

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

OCTOBER 2021

Tuesday 19th October 2021, 10:30am – 5:00pm

Wednesday 20th October 2021, 9:00am – 1:00pm

Video Conference

COUNCIL ORDINARY MEETING

Tuesday 19th October 2021

Agenda Items:

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| 1. | <u>10:30am – 10:40am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>10:40am – 10:45am</u> | <u>Apologies</u> |
| 3. | <u>10:45am – 11:00am</u>
<u>11:00am – 11:20am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u>
<u>ENGINEERING – Award Tender No. TSIRC2021-345 – ICCIP Project #</u>
<u>14, 45, 49 & 69 Mabuiag, Iama, Kubin & St Pauls Reservoir Upgrades</u> |
| 4. | <u>11:20am – 11:40am</u> | <u>ENGINEERING – Award Tender No. TSIRC2021-351 – ICCIP Project #</u>
<u>45 & 69 – RFQ Kubin and St Pauls Wells Renewal</u> |
| 5. | <u>11:40am – 12:00pm</u> | <u>CORPORATE – Community Grants Program Allocation – October 2021</u> |
| 6. | <u>12:00pm – 12:30pm</u> | <u>CORPORATE – Policy Matter – Meeting Policies</u> |

LUNCH 12:30pm – 1:30pm

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| 7. | <u>1:30pm – 1:50pm</u> | <u>OCEO – Change to Council Meeting Dates</u> |
| 8. | <u>1:50pm – 1:50pm</u> | <u>COUNCIL MOVES INTO CLOSED BUSINESS</u> |
| 9. | <u>1:50pm – 2:30pm</u> | <u>MAYOR – CEO Recruitment Update</u> |
| 10. | <u>2:30pm – 2:45pm</u> | <u>LEGAL – Appointment of acting CEO</u> |
| 11. | <u>2:45pm – 3:15pm</u> | <u>BUILDING SERVICES – BSU Update</u> |

AFTERNOON TEA 3:15pm – 3:30pm

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| 12. | <u>3:30pm – 4:00pm</u> | <u>BUILDING SERVICES – Asbestos</u> |
| 13. | <u>4:00pm – 4:30pm</u> | <u>FINANCE – Monthly Financial Report</u> |
| 14. | <u>4:30pm – 4:55pm</u> | <u>ENGINEERING – Award of Contract No. TSIRC 2021-350 – Mer Island</u>
<u>Aerodrome Fencing Replacement Works</u> |
| 15. | <u>4:55pm – 4:55pm</u> | <u>COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN</u>
<u>OPEN COUNCIL</u> |
| 16. | <u>4:55pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING
Wednesday 20th October 2021
Agenda Items:

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|---|--------------------------|--|
| 17. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer.</u> |
| 18. | <u>9:05am – 9:15am</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none">• 21st and 22nd September 2021 |
| 19. | <u>9:15am – 9:25am</u> | <u>Confirmation of Previous SARG Meeting Minutes</u> <ul style="list-style-type: none">• 08th October 2021 |
| 20. | <u>9:25am – 9:40am</u> | <u>Confirmation of Previous Culture, Arts, Land and Heritage Committee Meeting Minutes</u> <ul style="list-style-type: none">• 12th February 2021• 27th August 2021 |
| 21. | <u>9:40am – 9:50am</u> | <u>Confirmation of Previous Economic Growth Committee Meeting Minutes</u> <ul style="list-style-type: none">• 26th August 2021 |
| 22. | <u>9:50am – 10:10am</u> | <u>Outstanding Council Ordinary Meeting Action Items</u> |
| <u>MORNING TEA – 10:10am – 10:30am</u> | | |
| 23. | <u>10:10am – 10:30am</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none">• Executive Director, Communities and Building Services - Housing Authority (verbal) |
| 24. | <u>10:30am – 10:40am</u> | <u>Next Council Meeting dates – 15th and 16th November 2021 – Nintiringanyi Indigenous Corporation - Cairns</u> |
| 25. | <u>10:40am – 11:00am</u> | <u>Business Arising from Information Reports</u> |
| 26. | <u>11:00am – 11:55am</u> | <u>Strategic Matters</u> |
| 27. | <u>11:55am – 12:00pm</u> | <u>Closing Remarks and Prayer</u> |



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2021
DATE:	19 & 20 October 2021
ITEM:	Agenda Item for <u>Resolution</u> by Council
SUBJECT:	Award Tender No. TSIRC2021-345 – ICCIP Project # 41,45, 49 & 69 Mabuiag, Iama, Kubin & St Pauls Reservoir Upgrades
AUTHOR:	Daniel Harrington – Senior Project Engineer, Capital Works

Recommendation:

That;

Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Subject to confirmation of a funding timeline extension granted, Award Tender No. TSIRC2021-345 ICCIP Project #41, 45, 49 & 69 – Mabuiag, Iama, Kubin & St Pauls Reservoir Upgrades Project to M&J Arthur Ltd Pty for the amount of \$2,907,200.00 excl. GST;
- Negotiate, finalise, and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award Tender No. TSIRC2022-345, ICCIP Project #41, 45, 49 & 69 – Mabuiag, Iama, Kubin & St Pauls Reservoir Upgrades Project to M&J Arthur Ltd Pty for the value of \$2,907,200.00 excl. GST.

The project is funded by the Queensland Government through the Indigenous Critical Communities Infrastructure Program (ICCIP).

Background:

ICCIP is a one-off funding program, administered by the Queensland Government - State Development, Infrastructure, Local Government and Planning. The Grantee for the Mabuiag, Iama, Kubin & St Pauls Reservoir Upgrades is the Torres Strait Island Regional Council (TSIRC).

