/her civic functions. If it is found the councillor breached the provisions of the Local Government Act 2009 the councillor will reimburse council with all associated costs incurred by council.

Returning of Facilities

It is outlined within this policy that Council will provide reasonable facilities to a Councillor during their term to assist Councillors in carrying out their civic duties.

Councillors are entitled to use these facilities until such time as their term of office comes to an end. If a Councillor is not re-elected the term of office ends when the returning officer declares the result of the election of the council.

However, to ensure that facilities are returned in a reasonable period, and to assist the Chief Executive Officer in the collection of facilities (as stated within this policy), it is required that all Councillors return all facilities to the Chief Executive Officer on or before the Friday preceding the Quadrennial Local Government Elections, or if a Councillor resigns during their term, the facilities are to be returned to the Chief Executive Officer prior to their last day in active office.



Misuse of Council Provided Resources for Electoral Purposes

This policy provides for the following –

- a payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
- provision of facilities to the councillors for that purpose.

A breach of the reimbursement of expenses and facilities policy is a misuse of information or material acquired in or in connection with the performance of the councillor's responsibilities and would be "misconduct" (as provided in Chapter 6, Part 2, Division 6 of the Local Government Act 2009).

Therefore, elected members should pay particular care in any campaign activity to ensure that there can be no possible perception of use of council provided resources / facilities for activity that could be perceived as having some electoral favour.

3.4. CLAIMS FOR REIMBURSEMENT

All claims for reimbursement of expenses must be made on the approved form and submitted with original receipts to the Chief Executive Officer. Claims certified by a Councillor as complying with this policy will be authorised for payment by the Chief Executive Officer.

Claims must be presented within three months of incurring expenses.

When considering an application for approval of any matter related to this policy, the council or the Chief Executive Officer must have regard to the limits outlined in this policy and any relevant budget allocation.

4. REPORTING

Expenses will be paid to a councillor through administrative processes approved by Etheridge Shire Council's Chief Executive Officer (CEO) subject to the limits outlined in this policy, or council endorsement by resolution.

Pursuant to s186 of the Local Government Regulation 2012, Council's Annual Report must contain the particulars of the expenses incurred by, and the facilities provided to, each Councillor during the financial year under this policy.

5. DEFINITIONS

To assist in interpretation of this policy and associated guidelines, the following definitions shall apply:

Approved Council Business – includes:

- a. Formal meetings of Council, including Ordinary, Statutory and Special Meetings;
- b. Official committee meetings, including advisory committee meetings of which a Councillor is a member;
- c. Formal public consultation meetings;
- d. Civic functions at which a Councillor is attending in his/her official capacity as a Councillor;
- e. Community functions to which a Councillor has been invited in his/her official capacity as a Councillor;
- f. Official inspections;
- g. Formal training, professional development and conferences approved by Council;
- h. Other activities approved by the Mayor and ratified at a subsequent meeting of Council.

Council - means the Etheridge Shire Council.

Councillors - means the Mayor, Deputy Mayor and Councillors unless otherwise specified.

Expenses - means costs reasonably incurred, or to be incurred, in connection with Councillors discharging their duties. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge. Expenses are not included as remuneration.



Entertainment and hospitality - means the cost to council of providing entertainment or hospitality as outlined in council's Entertainment Hospitality Expenditure Policy.

Facilities - mean the facilities deemed necessary to assist Councillors in their role.

Incidental private use - includes use incidental to Approved Council Business. (Example - stopping at a shop on the way to or from Approved Council Business).

Professional development – includes activities undertaken by Councillors to improve their understanding, competence and knowledge of matters that specifically relate to local government functions, or to improve their competence and knowledge of matters that will assist them in carrying out their role as a Councillor. Examples of professional development include (but are not limited to): Local Government industry training, conferences, workshops, seminars or specific events that are relevant to a Councillors role; or that are relevant to the development of a Councillor's individual knowledge and competence in conducting their role.

Reasonable - shall mean Council must make sound judgements and consider what is prudent, responsible and acceptable to the community when determining reasonable levels of facilities and expenditure.

Training – any facilitated learning activity which is considered by council to be a requirement for councillors to discharge their duties and responsibilities as councillors.

6. RELATED LEGISLATION, DOCUMENTS AND REFERENCES

Local Government Act 2009
Local Government Regulation 2012
Procurement Policy
Entertainment Hospitality Policy

7. REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

The adopted policy can be amended, by resolution, at any time and must be able to be inspected and/or purchase by the public at the local government's public office and also published on the local government's website^{4 5}.

⁴ Local Government Regulation (Qld) 2012. S250b

⁵ Local Government Regulation (Qld) 2012. S251



Meeting Date	28th March 2024
Subject	Councillor's Code of Conduct
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions.

Under section 150D of the Local Government Act 2009 (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

RECOMMENDATION

That Council:

Resolve to adopt the Councillors Code of Conduct as prepared by the Minister under Section 150D of the Local Government Act 2009 and approved under Section 239A of the Local Government Regulation 2012.

BACKGROUND

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions.

Under section 150D of the Local Government Act 2009 (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

The Act is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, Local Government
5. Ethical and legal behaviour of Councillors and Local Government employees.

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate under each principle. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
 - manage Council resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.
3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions
 - accept and value differences of opinion.
4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions.
5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable.

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

Outcome No 5.1: Council provides community leadership through financial sustainability and an open and accountable governance structure.

BUDGET & RESOURCE CONSIDERATIONS

Not applicable.

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

C041 – Code of Conduct for Councillors

CONSULTATION

Please consult Council's Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input checked="" type="checkbox"/>	Policy has been reviewed and upon adoption will supersede previous policies	Not applicable
Inform	<input type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Minor (C2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E

E (Rare)	L	L	M	H	H
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Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO	Ken Timms PSM, Chief Executive Officer
Date: 27th March 2024	Date: 27 th March 2024

ATTACHMENTS

C041 – Code of Conduct for Councillors



C041 – Code of Conduct for Councillors

POLICY VERSION AND REVISION

Version History		Meeting date	
Post Election Meeting – 11 April 2016		28 th March 2024	
Post Election Meeting – 15 April 2020		Resolution number	
Approval by CEO			
Effective date		Review date	
28 th March 2024		31 st March 2028	
Policy Author			
Chief Executive Officer			
Current incumbent			
Ken Timms PSM			
Implementation Officer			
Chief Executive Officer			
Current incumbent		Contact number	Official file no.
Ken Timms PSM		4079 9090	



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1. PURPOSE

The Code of Conduct sets out principles and standards of behaviours expected of the Mayor and Councillors when carrying out their roles, responsibilities and obligations as selected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in local Government and Local Government decisions.