The Reservoir Renewal involves remediation of the town water supply reservoirs at Mabuiag, Iama (Large & Small Reservoir), Kubin and St Pauls. Due to their age, all listed reservoirs are in poor structural condition. These reservoirs are the main source of treated water storage at these communities, and it is critical that the structural and operational integrity of these systems are maintained.

Works Scope:

The scope of works includes the supply of materials and labour to refurbish the reservoirs at Mabuiag, Iama, Kubin and St Pauls. The works include but are not limited to;

- Mobilisation of the contractor to each community (site)
- Establish temporary tank system (Mabuiag only)

- Removal and replacement of reservoir roof (Mabuiag and Iama Small Reservoir only)
- Preparation of reservoir surfaces, removal of deteriorated concrete and remediate with epoxy mortar
- Remediation of cable anchor blocks
- Removal and replacement of external ladder structures
- Disposal of all redundant equipment and material offsite;
- QA testing;
- As constructed drawings; and
- Demobilisation from each community (site).

Funding

The ICCIP funding deadline is 30th June 2022. The M&J Arthur submitted tendered project Schedule of 221 construction days, excluding any unknown delays. There is a possibility that the project will extend past the funding period, as such a funding extension is currently being sought by TSIRC for this project. Therefore, approval of this tender at the October 2021 Council Ordinary Meeting is critical. Note if Council provide approval at the October Ordinary meeting a funding extension inline with the project schedule would still need to be granted before TSIRC would award the contract to M&J Arthur.

Based on the M&J Arthur price there is a sufficient budget available through ICCIP for the entirety of the project.

The anticipated project schedule is not inclusive of any unknown delays associated with impacts due to Covid 19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC's Project Manager accordingly.

Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC2021-345.

Table 1 below outlines the Tendering process undertaken for Tender No. TSIRC 2021-345.

Description	Details
Advertising	VendorPanel Website
Advertised Date	16 th August 2021
Tender Site Inspection	7 th September 2021
Tenders Due	5pm Friday 24 th September 2021
Tender Period	6 weeks
Tenders received	One (1) tenders were received by TSIRC.

Table 1 – Details of the tendering and procurement process

At the close of the public tender process on 24th September 2021, Council received one (1) conforming submissions from the following company:

- M&J Arthur Pty Ltd

A value-based assessment was undertaken for the tender by:

- Daniel Harrington – Senior Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Luke La Spina – Engineer (MAL Engineers Pty Ltd)

At the completion of the assessment, the evaluation panel considered the offer from M&J Arthur a value for money submission. M&J Arthurs recent experience on TSIRC's water and wastewater projects in the Torres Strait region, and experience on similar reservoir projects within the Cairns Tablelands region favourably addressed the requirements of the project.

Considerations

Risk Management

Schedule risk - delaying approval of this project at the October 2021 Council Ordinary Meeting will directly impact the commissioning schedule and risk funding approval.

Council Finance

The project is fully funded by ICCIP.

A provision of costs not attributed to the scope proposed to be awarded to M&J Arthur is allocated for under the project funding.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion

Based on the Tender Assessment, it is recommended that Council should:

- Award Tender No. TSIRC2021-345 to M&J Arthur Pty Ltd for the amount of \$2,907,200.00 (excl. GST); and
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into a contract, negotiate, finalise and execute any and all matters associated in relation to this project, subject to Council's procurement policies and practices.



Author:

Daniel Harrington
Senior Project Engineer



Recommended:

David Baldwin
Acting Chief Executive Officer



Endorsed:

Adeah Kabai
Acting Executive Director – Engineering
Services/Chief Engineer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2021
DATE:	19 & 20 October 2021
ITEM:	Agenda Item for <u>Resolution</u> by Council
SUBJECT:	Award Tender No. TSIRC2021-351 – ICCIP Project #45 & 69 - RFQ Kubin & St Pauls Wells Renewal
AUTHOR:	Daniel Harrington – Senior Project Engineer, Capital Works

Recommendation:

That;

Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Award Tender No. TSIRC2021-351 ICCIP Project #45 & #69 – Kubin & St Pauls Wells Renewal Project to Northern Water Ltd Pty for the amount of \$713,156.90 excl. GST;
- Negotiate, finalise, and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations as per Council's procurement policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award Tender No. TSIRC2021-351, ICCIP Project #45 & #69 – Kubin & St Pauls Wells Renewal to Northern Water Ltd Pty for the value of \$713,156.90 excl. GST.

The project is funded by the Queensland Government through the Indigenous Critical Communities Infrastructure Program (ICCIP).

Background:

ICCIP is a one-off funding program, administered by the Queensland Government - State Development, Infrastructure, Local Government and Planning. The Grantee for the Kubin & St Pauls Wells Renewal is the Torres Strait Island Regional Council (TSIRC).

The Kubin & St Pauls Wells Renewal involves renewing Wells 1 & 4 at St Pauls, and Twin Springs Well Kubin. Both existing wells are in poor condition and have required ongoing temporary maintenance in recent years to keep them operational. These wells are the main source of water supply to both communities. Therefore, it is critical that the wells operate efficiently in both communities to fill the covered water lagoons.

Works Scope:

The scope of works includes the supply of plant, materials and labour to renew the wells at Kubin and St Pauls. The works include but are not limited to;

- Mobilisation to site
- Decommissioning and removal of the existing pipework, switchboards, valving and pumps.
- Install new fencing, pipework, valves, pumps, switchboards and telemetry at both sites.
- Disposal of all redundant equipment and material offsite;

- QA testing;
- As constructed survey; and
- Demobilisation from site.

Funding

The ICCIP funding deadline is 30th June 2022. Based on the project scope it is anticipated that the works will be completed in conjunction with Contract No. TSIRC2019-207 ICCIP Project #45 & #69 – Kubin & St Pauls Weirs Renewal in late November 2021. There is a sufficient budget available through ICCIP for the project.

The anticipated project schedule is not inclusive of any unknown delays associated with impacts due to Covid 19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRCs Project Manager accordingly.

Procurement Process:

Northern Water was approached on 13th September 2021 to seek interest and pricing noting Northern Water have been awarded Contract No. TSIRC2019-207 ICCIP Project #45 & #69 – Kubin & St Pauls Weirs Renewal at the August 2021 Council Ordinary Meeting, and there were expected savings in project efficiencies to engage them for these works. There are also time pressures to have the well works completed before the 2021-2022 wet season.

Table 1 below outlines Northern Waters Tendered price.

Tenderer	Amount of tender (Excl. GST)
Northern Water	\$713,156.90

Table 1

Note: Northern Water is pre-qualified with Council under the Trade Services RoPS 2029-208. In accordance with Council's procurement policy and the Local Government regulations 2012, Northern Water can be engaged directly with Council Resolution for works over \$200,000.00

A value-based assessment was undertaken for the quote by:

- Daniel Harrington – Senior Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Luke La Spina – Engineer (MAL Engineers Pty Ltd)

At the completion of the assessment, the evaluation considered the offer from Northern Water as high value for money submission. Northern Water's previous experience on similar TSIRC water and wastewater projects in the Torres Strait region favourably addressed the requirements of the project, and their submission was significantly lower in cost than the other recent submissions for similar type works at Mua (Weir Renewals).

Considerations

Risk Management

Schedule risk - delaying Council Resolution at the October 2021 Council Ordinary Meeting will directly impact the commissioning schedule and Value for Money opportunities.

Council Finance

The project is fully funded by ICCIP.

A provision of costs not attributed to the scope proposed to be award to Northern Water is allocated for under the project funding.

Consultation:

- Councillors as appropriate
- Funding body
- ICCIP Program Manager

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion

Based on the Tender Assessment, it is recommended that Council should:

- Award Tender No. TSIRC2021-351 ICCIP Project #45 & #69 – Kubin & St Pauls Wells Renewal Project to Northern Water Ltd Pty for the amount of \$713,156.90 excl. GST
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into a contract, negotiate, finalise and execute any and all matters associated in relation to this project, subject to Council's procurement policies and practices.

Author:

Daniel Harrington
Senior Project Engineer

**Endorsed:**

Adeah Kabai
Executive Director – Engineering Services

**Recommended:**

David Baldwin
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2021
DATE:	19-20 October 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – October 2021
AUTHOR:	Kim Kelly, Team Leader – Service Delivery

Recommendation:

Council resolves to allocate Community Grants Program funding to the following applicants in accordance with the Community Grants Policy:

Community Grant Applications:

- All Saints Anglican Church for the eligible amount of \$1,000.00 exclusive of GST, as per the submitted application.

Regional Grant Applications:

- Malu Kiwai for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application, noting that Malu Kiwai previously applied for \$10,000 financial assistance under Council's Community Grant Program, with Council resolving to allocate \$2,500.00.
- MGK TSI Corporation for the eligible amount of \$2,404.00 exclusive of GST, as per the submitted application.

Executive Summary:

In line with Council's Community Grants Policy, which was endorsed by Council at the July 2020 Ordinary Meeting, and further advice provided by MacDonnell Law, community grant applications must be decided on one occasion at any time during the month.

Background:

For the month of September one (1) community grant application and two (2) regional grant applications meeting the eligibility requirements were received.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Community Grant Policy. An acknowledgement of each application being received and assessed as compliant was issued to the applicants.

The three (3) applications, which meet eligibility requirements, are:

Applicant	Project	Location
Community Grants		
All Saints Anglican Church	Contribution towards costs associated with catering for All Saints Church Day Celebration	Erub
Community Grants		
Malu Kiwai	Contribution towards costs associated with participating in the Dan Ropeyan Cup	Boigu
MGK TSI Corporation	Contribution towards costs associated with hosting Annual Mens Gathering	Mabuiag

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under the People and Prosperity pillars of Council's Corporate Plan.

Finance & Risk:

No financial risk identified as the allocation is within existing Community Grants budget.

Sustainability:

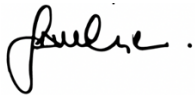
N/A

Statutory Requirements:

Local Government Act 2009

Conclusion:

That Council resolves to provide Community Grant support to the eligible applicant in accordance with the Community Grants policy.