2. SCOPE

This policy applies to the Mayor and Councillors of Etheridge Shire Council.

3. POLICY STATEMENT

This code of conduct sets out, for both councillors and the community, the standards of behaviour expected of the Mayor and Councillors of Etheridge Shire Council.

This code has been adopted by resolution of council and accordingly considers this code to be a "procedure" for the purposes of section 176 (4) of the Local Government Act 2009 (the act), meaning breaches of this code are considered to be breaches of the act.

While it is recognised that this code is not exhaustive, it does draw out the main responsibilities. Where there is any inconsistency between this code and the act, the act is preferred.

3.1. KEY RESPONSIBILITIES OF COUNCILLORS UNDER THE LOCAL GOVERNMENT ACT 2009

- A councillor must represent the current and future interests of the residents of the local government area. (S.12 (1) of the Act)
- Councillors have the following responsibilities to ensure that the local government discharges its responsibilities under this Act (S.12 (3) (a) (i) of the Act)
- Achieves its corporate plan (S.12 (3) (a) (ii) of the Act)
- Complies with all laws that apply to local governments (S.12(3)(a)(iii) of the Act)
- Provide high quality leadership to the local government and the community (S.12 (3) (b) of the Act)
- Participate in council meetings, policy development and decision making for the benefit of the local government area (S.12 (3) (c) of the Act)
- Being accountable to the community for the local government's performance (S.12 (3) (d) of the Act)
- When performing a responsibility, a councillor must serve the overall public interest of the whole local government area (S.12 (6) of the Act)
- A person who is, or has been, a councillor must not use information that was acquired as a councillor to gain, directly or indirectly, a financial advantage for the person or someone else; or cause detriment to the local government. (S.171 (1) (a) (b) of the Act)
- *Note: Maximum penalty—100 penalty units or 2 years imprisonment*
- A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government. (S. 171 (3) of the Act)

3.2. OTHER KEY RESPONSIBILITIES

Other key responsibilities of the Mayor and Councillors include:

- To keep register of interests up to date (S.289; S.292 of the Local Government Regulations 2012)
- The mayor may give a direction to the chief executive officer or senior executive employees¹. (S.170 (1) of the Act)
- No councillor, including the mayor, may give a direction to any other local government employee. (S.170 (2) of the Act)
- A councillor may ask a local government employee to provide advice to assist the councillor carry out his or her responsibilities under this Act only in accordance with guidelines prepared by the Chief Executive Officer (S.170A (1) (4) (6) of the Act)

¹ A **senior executive employee**, of a local government, is an employee of the local government -

(a) who reports directly to the chief executive officer; and

(b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure.



3.3. KEY ETHICAL AND BEHAVIOUR OBLIGATIONS

Councillors must:

- Ensure their personal conduct does not reflect adversely on the reputation of Council
- Demonstrate respect for fellow councillors, council staff and other members of the public
- Refrain from harassing, bullying or intimidating fellow councillors, council staff and other members of the public
- Do 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 about a council resolution, respect the democratic process by first acknowledging that council resolutions represent the majority view of council

3.4. CONSEQUENCES OF FAILING TO COMPLY WITH THIS CODE

A failure to comply with this code by a councillor may lead to the following:-

1. A reprimand for inappropriate conduct (S.181 of the Act).
2. For repeat inappropriate breaches or misconduct; that the councillor be counselled; make an admission of error or an apology; participate in mediation; or monitor a councillor's compliance with the act (S.180 of the Act).
3. For serious misconduct referred to the tribunal, any order or recommendation that the tribunal considers appropriate in the circumstances, this includes the penalties in point 2 above; or forfeiture of an allowance, benefit, payment or privilege; reimbursement of an expense; suspension; dismissal; or referral of the matter to the Queensland Police Service or crime and corruption commission (S.180 of the Act).
4. A councillor can face disciplinary action (including dismissal) for seriously or continuously breaching the responsibilities and requirements of councillors (S.4, 12, 122, 180 of the Act).

4. REPORTING

No additional reporting is required.

5. DEFINITIONS

Assessor – means the Independent Assessor appointed under section 150CV of the LGA

Conduct – includes 9a) failing to act; and 9b) a conspiracy, or attempt, to engage in conduct

Conduct breach – see section 150K of the LGA

LGA – means Local Government Act (Qld) 2009 (the Act)

Local government meeting – means a meeting of (a) a local government; or (b) a committee of a local government.

Misconduct – see section 150L of the LGA

Unsuitable meeting conduct – see section 150H of the LGA

6. RELATED LEGISLATION, DOCUMENTS AND REFERENCES

Councillors Conduct Register

Crime and Corruption Act 2001 (Qld)

Investigations Policy

Local Government Act 2009 (Qld)

Media & Communications Policy

7. REVIEW

It is the responsibility of the Chief Executive officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every 4 years or a required by Council.



Meeting Date	28th March 2024
Subject	Standing Orders for Council Meetings & Model Meetings Procedures
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

The Local Government Act 2009 prescribes that all Councils must adopt Standing Orders for Council Meetings and Model Meeting Procedures (MMP) or incorporate them into existing standing orders for meeting procedures. Council has been advised by the Department that the MMP were amended in November 2023. Amendments are of minor nature, designed to ensure better consistency with the LGA.

RECOMMENDATION

- That Council resolve to adopt the following documents:
- Amended Standing Orders for Council meetings
 - Amended Model Meeting Procedures – November 2023

BACKGROUND

The purpose of the Model Meeting Procedures is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government meetings and Local Government committee meetings. It is not intended that the Model Meeting Procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

The Local Government Act 2009 (LGA) prescribes that all councils must adopt the model meeting procedures (MMP) or incorporate them into the existing standing orders for meeting procedures. A Local Government must either adopt the Model Meeting Procedures or prepare and adopt other procedures for the conduct of its meetings and meetings of its committees that are consistent with the Model Meeting Procedures.

If a Local Government chooses to continue using existing standing orders, the Council must review the existing standing orders to ensure that they are consistent with the requirements of the Model Meeting Procedures. To assist Local Governments, the Department has published best practice standing orders that Councils can choose to adopt.