**Endorsed:**

Luke Ranga
Head of Corporate Affairs

**Approved:**

David Baldwin
Acting Chief Executive Officer

**Recommended:**

Megan Barrett
Interim Executive Director, Corporate Services

Attachment: Fund balances

Attachment: Fund Balances (after payment of September approved applications)

Division	Councillor	Budget	Less approved funding	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$14,199.80	\$10,800.20
Hammond	Cr. Dorante	\$25,000.00	\$7,000.00	\$18,000.00
St Pauls	Cr. Levi	\$25,000.00	\$11,500.00	\$13,500.00
Ugar	Cr. Stephen	\$25,000.00	\$0.00	\$25,000.00
Badu	Cr. Nona	\$25,000.00	\$13,580.00	\$11,420.00
Dauan	Cr. Elisala	\$25,000.00	\$0.00	\$25,000.00
Erub	Cr. Gela	\$25,000.00	\$0.00	\$25,000.00
Iama	Cr. Lui	\$25,000.00	\$10,000.00	\$15,000.00
Kubin	Cr. Trinkoon	\$25,000.00	\$0.00	\$25,000.00
Mabuiag	Cr. Fell	\$25,000.00	\$0.00	\$25,000.00
Mer	Cr. Noah	\$25,000.00	\$2,000.00	\$23,000.00
Poruma	Cr. Pearson	\$25,000.00	\$0.00	\$25,000.00
Saibai	Cr. Tabuai	\$25,000.00	\$6,999.61	\$18,000.39
Warraber	Cr. Tamu	\$25,000.00	\$15,000.00	\$10,000.00
Yorke	Cr. Mosby	\$25,000.00	\$8,099.05	\$16,900.95
Mayor	Cr. Mosby	\$30,000.00	\$0.00	\$30,000.00
Regional Grant		\$50,000.00	\$0.00	\$50,000.00
		\$455,000.00	\$88,378.46	\$366,621.54



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	October 2021
DATE:	19-20 October 2021
ITEM:	Agenda Item for Resolution
SUBJECT:	Policy Matter – Meeting Policies
AUTHOR:	Mette Nordling, Manager of Governance and Compliance

Recommendation:

That Council resolve to:

1. amend the Torres Strait Island Regional Council's Meeting Procedure Policy and Standing Orders Policy previously endorsed by Council at its Ordinary Meeting in November 2020 in the terms presented to Council at today's Ordinary Meeting and endorse the same
and
2. delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policies, including the power to make any further minor administrative amendments to the policies as they arise.

Executive Summary:

In accordance with *Local Government Act 2009* and the *Local Government Regulation 2012* Council is required to have a number of written policies and procedures. Regular monitoring and review of these are necessary to reflect legislative changes and to continuously improve Council governance.

Council's Meeting Procedure Policy is based on the Model Meeting Procedure provide by the then Department of Local Government, Racing and Multicultural Affairs and the Standing Orders Policy is based on the Best Practice Meeting Standing Orders also provided by the same Department.

Only minor changes have been made to both policies at this time to reflect the expiry of the provisions relating to COVID-19 and the general provisions relating to meetings conducted via teleconference have been updated.

Background

Following the Crime and Corruption Commission Operation Belcarra report, which was released in October 2017, stage 1 of the Local Government reform was introduced with the assent to the *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018* (the Amendment Act). This first stage introduced the Councillor complaints framework including:

- introducing a uniform Code of Conduct for Councillors in Queensland
- model meeting procedures for meeting behaviour
- amendment of the publicly available councillor conduct register
- creation of the Office of the Independent Assessor
- new annual report requirements.

In November 2019 the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019* was introduced to Parliament, including:

- changes to register of interest requirements
- new and clarified conflict of interest requirements
- new requirements for political advisors.

Regulatory changes took effect from October 2020 and included:

- improved transparency through changes for meeting agendas, minutes, and closed meetings
- Councils being required to consult with the community on their budgets
- strengthening the requirements on the use of council-controlled entities.

The reforms strengthen the transparency, accountability and integrity measures that apply to the system of local government in Queensland with renewed focus on the five Local Government principles with which Councillors must comply while performing their roles as elected representatives.

These principles are:

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

Comment:

Section 150G of the *Local Government Act 2009* provides that Council must adopt either the model meeting procedures or other procedures for the conduct of its meetings. If the local government prepares other procedures, they must not be inconsistent with the model procedures.

The then, Department of Local Government, Racing and Multicultural Affairs, made a model meeting procedure for Councils to adopt following the introduction of this requirement. This is the policy originally adopted by Council.

The Department also provided a Best Practice Meeting Standing Orders template which Council also adopted.

Consultation:

Department of State Development, Infrastructure, Local Government and Planning.

Links to Strategic Plans:

This policy strategically aligns to specific delivery objectives under all 3 pillars of Council's Corporate Plan, being *People, Sustainability* and *Prosperity*.

Risk:

There is a risk to Council, if Council does not endorse the updated policies, as the current policies have expired.

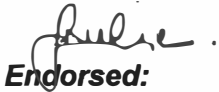
Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council endorse the amended policies and delegates to the Chief Executive Officer to make further minor administrative amendments as they arise.

**Endorsed:**

Luke Ranga

Head of Corporate Affairs

**Recommended:**

Megan Barrett

Interim Director Corporate Services

**Approved:**

David Baldwin

A/Chief Executive Officer

Attachments:

- Amended Meeting Procedures Policy
- Amended Standing Orders Policy

Meeting Procedure Policy

Responsible Manager	Head of Corporate Affairs
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by	Council
Authorised on	October 2021
Implemented from	October 2021
Last reviewed	October 2021
Review history	2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
To be reviewed on	October 2023
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

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 council meetings, standing and advisory committee meetings as defined in the *Local Government Regulation 2012* (LGR). However, model meeting procedures do not apply to meetings of the Council'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 council to deal with the conduct of councillors in meetings.

2. Scope/Application

A Local Government must either adopt the Model Meeting Procedures provided by the Department of Local Government, Racing and Multicultural Affairs 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.

A Local Government must conduct its meetings in a manner that is consistent with either the Model Meeting Procedures or its own procedures.

3. Provisions/Legal/Policies

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

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

4. 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 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:

- 4.1. The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 4.2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to 4.7 for the steps to be taken.
- 4.3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - 4.3.1. Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct

- 4.3.2. Apologising for their conduct
- 4.3.3. Withdrawing their comments.
- 4.4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 4.5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- 4.6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 4.7. 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 4.3, the chairperson may make one or more of the orders below:
 - 4.7.1. an order reprimanding the Councillor for the conduct
 - 4.7.2. 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.
- 4.8. 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.
- 4.9. Following the completion of the meeting, the Chairperson must ensure:
 - 4.9.1. details of any order issued is recorded in the minutes of the meeting
 - 4.9.2. if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are dealt with at the next meeting of the Council and treated as inappropriate conduct
 - 4.9.3. the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Conduct Register.
- 4.10. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 4.1, 4.7 and 4.8 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 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.

5. Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government by the IA

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government), a referral from the Independent Assessor of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 4.9.2 of this document.

In either case, the council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and

- consistent with the council's investigation policy; or
- in another way decided by resolution of the council.

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

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

- 5.1. 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 of the LGR to discuss the allegation.
- 5.2. The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor 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 committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.
- 5.3. Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 7. 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 7. 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.
- 5.4. 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 matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
- 5.5. 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 in 5.6, 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.
- 5.6. The Council may order that no action be taken against the Councillor or make one or more of the following:
 - 5.6.1. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - 5.6.2. an order reprimanding the Councillor for the conduct

- 5.6.3.an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
- 5.6.4.an order that the Councillor be excluded from a stated Council meeting
- 5.6.5.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, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee
- 5.6.6.an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
- 5.6.7.an order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- 5.7. A Local Government may not make an order under 5.6.3; 5.6.4; 5.6.5; 5.6.6 in relation to a person who is no longer a councillor.
- 5.8. 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 details of the decision
- 5.9. The Local Government must ensure the meeting minutes reflect the resolution made.

6. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 6.1. A Councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting:
- 6.2. 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.
- 6.3. When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - 6.3.1.if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - 6.3.2.if it arises because of an application or submission, the subject of the application or submission
 - 6.3.3.the name of any entity, other than the councillor, that has an interest in the matter
 - 6.3.4.the nature of the councillor's relationship with the entity that has an interest in a matter
 - 6.3.5.details of the councillor's and any other entity's interest in the matter.
- 6.4. 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 from the Minister to participate in the matter.
- 6.5. Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

7. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters). 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 may disclose their suspicion and the processes under section 150EW of the LGA applies. When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

- 7.1. 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.
- 7.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 7.3. 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 minimum details must be provided:
 - 7.3.1. the nature of the declarable conflict of interest
 - 7.3.2. if it arises because of the councillor's relationship with a related party:
 - (i) the name of the related party to the councillor
 - (ii) the nature of the relationship of the related party to the councillor
 - (iii) the nature of the related party's interest in the matter
 - 7.3.3. 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
 - (ii) the nature of the relationship of the other person to the councillor or related party
 - (iii) the nature of the other person's interest in the matter
 - (iv) the value of the gift or loan and the date the gift or loan was made.
- 7.4. 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.
- 7.5. 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.
- 7.6. The other 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 they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted 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 non-conflicted councillors

- 7.7. 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 less than a quorum for the meeting consistent with section 150ET of the LGA.
- 7.8. 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 other 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.
- 7.9. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to:
 - 7.9.1. how does the inclusion of the councillor in the deliberation affect the public trust
 - 7.9.2. how close or remote is the councillor's relationship to the related party
 - 7.9.3. if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - 7.9.4. 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
 - 7.9.5. how does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - 7.9.6. how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - 7.9.7. whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 7.10. If the non-conflicted 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 non-conflicted councillors discuss and vote on the matter.
- 7.11. 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 non-conflicted 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 council meeting about the same matter e.g. briefing sessions or workshops.
- 7.12. In making the decision under 7.6 and 7.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 7.13. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister.

8. Reporting a Suspected Conflict of Interest

- 8.1. 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 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.
- 8.2. 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.
- 8.3. 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.
- 8.4. The non-conflicted 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.
- 8.5. If the councillors cannot reach a majority decision then they are taken to have determined that the councillor has a declarable conflict of interest.

9. Loss of quorum

- 9.1. 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, pursuant to section 257 of the LGA; or
 - defer the matter to a later meeting
 - not to decide the matter and take no further action in relation to the matter. All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.
- 9.2. 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.
- 9.3. If the matter cannot be delegated under an Act, the council should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

10. Recording prescribed and declarable conflicts of interest

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 of the relevant details of how the conflict of interest was dealt with, being:

- 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 councillor who voted on the matter and how each voted
- 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
- where a decision has been made under section 7.6 above – 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.

11. Closed meetings

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, for senior executive employees
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- 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 council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A council meeting, standing and advisory 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.

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 matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

None of the above will be considered, discussed, voted on or made 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. To take a matter into a closed session the council must abide by the following:

- 11.1. Pass a resolution to close the meeting.
- 11.2. 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.
- 11.3. 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.
- 11.4. Not make a resolution while in a closed meeting (other than a procedural resolution).

12. Teleconferencing meetings

12.1. A Council or committee meeting may be held via teleconference.

12.2. When a Council or committee meeting is held by teleconference or a person takes part in a meeting by tele- or videoconference the local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website. This does not apply during a closed session.

~~12.1.~~12.3. If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The chairperson may allow a councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.

~~12.2.~~12.4. A 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.