The MMP document (attached) is published on the Department of State Development, Infrastructure, Local Government and Planning's (the department) website. In addition, the department has a best practice example - Standing Orders document published on the website that demonstrates how the MMP can be incorporated into existing standing orders.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

BUDGET & RESOURCE CONSIDERATIONS

Nil budget requirements

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009
Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Council policies will be superseded upon adoption

CONSULTATION

Please consult Council's Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input checked="" type="checkbox"/>		

Inform	<input type="checkbox"/>	Amendments to policies have been made and will be superseded upon adoption.	Council will communicate the relevant changes to staff and councillors upon adoption.
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: High (C3)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024

Date: 27th March 2024

ATTACHMENTS

1. Standing orders for council meetings including standing committees 'Best Practice Guide'
2. Model Meeting procedures

Best practice example standing orders for local government and standing committee meetings

June 2023

Last updated:

Date	Version number	Officer's Name	Approved
10 November 2022	O04	P Cameron	Director G&C



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of State Development, Infrastructure, Local Government and Planning' website at www.statedevelopment.qld.gov.au/local-government

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Intent

To assist local governments, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the DSDILGP model meeting procedures that deal with matters during council meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the [model meeting procedures](#) and the Local Government Regulation 2012 (LGA). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matters will be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

Procedures for meetings of local government

2. Presiding officer

- 2.1. The mayor will preside at a meeting of local government.
- 2.2. If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3. If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside a councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4. The local government will choose the chairperson for a committee meeting. This chairperson will preside over meetings of the committee.
- 2.5. If the chairperson of a committee is absent or unavailable to preside, a councillor chosen by the councillors present will preside over the committee meeting.
- 2.6. Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3. Order of business

- 3.1. The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2. Unless otherwise altered, the order of business will be as follows:
- attendances
 - apologies and granting of leaves of absence
 - confirmation of minutes
 - business arising out of previous meetings
 - officers' reports.

Note: *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed.*

4. Agendas

- 4.1. The agenda may contain:
- notice of meeting
 - minutes of the previous meetings
 - business arising out of previous meetings
 - business which the mayor wishes to have considered at that meeting without notice
 - matters of which notice has been given
 - committees' reports referred to the meeting by the chief executive officer (CEO)
 - officers' reports referred to the meeting by the CEO
 - deputations and delegations from the community that are approved to attend
 - any other business the council determines by resolution be included in the agenda.
- 4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

- 4.3. The notice of the meeting and the agenda must be given to each councillor at least 2 days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting unless it is impracticable to give the notice before that time. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.
- 4.4. Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J LGR, will be clearly identified on the agenda including the reasons why the session will be closed.

5. Quorum

- 5.1. A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even then one half of the number is a quorum.
- 5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the chief executive officer.

6. Petitions

- 6.1. Any petition presented to a meeting of the local government will:
- be in legible writing or typewritten and contain a minimum of ten (10) signatures
 - include the name and contact details of the principal petitioner (i.e., the key contact)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
- that the petition be received
 - received and referred to a committee or officer for consideration and a report to the council, or

- not be received because it is deemed invalid.

6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

7.1. A deputation wishing to attend and address a meeting of the council shall apply in writing to the CEO not less than seven (7) business days before the meeting.

7.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).

7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

7.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.

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

- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
- the time period allowed for a deputation has expired, or
- the person uses insulting or offensive language or is derogatory towards councillors or others.

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

8. Public participation at meetings

8.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.

8.2. In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate time period will be allowed (e.g. 15 minutes) and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the local

government during this period shall be at the absolute discretion of the local government chairperson.

8.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.

8.4. For any matter arising from such an address, the local government may take the following actions:

- refer the matter to a committee
- deal with the matter immediately
- place the matter on notice for discussion at a future meeting
- note the matter and take no further action.

8.5. Any person addressing the local government shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language.

8.6. Any person who is considered by the local government or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

9. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters as prescribed under section 150EF of the LGA or section 177C of the *City of Brisbane Act 2019 (COBA)*). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

9.1. A councillor who has notified the chief executive officer in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting at or before the time when the matter is to be dealt with.

9.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest and the particulars.

9.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:

- for a gift, loan or contract—the value of the gift, loan or contract
- for an application for which a submission has been made—the matters the subject of the application and submission:
- the name of the entity, other than the councillor, that has an interest in the matter,
- the nature of the councillor's relationship with the entity,
- details of the councillor's, and any other entity's, interest in the matter.

9.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister for Local Government (the Minister) to participate in deciding the matter in a meeting including participating in the discussion and the vote.

Note: Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

9.5. Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If the councillor with the suspected COI considers there is no conflict of interest then the eligible councillors must make a decision whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA or section 177L of the COBA and ordinary business matters prescribed under section 150EF of the LGA or section 177C of the COBA).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA or section 177O of the COBA, will apply. The eligible councillors must then make a decision under section 150EX(2) of the LGA or section 177U(2) of the COBA applies.

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

10.1. A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.

- 10.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.
- 10.3. When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
- the nature of the declarable conflict of interest;
 - if it arises because of the councillor's relationship with a related party:
 - I. the name of the related party to the councillor; and
 - II. the nature of the relationship of the related party to the councillor; and
 - III. the nature of the related party's interest in the matter;
 - if it arises because of a gift or loan from another person to the councillor or a related party:
 - I. the name of the other person; and
 - II. the nature of the relationship of the other person to the councillor or related party; and
 - III. the nature of the other person's interest in the matter; and
 - IV. the value of the gift or loan and the date the gift or loan was made.
- 10.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 10.5. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority or do not form a quorum for the meeting or is a single eligible councillor consistent with section 150ET of the LGA section 177Q of the COBA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

Note: *The ability to make a resolution without a seconder applies when making a resolution under section 150ES of the LGA or section 177P of the COBA.*

- 10.6. The other eligible councillors or councillor at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors.
- 10.7. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 10.8. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to;
- how does the inclusion of the councillor in the deliberation affect public trust,
 - how close or remote is the councillor's relationship to the related party,
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received,
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them,
 - how the benefit or detriment the subject councillor stands to receive compares to others in the community,
 - how this compares with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting,
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 10.9. If the eligible councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.

- 10.10. A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.
- 10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 10.12. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

11 Reporting a suspected conflict of interest

If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists must immediately inform the chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion.

- 11.1. The chairperson then should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the relevant councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.
- 11.2. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 11.3. The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillors participation.
- 11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section

177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.

11.5. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (section 150FA of the LGA or section 177X of the COBA):

- The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
- The particulars of the prescribed or declarable conflict of interest provided by the councillor
- The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest
- Any decision then made by the eligible councillors
- Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- The council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision
- The name of each eligible councillor who voted on the matter and how each voted.

11.6. If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:

- The name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

11.7. Where a decision has been made under section 150ES of the LGA or section 177P of the COBA – the minutes must include:

- The decision and reasons for the decision, and
- The name of each eligible councillor who voted, and how each eligible councillor voted.

12 Loss of quorum

12.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:

- delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection 3 of both sections because an Act says it must be decided by resolution of the council
- decide by resolution to defer the matter to a later meeting
- decide by resolution not to decide the matter and take no further action in relation to the matter.

12.2. The council may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

- The mayor or chief executive officer, or
- A standing committee, or joint committee of council, or
- The chairperson of a standing committee or joint standing committee of council – does not apply to Brisbane City Council, or
- Another local government for a joint government activity.
- The Establishment and Coordination Committee – only applies to Brisbane City Council

12.3. The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

12.4. The council may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:

- The mayor or
- A standing committee.

12.5. A council may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

- The mayor, or
- The Establishment and Coordination Committee, or
- A standing committee of the council.

12.6. If the matter cannot be delegated under an Act, The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of

quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

Motions

13 Motion to be moved

13.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.

13.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:

- A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
- The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

13.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.

13.5 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

14 Absence of mover of motion

14.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government 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.

15 Motion to be seconded

15.1 A motion or an amendment to a motion shall not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.

15.2 Procedural motions are an exception to this rule and do not need to be seconded.

16 Amendment of motion

- 16.1 An amendment to a motion should maintain or further clarify the intent of the original motion and does not contradict the motion.
- 16.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 16.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

17 Speaking to motions and amendments

- 17.1 The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.
- 17.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- 17.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.
- 17.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 17.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.
- 17.6 Where two or more councillors indicate they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 17.7 In accordance with section 254H of the LGR or section 242H(2) of the *City of Brisbane Regulation 2012(COBR)*, if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: *If a report contains distinct recommendations, the decision of the council may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.*

18 Method of taking vote

- 18.1 The chairperson will call for all councillors in favour of the motion to indicate their support.
The chairperson will then call for all councillors against the motion to indicate their objection.
- 18.2 A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- 18.3 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 18.4 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

19 Withdrawing a motion

- 19.1 A motion or amendment may be withdrawn by the mover with the consent of the council, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

20 Repealing or amending resolutions

- 20.1 A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.
- 20.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three (3) months.

21 Procedural motions

- 21.1 A councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
- I. that the question/motion be now put before the meeting;
 - II. that the motion or amendment now before the meeting be adjourned;
 - III. that the meeting proceeds to the next item of business,
 - IV. that the question lie on the table;
 - V. a point of order;
 - VI. a motion of dissent against the chairperson's decision;
 - VII. that this report/document be tabled;
 - VIII. to suspend the rule requiring that (insert requirement);

IX. that the meeting stands adjourned.

21.2 A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.

21.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified:

- a further motion may be moved to specify a time or date; or
- the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.

21.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.

21.5 A procedural motion that the question lie on the table will 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 council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

21.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:

- has failed to comply with proper procedures;
- is in contravention of the legislation; or
- is beyond the jurisdiction power of the council meeting.

Note: *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*

21.7 Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

- 21.8 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example:
- 21.9 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 the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.
- 21.10 The motion that a report/document be tabled may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 21.11 A procedural motion 'to suspend the rule requiring that.', may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.
- 21.12 A procedural motion that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

22 Questions

- 22.1 At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 22.2 Questions will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.
- 22.3 A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 22.4 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 22.5 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

23 Process for dealing with Unsuitable Meeting Conduct

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

- 23.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 23.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.
- 23.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:
- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - apologising for their conduct
 - withdrawing their comments.
- 23.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 23.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.
- 23.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 23.7 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 23.2 the chairperson may make one or more of the orders below:
- an order reprimanding the councillor for the conduct
 - an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 23.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 23.9 Following the completion of the meeting, the chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting

- if it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council as suspected inappropriate conduct
- The council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.
- If the conduct of a councillor at the meeting becomes inappropriate conduct; in accordance with section 150J of the LGA, it is not required to be notified to the independent assessor and may be dealt with under section 150AG of the LGA at the next council meeting.

23.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

Note: *Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.*

24 General conduct during meetings

- 24.1 After a meeting of the council has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.
- 24.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 24.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
- 24.4 When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

25 Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government by the Independent Assessor (IA)

Pursuant to Chapter 5A, Part 3, Division 5 of the LGA (Referral of conduct to a local government) a referral from the Independent Assessor (IA) of inappropriate conduct or an instance of suspected inappropriate conduct that may arise from circumstances under paragraph 23.9 dot point two of this

document requires that the local government must complete an investigation into the alleged conduct.

25.1 The investigation must be conducted in a way that is consistent with the local government's investigation policy including:

- consistent with any recommendations from the IA, or
- In another way decided by resolution of the council.

25.2 After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a) or to a standing committee section 257(2)(b) of the LGA or for the Brisbane City Council section 238(2)(a),(b) or (c) of the COBA.

25.3 When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the IA:

25.3.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J(3)(f) of the LGR or section 242J(3)(f) of the COBR to discuss the allegation. No resolution for a decision can be made in the closed session.

25.3.2 The subject councillor has a declarable conflict of interest in the matter but is permitted to remain in the meeting (unless council decides otherwise), during the debate about whether the councillor engaged in the inappropriate conduct and answer questions from the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for the debate is conditional on the subject councillor leaving the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

25.3.3 If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.

- 25.3.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:
- delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
 - decide, by resolution, to defer the matter to a later meeting when a quorum will be present, or
 - decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- 25.3.5 If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed below, if any, to impose on the councillor. In deciding what penalty to impose the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true
- 25.3.6 The council may order that no action be taken against the councillor or make one or more of the following:
- an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - an order reprimanding the councillor for the conduct;
 - an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - an order that the councillor be excluded from a stated council meeting;
 - an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (e.g. that the councillor is ordered to resign from an appointment representing the local government on a state board or committee);
 - an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

- 25.4 In relation to a person who is no longer a councillor, a local government may not make an order that the former councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future.
- 25.5 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by council and if relevant any orders they have made.
- 25.6 The minutes of the meeting must reflect the decision made.

26 Disorder

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

Attendance and non-attendance

27 Attendance of public and the media at meeting

- 27.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 27.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

28 Closed session

- 28.1 A local government council meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section 242J(3) of the COBR:
- Appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees;
 - industrial matters affecting employees;
 - the council's budget which does not include the monthly financial statements;

- rating concessions;
- Legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government;
- matters that may directly affect the health and safety of an individual or a group of individuals;
- Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- negotiations relating to the taking of land by the council under *the Acquisition of Land Act 1967*;
- A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

28.2 A council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.

28.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the council must;

- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated,
- decide by resolution to defer the matter to a later meeting when a quorum may be available,
- decide by resolution not to decide the matter and take no further action in relation to the matter.