~~12.3. In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.~~

~~These provisions allow the council:-~~

- ~~• the option to conduct the entire council meeting via phone, teleconference or video conference~~
- ~~• where possible, that they must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the council's public offices or on the council's website~~

- ~~• chairperson the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.~~

Manager Responsible for Review:

Head of Corporate Affairs

Adoption:

xx October 2021

Due for Revision:

October 2023

Chief Executive Officer

Standing Orders Policy

Responsible Manager:	Head of Corporate Affairs
Head of power:	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by:	Council
Authorised on:	xx October 2021
Implemented from:	October 2021
Last reviewed:	October 2021
Review history:	2020
To be reviewed:	October 2023
Corporate Plan:	People, Sustainability and Prosperity

1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the conduct of local government meetings and committee meetings.

To assist local governments, the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings.

2. Application

This policy applies to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.

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.

Where a matter arises at the local government meeting that is not provided for in these standing orders, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* (LGA), the *Local Government Regulation 2012* (LGR) and other guiding documents adopted by Council to ensure the orderly and proper conduct of meetings of the local government and its committees.

The Council has an obligation to act in accordance with the local government principles set out at Section 4 of the *Local Government Act 2009*, namely:

- a) transparent and effective processes, and decision-making in the public interest; and
- b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c) democratic representation, social inclusion and meaningful community engagement; and
- d) good governance of, and by, local government; and
- e) ethical and legal behaviour of Councillors and local government employees

4. Presiding Officer

4.1 The Mayor will preside at a meeting of Council.

4.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.

4.3 If both the Mayor and the Deputy Mayor, or the Mayors' delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

4.4 Council will choose the Chairperson for a Committee meeting. This Chairperson will

normally preside over meetings of the Committee.

- 4.5 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.
- 4.6 Before proceeding with the business of the Council meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

5. Order of Business

- 5.1 The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
- 5.2 Unless otherwise altered, the order of business shall be as follows:
 - attendances
 - apologies and granting of leaves of absence
 - confirmation of Minutes
 - 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.

6. Agendas

- 6.1 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 to Council referred to the meeting by the Chief Executive Officer
 - Officers' reports to Council referred to the meeting by the Chief Executive Officer
 - Deputations and delegations from the community that are approved to attend
 - Any other business Council determines by resolution be included in the agenda paper.
- 6.2 Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any meeting unless permission for that purpose is given by Council at the meeting. Business must be in accordance with the adopted Terms of Reference for each Committee.

- 6.3 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. The related reports for the local government meeting must also be included and available to the public excluding confidential reports.
- 6.4 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

7. Petitions

- 7.1 Any petition presented to a meeting of Council 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.
- 7.2 Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is:
- that the petition be received;
 - received and referred to a committee or officer for consideration and a report to Council; or
 - not be received because it is deemed invalid.
- 7.3 Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

8. Deputations

- 8.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than seven (7) business days before the meeting.
- 8.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).
- 8.3 For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 8.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- 8.5 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 staff members.

- 8.6 The Chief Executive Officer is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

9. Public participation at meetings

- 9.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 9.2 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. The time allotted shall not exceed fifteen (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.
- 9.3 If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 9.4 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.
- 9.5 Any person addressing the local government shall stand, and act and speak with decorum and frame any remarks in respectful and courteous language.
- 9.6 Any person who is considered by the local government or the Mayor to be unsuitably dressed may be directed by the Mayor or chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

10. 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). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 10.1 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 10.2 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 the interest.
- 10.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
- if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - if it arises because of an application or submission, the subject of the application or submission
 - the name of any entity other than the Councillor that has an interest in the matter
 - the nature of the Councillor's relationship with the entity that has an interest in a

- matter
 - details of the Councillor's and any other entity's interest in the matter.
- 10.4 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 from the Minister to participate in the matter.
- 10.5 Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

11. 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 ordinary business matters).

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 may disclose their suspicion and the processes under section 150EW of the LGA.

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

- 11.1 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.
- 11.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must inform the meeting of the conflict of interest
- 11.3 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
 - (ii) the nature of the relationship of the related party to the Councillor
 - (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
 - (ii) the nature of the relationship of the other person to the Councillor or related party
 - (iii) the nature of the other person's interest in the matter
 - (iv) the value of the gift or loan and the date the gift or loan was made.
- 11.4 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.
- 11.5 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.

- 11.6 The other non-conflicted 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 they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted 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 non-conflicted Councillors.
- 11.7 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 those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- 11.8 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 other 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.
- 11.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other 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 the public trust
 - how close or remote is the Councillor's relationship to the related part
 - 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 does the benefit or detriment the subject Councillor stands to receive compare to others in the community
 - how does this compare 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.
- 11.10 If the non-conflicted 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 non-conflicted Councillors discuss and vote on the matter.
- 11.11 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 all 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 non-conflicted 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 Council

meeting about the same matter e.g. briefing sessions or workshops.

11.12 In making the decision under 9.6 and 9.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

11.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

12. Reporting a suspected conflict of interest

12.1 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 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.

12.2 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 Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.

12.3 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.

12.4 The non-conflicted 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 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.

12.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

13. Loss of quorum

13.1 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, pursuant to section 257 of the LGA
- defer the matter to a later meeting
- not decide the matter and take no further action in relation to the matter.

13.2 All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

13.3 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.

13.4 If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

14. Motions to be moved

- 14.1 A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
- 14.2 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
- 14.3 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 Council in accordance with the *Local Government Act 2009* or these Standing Orders shall 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.
- 14.4 The Chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is taken 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 occur.
- 14.5 Not 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.