Note: *None of the above will be voted on during a closed session. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.*

28.4 To take a matter into a closed session the council must abide by the following process:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated

- no resolution can be made while in a closed meeting (other than a procedural resolution).

28.5 None of the above will be considered, discussed, voted on or made during a closed session.

29 Teleconferencing of meetings

29.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the local government to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a council or committee meeting by teleconference.

Note: *There is no legislative requirement for a resolution by council to allow a councillor to participate by audio link or audio visual link. This means the council may delegate the matter. For example, council may delegate to the chairperson of the council or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.*

29.2 The councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

Note: *Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.*

Model Meeting Procedures

Conduct of local government meetings and its committee meeting

Revised **November** 2023

Last updated:

Date	Version Number	Name	Approved
20 June 2023	004	P Cameron	
28 November 2023	005	P Cameron	



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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA), *Local Government Regulation 2012* (LGR), the *City of Brisbane Act 2010* (COBA) and the *City of Brisbane Regulation 2012* (COBR). However, model meeting procedures do not apply to meetings of the local government's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

Meeting Principles

Local government meetings must adhere to the following principles:

- Transparent and effective processes and decision making in the public interest
- Sustainable development management and delivery of effective services
- Democratic representation, social inclusion, and community engagement
- Good governance of, and by the local government
- Ethical and legal behaviour of councillors, local government employees and councillor advisors.

Background

Under section 150F of the LGA, the chief executive of the department of local government must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must not be inconsistent with the model procedures. If there is any inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

The model meeting procedures include the following:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI
- procedures for closing local government meetings to the public.

Application

A local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its local government meetings, standing and advisory committee meetings.

A local government's meeting procedures and standing orders must be consistent with the model meeting procedures. If there is any inconsistency with the documents, then the local government is taken to have adopted the model meeting procedures to the extent of the inconsistency.

To assist local governments the Department has published best practice example **standing orders** that local governments can choose to adopt. These are published on the departmental website.

A local government must conduct its meetings in a manner that is consistent with either the model meeting procedures, or its own standing orders provided they are consistent with sections 1-8 below of these model meeting procedures.

Processes

1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

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

- 1.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.
- 1.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under 1.7 below.
- 1.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
 - 1.3.1. Ceasing and refraining from exhibiting unsuitable meeting conduct
 - 1.3.2. Apologising for their conduct
 - 1.3.3. Withdrawing their comments.
- 1.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.

- 1.5. If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.
- 1.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required
- 1.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:
 - 1.7.1. An order reprimanding the councillor for the conduct
 - 1.7.2. An order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 1.8. If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 1.9. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.
- 1.10. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):

Note: Details of any order issued is recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next local government meeting as a suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

- 2.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.
- 2.2. The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

- 2.3. The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out in *part 5* below.
- 2.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 2.5. If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible councillors.
- 2.6. The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).
- 2.7. If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors can make an order reprimanding the chairperson for the conduct.
- 2.8. Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.
- 2.9. The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order is recorded in the minutes of the meeting. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.

3. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: *Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances under paragraph 1.9.2 of this document.*

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

Note: *The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).*

3.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.

3.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:

3.3.1. The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.

3.3.2. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.

- 3.3.3. Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under CBR section 242H and the LGR section 254H.
- 3.3.4. The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.
- 3.3.5. The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- 3.3.6. If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.
- 3.3.7. After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a councillor or the CEO of the local government if they were complainants, or any councillor who declared a COI in the matter.
- 3.4. If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:
- 3.4.1. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and

Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

3.4.2. Decide, by resolution, to defer the matter to a later meeting or

3.4.3. Decide, by resolution, not to decide the matter and take no further action in relation to the matter **unless this Act or another Act provides that the local government must decide the matter.**

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

3.5. If a decision is reached that the subject councillor has engaged in a conduct **breach**, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the councillor. In deciding what penalty to impose the **local government** may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the **local government** is reasonably satisfied is true.

3.6. The **local government** may order that no action be taken against the councillor or make one or more of the following:

3.6.1. **An order that the councillor make a public apology, in the way decided by the local government,**

3.6.2. An order reprimanding the councillor for the conduct **breach**

3.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

3.6.4. An order that the councillor be excluded from a stated **local government** meeting

3.6.5. An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)

3.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct

3.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

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

3.7. The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.

3.8. The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.

4. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA or section 177C of the COBA. When dealing with a prescribed conflict of interest, councillors must abide by the following procedures,

4.1. A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be discussed.

4.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest.

4.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:

4.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract

4.3.2. If it arises because of an application for which a submission has been made, the matters the subject of the application and submission

4.3.3. The name of any entity, other than the councillor, that has an interest in the matter

4.3.4. The nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter

4.3.5. Details of the councillor's and any other entity's interest in the matter.

4.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister to participate in the matter.

4.5. Once the councillor has left the area where the meeting is being conducted, the **local government** can continue discussing and deciding on the matter at hand.

5. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at **local government** meetings and standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA and section 177L of the COB, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

5.1. A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the other councillors may disclose their suspicion and the processes under section 150EW of the LGA or section 177T of COBA applies.

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

5.2.1. A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a **local government** meeting must also give notice during the meeting at the time when the matter is to be discussed.

5.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a **local government** meeting must inform the meeting of the conflict of interest.

5.3. When notifying the meeting of a declarable conflict of interest, a councillor should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:

5.3.1. The nature of the declarable conflict of interest

5.3.2. If it arises because of the councillor's relationship with a related party

- the name of the related party and
- the nature of the relationship of the related party to the councillor and
- the nature of the related party's interest in the matter.

- 5.3.3. If it arises because of a gift or loan from another person to the councillor or a related party:
- the name of the other person and
 - the nature of the relationship of the other person to the councillor or related party and
 - the nature of the other person's interest in the matter and
 - the value of the gift or loan and the date the gift or loan was made.
- 5.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 5.4.1. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
- 5.4.2. The other eligible councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote.
- 5.4.3. The councillor must comply with any decision or condition imposed by the eligible councillors. **The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.**
- 5.4.4. In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.
- 5.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting

and participate in deciding the matter in which the councillor has a declarable conflict of interest.

5.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:

5.6.1. How does the inclusion of the councillor in the deliberation affect the public trust

5.6.2. How close or remote is the councillor's relationship to the related party

5.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received

5.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them

5.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community

5.6.6. How does this compare with similar matters that **the local government** has decided and have other councillors with the same or similar interests decided to leave the meeting

5.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

5.7. If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.

5.8. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a **local government** meeting about the same matter e.g., workshops.

5.9. In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

5.10.A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

6. Reporting a Suspected Conflict of Interest

- 6.1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 6.2. The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 6.3. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 6.4. The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.
- 6.5. If the councillors cannot reach a decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.
- 6.6. If the belief or suspicion of a COI relates to more than one councillor. The parts 5.1 to 5.5 of these procedures must be complied with in relation to each councillor separately.

7. Loss of Quorum

7.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, all the councillors including the conflicted councillors must resolve to:

7.1.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated

7.1.2. Defer the matter to a later meeting

7.1.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

7.2. The local government must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

7.3. The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA or section 238(3) of the COBA.

7.4. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

7.4.1. The mayor or chief executive officer, or

7.4.2. A standing committee, or joint committee of the local government, or

7.4.3. The chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or

7.4.4. Another local government for a joint government activity.

7.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council

7.5. The local government may only delegate a power to make a decision about a councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:

7.5.1. The mayor or

7.5.2. A standing committee.

7.6. A **local government** may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

7.6.1. The mayor, or

7.6.2. The Establishment and Coordination Committee, or

7.6.3. A standing committee of the **local government**.

7.7. The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

8. Recording Prescribed and Declarable Conflicts of Interest

8.1. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see section 150FA of the LGA or section 177X of the COBA):

8.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest

8.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor

8.1.3. The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest

8.1.4. Any decision then made by the eligible councillors

8.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval

8.1.6. The **local government's** decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision

8.1.7. The name of each eligible councillor who voted on the matter and how each voted.

8.2. If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:

8.2.1. The name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

8.3. Where a decision has been made under section 4 above – the minutes must include:

8.3.1. The decision and reasons for the decision, and

8.3.2. The name of each eligible councillor who voted, and how each eligible councillor voted.

9. Closed Meetings

9.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section s242J(3) of the COBR:

9.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees

9.1.2. Industrial matters affecting employees

9.1.3. The local government's budget, which does not include the monthly financial statements

9.1.4. Rating concessions

9.1.5. Legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government

9.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals

9.1.7. Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government

9.1.8. Negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*

9.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

9.1.10. A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.

- 9.2. A local government meeting, standing and advisory committee meetings cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.
- 9.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the local government meeting, and the local government must resolve to:
- 9.3.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated:
- 9.3.2. Defer the matter to a later meeting when a quorum may be available
- 9.3.3. Not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 9.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 9.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).
- 9.6. To take a matter into a closed session the local government must abide by the following:
- 9.6.1. Pass a resolution to close all or part of the meeting
- 9.6.2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see section 8.1)
- 9.6.3. If it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated.
- 9.6.4. Not make a resolution while in a closed meeting (other than a procedural resolution).



Meeting Date 28th March 2024

Subject	Councillor Acceptable Requests for Information Advice Guidelines
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

The purpose of this policy is to provide clear guidelines when a Councillor asks an employee for advice, to assist them carry out their responsibilities and when they ask the CEO to provide information, that the Council has access to, relating to Council. (S.170A)

RECOMMENDATION

That Council:

Resolve to adopt the Councillor Acceptable Requests for Information Advice Guidelines Policy in accordance with and pursuant to S.170A(7) of the Local Government Act 2009

BACKGROUND

A councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under this Act.

A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

The acceptable requests guidelines are guidelines, adopted by resolution of the local government, about—

- a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
- b) reasonable limits on requests that a councillor may make.

This policy should not be used as an alternate procedure for dealing with customer enquiries. Initial customer enquiries should be directed to Council's Customer Service Centre or Executive Support Officers..

Requests for Advice or Information

Communication between Councillors and employees must:

- a) Be conducted in accordance with section 4(2) of the Local Government Act 2009 ;
- b) Comply with the law and Council policy documents;
- c) Be conducted in good faith; and
- d) Be conducted in a respectful, reasonable and professional manner.

The CEO must comply with a request made by a Councillor within 10 business days. If the CEO reasonably believes that is not practicable, they must advise of that belief and the reasons for the belief within 10 business days and then comply with 20 business days after receiving the request.

Exemptions to this Policy

In accordance with section 170A(4) of the Local Government Act 2009 Councillors may not ask for information:

- a) That is a record of the Councillor Conduct Tribunal; or
- b) That was a record of a former conduct review body; or
- c) If disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- d) That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

Councillors cannot request information which has confidential obligations under legislation and cannot be disclosed to Councillors by specific obligations imposed by that legislation (for example, the Information Privacy Act 2009, Crime and Corruption Act 2001, Public Interest Disclosure Act 2010, Food Act 2006).

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

BUDGET & RESOURCE CONSIDERATIONS

Nil budget implications

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Councillor Acceptable Requests for Information Advice Guidelines

CONSULTATION

Please consult Council's Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input type="checkbox"/>	Policy has been reviewed and upon adoption will supersede previous policies.	Council will communicate adopted policy to Councillors and staff
Inform	<input checked="" type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Minor (C2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Report Authorised By:

Renee Bester, Executive Assistant to the CEO	Ken Timms PSM, Chief Executive Officer
Date: 27th March 2024	Date: 27 th March 2024

ATTACHMENTS

Councillor Acceptable Requests for Information Advice Guidelines Policy



COUNCILLOR REQUESTS FOR INFORMATION ADVICE GUIDELINES

POLICY VERSION AND REVISION

Version History		Meeting date	
Post Election Meeting – 11 April 2016 Post Election Meeting – 15 th April 2020		28 th March 2024	
		Resolution number	
Approval by CEO			
Effective date		Review date	
28 th March 2024		28 th March 2028	
Policy Author			
Chief Executive Officer			
Current incumbent			
Ken Timms PSM			
Implementation Officer			
Chief Executive Officer			
Current incumbent		Contact number	Official file no.
Ken Timms PSM		4079 9090	



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1. PURPOSE

The primary purpose is to set out clearly the guidelines as described in sections 170, 170A, 171 and 171A of the *Local Government Act 2009* which Council must make and adopt by resolution to cover the interaction between Councillors and Employees of the Etheridge Shire Council to allow elected representatives to ask for help and advice from officers other than the Chief Executive Officer

This is to apprise Councillors of their respective roles when requesting information from employees as defined by guidelines adopted under the Local Government Act 2009 which states:-

Section 170

Giving directions to local government staff

- (1) The mayor may give a direction to the chief executive officer or senior executive employees.
- (2) No councillor, including the mayor, may give a direction to any other local government employee.

Section 170A

Requests for assistance or information

- (1) A councillor may ask a local government employee provide advice to assist the councillor carry out his or her responsibilities under this Act.
- (2) A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation -

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

(3) Subsection (2) does not apply to information -

- a) that is a record of the regional conduct review panel or the tribunal; or
- b) if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or
- c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

(4) A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.