15. Absence of Mover of Motion

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

16. Motions to be Seconded

- 16.1 A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

17. Amendment of Motion

- 17.1 An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- 17.2 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- 17.3 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

18. Speaking to motions and amendments

- 18.1 The mover of a motion or amendment shall read it and shall state that it is so moved but will not speak to it until it is seconded.
- 18.2 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 Councillor who wishes 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.
- 18.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 18.4 The mover of a motion or an 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.
- 18.5 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 18.6 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 18.7 In accordance with Section 254H of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

19. Method of taking vote

- 19.1 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. 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 minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 19.2 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- 19.3 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.

Note: If a report contains distinct recommendations, the decision of 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.

20. Withdrawing a motion

- 20.1 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.

21. Repealing or amending resolutions

- 21.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.
- 21.2 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 will not be longer than three (3) months.

22. Procedural motions

- 22.1 A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move the following motions, as a procedural motion, without the need for a seconder:
- that the question/motion be now put
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceeds to the next item of business
 - that the question lies on the table
 - a point of order
 - a motion of dissent against the Chairpersons decision
 - that this report/document be tabled
 - to suspend the rule requiring that (insert requirement)
 - that the meeting stands adjourned.
- 22.2 A procedural motion, that 'the question be put', may be moved and where such a procedural motion is carried, the Chairperson shall immediately 'put the question to the motion' or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- 22.3 The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:
- a further motion may be moved to specify such a time or date, or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 22.4 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 shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- 22.5 A procedural motion, that the question lie on the table, shall 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 Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The 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.
- 22.6 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 Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

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.

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

22.7 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 shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Whereas a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.

22.8 The motion, that this 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.

22.9 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 shall specify the duration of such a suspension.

22.10A 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 shall 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 shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

23. Questions

23.1 A Councillor may at the Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question 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. 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.

23.2 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.

23.3 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.

24. 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:

- 24.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 24.2 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, proceed to step 23.7.
- 24.3 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.
- 24.4 If the Councillor complies with the chairperson's request for remedial action, no further action is required. 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.
- 24.5 If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 24.6 If the Councillor still continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 22.3, 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.
- 24.7 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.
- 24.8 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 and treated as inappropriate conduct
- 24.9 the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor conduct register. Any Councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 24.1, 24.7 and 24.8 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.

25. General conduct during meetings

- 25.1 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.
- 25.2 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.
- 25.3 No Councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another Councillor.
- 25.4 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.

26. 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, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 24.9 dot point two of this document.

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

- 26.1 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 of the LGR to discuss the allegation.
- 26.2 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor 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 committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- 26.3 Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 11. If the complainant Councillor who has a declarable 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 11. 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.

26.4 The Council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.

26.5 If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 26.6, 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.

26.6 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, for example 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.

26.7 A local government may not make an order that the 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, in relation to a person who is no longer a Councillor.

26.8 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 details of the decision.

26.9 The chairperson must ensure the meeting minutes reflect the resolution made.

27. Disorder

27.1 The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a Councillor. 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.

28. Attendance of public and the media at meeting

- 28.1 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.
- 28.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded.

29. Closed session

- 29.1 Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
- appointment, dismissal or discipline of the Chief Executive Officer
 - industrial matters affecting employees
 - the Council's budget
 - rating concessions
 - legal advice obtained by the Council, including legal proceedings that may be taken by or against the Council
 - 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 Council for which a public discussion could prejudice the interests of the Council
 - negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
 - a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.
- 29.2 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.
- 29.3 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 matter
 - decide by resolution to defer to a later meeting
 - decide by resolution to take no further action on the matter.

Note: None of the above will be considered, discussed, voted on or made 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.

- 29.4 To take a matter into a closed session the Council must abide by the following:

- 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
- not make a resolution while in a closed meeting (other than a procedural resolution).

30. Teleconferencing of meetings

30.1 A Council or committee meeting may be held via teleconference.

30.2 When a Council or committee meeting is held by teleconference or a person takes part in a meeting by tele- or videoconference the local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website. This does not apply during a closed session.

~~30.1~~ If a Councillor wishes to be absent from a Council meeting place during a meeting, the Councillor must apply to the chairperson 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 chairperson may allow a Councillor to participate in a Council or committee meeting by teleconference.

~~30.2~~ 30.3 A 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.

~~30.3 In order for Councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.~~

~~30.4 These provisions allow the Council:~~

- ~~• the option to conduct the entire Council meeting via phone, teleconference or video conference~~
- ~~• where possible, must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the Council's public offices or on the Council's website~~
- ~~• chairperson has the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.~~

Manager Responsible for Review:

Head of Corporate Affairs

Adoption: October 2021

Due for Revision: October 2023

Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

LATE AGENDA REPORT

ORDINARY MEETING:	October 2021
DATE:	19–20 October 2021
ITEM:	Late Agenda Item for Resolution by Council
SUBJECT:	Change to Council Meeting dates
AUTHOR:	Julia Maurus – Manager Legal Services

Recommendation

1. That Council resolve to change the dates for Council's December Ordinary Meeting to Tuesday 7th and Wednesday 8th December 2021 and set Arkai/Kubin at Moa Island as the location for the meeting.
2. That Council resolve to hold the November Ordinary Meeting (15th and 16th November 2021) at Nintiringanyi Indigenous Corporation, 16-18 McCormack Street, Mooroolool.

Purpose

The purpose of this report is to allow Council to:

- consider changing the dates for the December 2021 Ordinary Meeting to hold the meeting one week earlier, due to a community event tombstone opening planned for the week of the Council meeting scheduled for 14th and 15th December; and
- confirm the specific venue for the November Ordinary Meeting.

Background:

Council must meet at least once in each month (if Council wanted to meet less frequently, this would have to be approved by Ministerial variation). (LGR s 257)

Council is required to publish, at least one in each year, 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.