(5) Subsection (4) does not apply to -

- a) the mayor; or
- b) the chairperson of a committee of the council if the request relates to the role of the chairperson.

(6) The acceptable requests guidelines are guidelines, adopted by resolution of the local government, About -

- a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
- b) reasonable limits on requests that a councillor may make.

Section 171

Use of information by councillors

(1) A person who is, or has been, a councillor must not use information that was acquired as a councillor to -

- a) gain, directly or indirectly, a financial advantage for the person or someone else; or
- b) cause detriment to the local government.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) Subsection (1) does not apply to information that is lawfully available to the public.

(3) 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.

Section 171A

Prohibited conduct by councillor in possession of inside information

(1) This section applies to a person (the insider) who is, or has been, a councillor if the insider -

- a) acquired inside information as a councillor; and

- b) knows, or ought reasonably to know, that the inside information is not generally available to the public.
- (2) The insider must not cause the purchase or sale of an asset if knowledge of the inside information would be likely to influence a reasonable person in deciding whether or not to buy or sell the asset. Maximum penalty—1000 penalty units or 2 years imprisonment.
- (3) The insider must not cause the inside information to be provided to another person the insider knows, or ought reasonably to know, may use the information in deciding whether or not to buy or sell an asset. Maximum penalty—1000 penalty units or 2 years imprisonment.
- (4) In this section -
- cause, in relation to an action, includes the following -
- (a) carry out the action;
 - (b) instigate the action;
 - (c) direct, or otherwise influence, another person to carry out or instigate the action.
- corporate entity means a corporation that is owned by the local government.
- inside information, in relation to a local government, means information about any of the following -
- a) the operations or finances of the local government (including any business activity of the local government) or any of its corporate entities;
 - b) a proposed policy of the local government (including proposed changes to an existing policy);
 - c) a contract entered into, or proposed to be entered into, by the local government or any of its corporate entities;
 - d) a tender process being conducted by or for the local government or any of its corporate entities;
 - e) a decision, or proposed decision, of the local government or any of its committees;
 - f) the exercise of a power, under a Local Government Act, by the local government, a councillor or a local government employee;
 - g) the exercise of a power, under an Act, by the State, a Minister, a statutory body or an employee of the State or statutory body, that affects the local government, any of its corporate entities or land or infrastructure within the local government's area;
 - h) any legal or financial advice created for the local government, any of its committees or any of its corporate entities.

2. SCOPE

This policy applies to all councillors and staff of Etheridge Shire Council.

3. POLICY STATEMENT

3.1. GENERAL PRINCIPLES

Set out below are the additional guidelines covering the interaction between Councillors and staff of Etheridge Shire Council:-

1. Every reasonable assistance will be provided to Councillors in the exercise of their role and the performance of their duties and a Councillor should not and cannot be placed in a lesser position than a member of the public in seeking general information from staff. In general terms therefore, a Councillor obviously has all the rights and abilities of a member of the public in that regard.
2. Councillors may seek help and advice from Council's Directors. The Directors are to inform the Chief Executive Officer of each request at the earliest opportunity.
3. Members of staff must not accept **direction** from Councillors and when an attempt is made by a Councillor to **direct** staff, this must be reported to the Chief Executive Officer directly or through the employee's Manager or Director so that the Chief Executive Officer can address the matter with the Councillor concerned.
4. Members of staff must not comply with requests for help or advice from Councillors which are contrary to these guidelines. Where such requests are received a report must be made to the Chief Executive Officer directly or through the Manager or Director so that the Chief Executive Officer can address the matter with the Councillor concerned.



5. In regard to a request for help or advice of a more specific nature, or to inspect/copy records of Council, or in relation to any matter which may involve the organisation in an active response (with or without cost) this should be directed through either the Chief Executive Officer, or the Directors. That officer may well then refer the Councillor to another staff member to provide the direct assistance required.
6. A Councillor seeking assistance as in paragraphs 2 & 5, from the Chief Executive Officer or Director or other specified employee must advise that officer if he or she has made a similar request for similar information from another officer.
7. Any response to the Councillor must have due regard for the provisions of the Local Government Act 2009, Council's local laws, Council Policy, the annual Budget and the nature of the environment in which we work. Staff must ensure at all time that requests for assistance which involve the expenditure of funds or the use of resources not specifically provided for in the Budget are referred to the relevant Director or the Chief Executive Officer. Other than the Mayor, who may request the Chief Executive Officer to undertake urgent works, this will involve obtaining a Council resolution to authorise the work at the earliest possible meeting of council.
8. Interaction between Councillors and Staff shall at all times, be carried out in a professional and respectful manner with due regard for each other's respective positions and in accordance with Council's Codes of Conduct and Council's Policies and procedures.
9. Any complaints received by a Councillor will be dealt with in writing through the Council's complaint management process and should not be referred to a staff member.
10. Councillors are encouraged to provide a request in writing to the Chief Executive Officer to enable the provision of an audit trail for such request and to facilitate an early reply.

4. REPORTING

There are no additional reporting requirements.

5. DEFINITIONS

Mayor - Person elected to the position of Mayor at the most recent elections or the person authorised to be acting in the role.

Councillor - Persons elected to the position of Councillor at the most recent elections (excluding the position of Mayor).

Chief Executive Officer - Person designated as or acting in the position of Chief Executive officer.

Director - Person designated as or acting in the position of a Director as indicated in the organisation Chart of Council.

Employee - Persons designated or acting in any other Council role except as stated above.

6. RELATED LEGISLATION, DOCUMENTS AND REFERENCES

Local Government Act 2009 (Qld)
Local Government Regulations 2012 (Qld)
Code of Conduct for Councillors

7. REVIEW

This policy is required to be reviewed every four years or as required by Council.



Meeting Date	28th March 2024
Subject	Appointment of Chair & Deputy Chair for the Local Disaster Management Committee
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

A local government must establish a Local Disaster Management Group (a local group) for the local government's area which is in accordance with S.29 of the Disaster Management Act 2003 and furthermore the local group has the following functions for its area—

to ensure that disaster management and disaster operations in the area are consistent with the State group's strategic policy framework for disaster management for the State;

- a) to develop effective disaster management, and regularly review and assess the disaster management;
- b) to help the local government for its area to prepare a local disaster management plan;
- c) to identify, and provide advice to the relevant district group about, support services required by the local group to facilitate disaster management and disaster operations in the area;
- d) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- e) to manage disaster operations in the area under policies and procedures decided by the State group;
- f) to provide reports and make recommendations to the relevant district group about matters relating to disaster operations;
- g) to identify, and coordinate the use of, resources that may be used for disaster operations in the area;
- h) to establish and review communications systems in the group, and with the relevant district group and other local groups in the disaster district of the relevant district group, for use when a disaster happens;
- i) to ensure information about a disaster in the area is promptly given to the relevant district group;
- j) to perform other functions given to the group under this Act;
- k) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

RECOMMENDATION

That Council:

Resolve to appoint the Mayor as the Etheridge Shire Council Local Disaster Management Group Chairperson and Cr _____ (Deputy Mayor) as the Deputy Chairperson in accordance with S.10 of the Disaster Management Regulation 2014

BACKGROUND

A local government must establish a Local Disaster Management Group (a local group) for the local government's area which is in accordance with S.29 of the Disaster Management Act 2003 and furthermore the local group has the following functions for its area— to ensure that disaster management and disaster operations in the area are consistent with the State group's strategic policy framework for disaster management for the State;

- a) to develop effective disaster management, and regularly review and assess the disaster management;
- b) to help the local government for its area to prepare a local disaster management plan;
- c) to identify, and provide advice to the relevant district group about, support services required by the local group to facilitate disaster management and disaster operations in the area;
- d) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- e) to manage disaster operations in the area under policies and procedures decided by the State group;
- f) to provide reports and make recommendations to the relevant district group about matters relating to disaster operations;
- g) to identify, and coordinate the use of, resources that may be used for disaster operations in the area;
- h) to establish and review communications systems in the group, and with the relevant district group and other local groups in the disaster district of the relevant district group, for use when a disaster happens;
- i) to ensure information about a disaster in the area is promptly given to the relevant district group;
- j) to perform other functions given to the group under this Act;
- k) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

Functions of chairperson of local group

The chairperson of a local group has the following functions—
to manage and coordinate the business of the group;

- a) to ensure, as far as practicable, that the group performs its functions;
- b) to report regularly to the relevant district group, and the chief executive of the department, about the performance by the local group of its functions.

In accordance with S.35 of the Disaster Management Act 2003, the chairperson of the local group must, after consulting with the chief executive, appoint the chief executive officer or an employee of the relevant local government as a local disaster coordinator of the group.

The chairperson of the local group may appoint a person mentioned above as a local disaster coordinator of the group only if satisfied the person has the necessary expertise or experience to be a local disaster coordinator. The appointment must be in writing and may only be revoked in writing.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

Outcome No 5.6: Council is effective in planning, preparing and responding to natural disasters.

BUDGET & RESOURCE CONSIDERATIONS

There are no budget or resource considerations contained within this report.

LEGAL CONSIDERATIONS

Disaster Management Act 2003

Disaster Management Regulation 2014

POLICY IMPLICATIONS

Not applicable

CONSULTATION

Consultation	Tick	Policy Consideration	Action
No consultation required	<input type="checkbox"/>	Not applicable	Council will communicate the relevant appointments via Council's website.
Inform	<input checked="" type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Minor (C2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Renee Bester, Executive Assistant to the CEO

Date: 27th March 2024

Report Authorised By:

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024

ATTACHMENTS

Nil



Meeting Date 28th March 2024

Subject	Council Representation on Regional Organisations and Committees
Classification	Open
Author	Ken Timms, Chief Executive Officer

EXECUTIVE SUMMARY

Council currently has membership on various organisations and committees that are aligned to Council's interests both local and regional. In the past, The Mayor and the Chief Executive Officer have been the primary attendees at these meetings along with the Deputy Mayor or another appointed Councillor depending on the membership rules.

Council may wish to consider nominating a Councillor to attend specific organization meetings and be Councils nominated representative for that organization.

RECOMMENDATION

That Council:

1. Resolve the following nominated representatives for member organisations as listed below:

Organisation	Current Appointment
Gulf Savannah Development Ltd (GSD)	Mayor & CEO
Far North Queensland Regional Road Group (FNQRRG)	Mayor & CEO
Far North Queensland Regional Organisation of Councils (FNQROC)	Mayor & CEO
North West Queensland Regional Organisation of Councils (NWQROC)	Mayor & CEO
Western Queensland Alliance of Councils (WQAC)	Mayor & CEO
Local Government Association of Queensland (LGAQ)	No representative required. Annual conference attendees are determined by resolution prior to the conference.
District Disaster Management Group	Mayor & CEO
Local Disaster Management Group	Mayor, Deputy Mayor, CEO, DES
Cairns & Hinterland Health Services	Mayor (Member)
Gulf Savannah NRM	Mayor & Councillor
Southern Gulf Catchments	Mayor
TTNQ	Mayor & CEO
Advance Cairns	Mayor
RDA (Regional Development Australia)	Mayor

2. :

Committee(s)	Current Appointment
Etheridge Biosecurity Committee	Cr. Ian Tincknell
Internal Audit Committee	Cr. Laurel Royes
Regional Arts Development Fund Committee	Cr. Seven Ryan
Sustainability Committee	Cr. Ian Carroll

BACKGROUND

Council has long continued membership to organisations that will benefit Council and the Shire of Etheridge on local and regional issues. The main organisations are listed within (1) the recommendation.

In addition, the previous Council's have established a number of Committees in accordance with Section 264 of the Local Government Regulation 2012 which are either "advisory" or "standing" committees. These committees listed within (2) the recommendation.

LINK TO CORPORATE PLAN

Corporate Aim No 5: Best practise corporate governance and organisational excellence

BUDGET & RESOURCE CONSIDERATIONS

Membership levies to these organisations will be presented as part of Council's 2024/25 Budget deliberations. Membership fees for the 2023/24 financial year have been expensed.

LEGAL CONSIDERATIONS

Local Government Act (Qld) 2009

Local Government Regulations (Qld) 2012

POLICY IMPLICATIONS

Not applicable

CONSULTATION

Please consult Council's Community Engagement Policy in conjunction with the IAP2 Spectrum for guidance.

Consultation	Tick	Policy Consideration	Action
No consultation required	<input checked="" type="checkbox"/>	Not applicable	Council will communicate the relevant appointments via Council's website.
Inform	<input type="checkbox"/>		
Consult	<input type="checkbox"/>		
Involve	<input type="checkbox"/>		
Collaborate	<input type="checkbox"/>		
Empower	<input type="checkbox"/>		

RISK ASSESSMENT

Risk Assessment Outcome: Minor (C2)

CONSEQUENCE					
LIKELIHOOD*	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost certain)	H	H	E	E	E
B (Likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

Report Prepared By:

Renee Bester, Executive Assistant to the CEO

Date: 27th March 2024

Report Authorised By:

Ken Timms PSM, Chief Executive Officer

Date: 27th March 2024

ATTACHMENTS

Nil