(LGR s 254B)

The notice must be displayed at Council's public offices and published on Council's website. **If meeting days and times are changed, Council must as soon as practicable notify of the change in the same way. (LGR s 254B)**

All Council meetings are to be held at one of Council's public offices, though Council can resolve to fix another venue for a particular Council meeting. (LGR s 257) Therefore, Council can by resolution decide to hold an ordinary meeting or committee meeting virtually. There is no requirement that the hour at which a meeting is held fall within the Council's ordinary business hours.

There are particular regulatory provisions that apply during the COVID-19 pandemic, until the "COVID-19 legislation expiry date" (currently defined as 30 April 2022, unless an earlier date is prescribed): for virtual meetings, Council must ensure the meeting is available for real-time viewing or listening by the public at one of Council's public offices or on Council's website.

The relevant regulatory provisions are included below, for reference:

Local Government Regulation 2012 (Qld)

Section 254B

Public notice of meetings

(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.

Section 257

Frequency and place of meetings

(1) A local government must meet at least once in each month.

(2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.

(3) All meetings of a local government are to be held—

(a) at 1 of the local government's public offices; or

(b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

Section 254K

Participating in meetings by audio link or audio visual link

(1) A local government may allow a person to take part in a meeting of the local government by audio link or audio visual link.

(2) A committee of a local government may allow a person to take part in a meeting of the committee by audio link or audio visual link.

(3) A councillor or committee member who takes part in a local government meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.

The follow regulations relating to audio link and audio visual link meetings apply during the COVID-19 pandemic, until the "COVID-19 legislation expiry date" (currently defined in the COVID-19 Emergency Response Act 2020 as 30 April 2022, unless an earlier date is prescribed):

Division 4

Additional provisions for local government and committee meetings

Section 277A

What this division is about

This division provides additional provisions for local government meetings to minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID–19.

Section 277B

Meetings held by audio link or audio visual link

(1)A local government or a committee of a local government may hold a meeting of the local government or committee by audio link or audio visual link.

(2)A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3)This section applies despite section 257(3).

Section 277C

Participating in meeting by audio link or audio visual link

(1)The chairperson of a local government meeting may allow a person to take part in the meeting by audio link or audio visual link.

(2)A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3)This section does not affect, and is not affected by, the operation of section 254K.

Section 277D

Public availability of meetings held or participated in by audio link or audio visual link

(1)This section applies if—

(a)a local government meeting is held by audio link or audio visual link; or

(b)a person takes part in a local government meeting by audio link or audio visual link.

(2)The local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.

(3)This section does not apply if the meeting is to be closed under section 254J or 277E.

Section 277E

Public access to particular meetings

(1)This section applies if the chairperson of a local government meeting is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

(2)The chairperson of the meeting may decide, by notice published on the local government's website, that the meeting be closed to the public.

(3)This section applies despite sections 254I and 254J.

Section 277F

Expiry

This division expires on the COVID-19 legislation expiry day.

Comment

Council's 2021 Meeting Dates are published on its website, available here: <http://www.tsirc.qld.gov.au/sites/default/files/Council%20Meeting%20Dates%202021%20v2.pdf>

The 2021 Meeting Dates currently state "Cairns" as the location of the Ordinary Meeting on 15th and 16th November, and 14th and 15th December at "Community (Mua is.)" for the December Ordinary Meeting.



2021 Meeting Dates

Time	Day	Month	Type	Location
9.00am	20 th - 21 st	January	Ordinary	Video Conference
9.00am	16 th - 17 th	February	Ordinary	Video Conference
9.00am	16 th - 17 th	March	Ordinary	Mabuiag Community (Jervis Is.)
9.00am	20 th - 21 st	April	Ordinary	Video Conference
9.00am	17 th - 18 th	May	Ordinary	Cairns
9.00am	29 rd - 30 th	June	Ordinary	Video Conference
9.00am	20 th - 21 st	July	Ordinary	Iama Community (Yam Is.)
9.00am	17 th - 18 th	August	Ordinary	Video Conference
9.00am	21 st - 22 nd	September	Ordinary	Kirirri Community (Hammond Is.)
9.00am	19 th - 20 th	October	Ordinary	Video Conference
9.00am	15 th - 16 th	November	Ordinary	Cairns
9.00am	14 th - 15 th	December	Ordinary	Community (Mua Is.)

**Please note dates and locations may change. Please check with your local Divisional Office.*

Any member of the public wishing to make a deputation/representation must give in writing to Council two weeks prior to the meeting. These may be provided to the Divisional Manager or emailed to the Chief Executive Officer at info@tsirc.qld.gov.au

Notice pursuant to section 254B (1) of the Local Government Regulation 2012

Hollie Faithfull
Acting Chief Executive Officer

Considerations

Risk Management
Statutory compliance

Council Finance

2021/2022 Budget

In the current fiscal period 2021/2022, Council will hold six (6) face to face meetings. Council's budget for this period is for six face to face and six video conferences.

Consultation

- Office of the CEO
- Mayor
- CEO
- ED Financial Services
- MLS

Links to Strategic Plans

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

Statutory Requirements

Local Government Act 2009

Local Government Regulation 2012

Conclusion

The resolutions as presented are recommended where Council wishes to change the dates and confirm the location of the December Ordinary Meeting. It is recommended that Council make a resolution to confirm the location of the November Ordinary Meeting.



Recommended:

Julia Maurus

Manager Legal Services



Approved:

David Baldwin

Acting Chief Executive Officer

Endorsed:

Megan Barrett

Interim Executive Director, Corporate Services